

ALAMEDA COUNTY
HEALTH CARE SERVICES



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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

April 12, 2007

Mr. William Thompson
Desert Petroleum
3781 Telegraph Road
Ventura, CA 93003-3420

Mr. Kin Man Li et al.
P.O. Box 348
Oakland, CA 94604

Mr. Tony Razi
3609 East 14th Street
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0000429 and Geotracker Global ID T0600100158, Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA 94602

Dear Mr. Thompson, Li, Razi, and Haley:

Alameda County Environmental Health (ACEH) staff has received a hard copy of a report entitled, "Fourth Quarter 2006 Groundwater Sampling Report with Lateral Extent Groundwater Plume Investigation, Former Desert Petroleum Site DP793," dated February 9, 2007, prepared on your behalf by Western Geo-Engineers. Please note that 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. Hard copies of reports are no longer accepted. Therefore, please upload the "Fourth Quarter 2006 Groundwater Sampling Report with Lateral Extent Groundwater Plume Investigation, Former Desert Petroleum Site DP793," dated February 9, 2007 and all future reports to the Alameda County FTP site as outlined in the following discussion of "Electronic Submittal of Reports," and the enclosed, "Electronic Report Upload (ftp) Instructions."

In correspondence dated April 4, 2006, Alameda County Environmental Health (ACEH) staff generally concurred with a Work Plan entitled, "Work Plan for 4035 Park Boulevard, Oakland, CA 94602, dated February 13, 2006, provided that the technical comments in the correspondence were addressed during Work Plan implementation. The Work Plan proposed four tasks: 1) further delineation of the extent of contamination west of Brighton Avenue; 2) destruction of on-site wells MW1, RS2, and RS6; 3) excavation of contaminated soil at 4035 Park Boulevard; and 4) the connection of receptor trench wells T1 and T2 to a newly installed treatment compound. In November 2006, the destruction of on-site monitoring wells MW1, RS2, and RS6 was completed and four hand auger borings were advanced in backyards west of Brighton Avenue. However, the interceptor trench has not been connected to a groundwater treatment compound and the contaminated soils at 4035 Park Boulevard have not been excavated. The Fourth Quarter 2006 Groundwater Sampling Report indicates that bids were received for connecting the intercept trench to a permanent groundwater treatment facility and for excavation of contaminated soil but the bids were considered too high and new bids are being developed.

The tasks of connecting the intercept trench to a permanent groundwater treatment facility and excavation of contaminated soil at 4035 Park Boulevard have now been delayed more than one year. **Due to these delays, your site is out of compliance with directives from this agency.**

In order for your site to return to compliance, **you must begin the above referenced tasks by June 19, 2007**. This date is not an extension of your due date, corrective actions and reports for this site are late and your site is out of compliance.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Jerry Wickham), according to the following schedule:

- **May 1, 2007** - Quarterly Monitoring and Remediation Status Report for the First Quarter 2007
- **June 19, 2007** – Begin Soil Excavation and Connection of Receptor Trench Wells to Utility Compound
- **August 15, 2007** - Quarterly Monitoring and Remediation Status Report for the Second Quarter 2007
- **August 20, 2007** – Soil Excavation and Site Characterization Report
- **November 15, 2007** - Quarterly Monitoring and Remediation Status Report for the Third Quarter 2007

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

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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).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

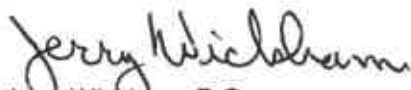
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

Mr. Thompson, Li, Razi, and Haley
RO0000429
April 12, 2007
Page 4

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse
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1386 Beamer Street
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Glenview Neighborhood Association
4200 Park Boulevard, Box 111
Oakland, CA 94602

Derrick Williams
4032 Brighton Avenue
Oakland, CA 94602

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

From: George Converse [wege@cal.net]
Sent: Thursday, November 16, 2006 10:26 AM
To: Wickham, Jerry, Env. Health
Cc: George Converse
Subject: upload 3rd 1/4 2006 rpt and tables for DP793

Good morning Jerry

I just finished uploading the report and tables for DP793. I also want to update you on the status of the work plan you approved. As we discussed in September of this year, we were having problems obtaining bids from qualified contractors to excavate the contaminated soils at the site and connect the intercept trench to a to be build treatment compound on site. All of the contractors, except one decided not to proceed with cost estimates. The one that finally did submit costs, submitted them in a letter dated October 9, 2006 and was \$300,000.00 over my estimated costs for doing the two tasks for a total of \$440,000.00. This price floored both myself, my client and the landowner. We all decided that we need to somehow get completive bids around my original estimate of \$100,000.00 to \$150,000.00. So I am revising the bid package and trying to located contractors that are willing to do the work.

We are proceeding with the downgradient, backyard sampling plan. I received the last of the study areas homeowners permission this week and have scheduled the hand auguring, soil/groundwater sampling for Monday (November 27, 2006 - permit and fees were submitted to Alameda County (November 14, 2006). We will also destroy monitor wells MW1, RS2 and RS6 at that time.

If you need to discuss the above, please call me at (530) 668-5300. I will be in the office today (November 16 and Monday November 20).

Regards,

George Converse

11/16/2006

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November 6, 2006

Mr. William Thompson
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3781 Telegraph Road
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Mr. Tony Razi
3609 International Blvd.
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. R [REDACTED] Desert Petroleum Site DP793, 4035 Park Boulevard,
Oakland, CA

Mr. Thompson, Li, Razi, and Haley:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site and a hard copy of the document entitled, "Third Quarter 2006 Groundwater Sampling Report/Status Update, Former Desert Petroleum Site DP793," dated October 17, 2006. Please note that 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. Hard copies of reports are no longer accepted. **Therefore, please upload the "Third Quarter 2006 Groundwater Sampling Report/Status Update, Former Desert Petroleum Site DP793," dated October 17, 2006 and all future reports to the Alameda County FTP site** as outlined in the following discussion of "Electronic Submittal of Reports," and the enclosed, "Electronic Report Upload (ftp) Instructions.

In correspondence dated April 4, 2006, ACEH staff generally concurred with a Work Plan entitled, "Work Plan for 4035 Park Boulevard, Oakland, CA 94602, dated February 13, 2006, provided that the technical comments in the correspondence were addressed during Work Plan implementation. The Work Plan proposed four tasks: 1) the connection of receptor trench wells T1 and T2 to a newly installed treatment compound; 2) destruction of on-site wells MW1, RS2, and RS6; 3) excavation of contaminated soil; and 4) further delineation of the extent of contamination west of Brighton Avenue. Based on a request for a schedule extension due to contracting issues that delayed implementation of the above tasks, the schedule was extended in correspondence dated September 6, 2006 (attached). The September 6, 2006 correspondence extended the schedule to October 15, 2006 for connection of the receptor trench wells to the utility compound and to begin soil excavation and to November 20, 2006 for a soil excavation and site characterization report. The "Third Quarter 2006 Groundwater Sampling Report/Status Update, Former Desert Petroleum Site DP793," dated October 17, 2006 indicates that the work will proceed once costs from qualified contractors have been acquired. We are concerned that more than six months have passed since the Work Plan was approved without definitive plans to conduct the proposed work. **Please respond immediately by providing an updated schedule to implement the four tasks described above.**

TECHNICAL REPORT REQUEST

ELECTRONIC SUBMITTAL OF REPORTS

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PERJURY STATEMENT

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PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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UNDERGROUND STORAGE TANK CLEANUP FUND

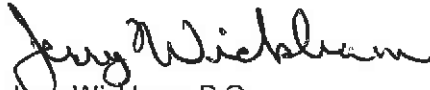
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

Attachment: ACEH September 6, 2006 correspondence

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Sunil Ramdass
SWRCB Cleanup Fund
1001 I Street, 17th floor
Sacramento, CA 95814-2828

George Converse
Western Geo-Engineers
1386 Beamer Street
Woodland, CA 95776

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September 6, 2006

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c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0000429, Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA – Request for Schedule Extension

Mr. Thompson, Li, Razi, and Haley:

In correspondence dated April 4, 2006, Alameda County Environmental Health (ACEH) staff generally concurred with a Work Plan entitled, "Work Plan for 4035 Park Boulevard, Oakland, CA 94602, dated February 13, 2006, provided that the technical comments in the correspondence were addressed during Work Plan implementation. The Work Plan proposed four tasks: 1) the connection of receptor trench wells T1 and T2 to a newly installed treatment compound; 2) destruction of on-site wells MW1, RS2, and RS6; 3) excavation of contaminated soil; and 4) further delineation of the extent of contamination west of Brighton Avenue. Based on a telephone conversation with Mr. George Converse on September 6, 2006, we understand that contracting issues have delayed implementation of the above tasks and a schedule extension is required. Therefore, the schedule has been extended as shown below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Jerry Wickham), according to the following schedule:

- **October 15, 2006** – Begin Soil Excavation and Connection of Receptor Trench Wells to Utility Compound
- **November 15, 2006** - Quarterly Monitoring and Remediation Status Report for the Third Quarter 2006
- **November 20, 2006** – Soil Excavation and Site Characterization Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the

responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

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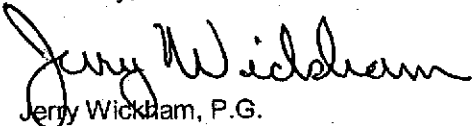
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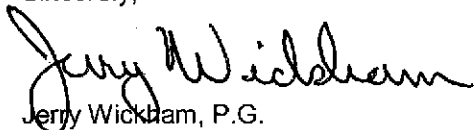
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June 21, 2006

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Subject: Fuel Leak Case No. RO0000- Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA – Work Plan Approval

Mr. Thompson, Li, Razi, and Haley:

Alameda County Environmental Health (ACEH) staff has received a hard copy of a report entitled, "First Quarter 2006 Groundwater Sampling Report/Update Status, Former Desert Petroleum Site DP793," dated April 4, 2006, prepared on your behalf by Western Geo-Engineers. This report was received by ACEH on June 14, 2006. Please note that 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. Hard copies of reports are no longer accepted. **Therefore, please upload the "First Quarter 2006 Groundwater Sampling Report/Update Status, Former Desert Petroleum Site DP793," dated April 4, 2006, and all future reports to the Alameda County FTP site as outlined in the following discussion of "Electronic Submittal of Reports," and the enclosed, "Electronic Report Upload (ftp) Instructions."**

In correspondence dated April 4, 2006, ACEH provided technical comments on the document entitled, "Work Plan for 4035 Park Boulevard, Oakland, CA 94602, dated February 13, 2006 and received by ACEH on March 31, 2006 and requested that the proposed work be implemented and the results presented in the reports described below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Jerry Wickham), according to the following schedule:

- **August 10, 2006** – Soil Excavation and Site Characterization Report
- **August 15, 2006** - Quarterly Monitoring and Remediation Status Report for the Second Quarter 2006
- **November 15, 2006** – Quarterly Monitoring and Remediation Status Report for the Third Quarter 2006

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

ELECTRONIC SUBMITTAL OF REPORTS

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." 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 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).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse
Western Geo-Engineers
1386 Beamer Street
Woodland, CA 95776

Michael Gabriel
Glenview Neighborhood Association
4200 Park Boulevard, Box 111
Oakland, CA 94602

Derrick Williams
4032 Brighton Avenue
Oakland, CA 94602

Donna Drogos, ACEH
Jerry Wickham, ACEH

~~CONFIDENTIAL~~

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)	ISSUE DATE: July, 2005
	REVISION DATE: May 31, 2006
	PREVIOUS REVISIONS: October 31, 2005, December 16, 2005
SECTION: Miscellaneous Administrative Topics & Procedures	SUBJECT: Electronic Report Upload (ftp) Instructions

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.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted**.
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of: **ftp Site Coordinator**.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for**.
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

April 4, 2006

Mr. William Thompson
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Kin Man Li et al.
P.O. Box 348
Oakland, CA 94604

Mr. Tony Razi
3609 East 14th Street
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. [REDACTED] Desert Petroleum Site DP793, 4035 Park Boulevard,
Oakland, CA – Work Plan Approval

Mr. Thompson, Li, Razi, and Haley:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site and the document entitled, "Work Plan for 4035 Park Boulevard, Oakland, CA 94602, dated February 13, 2006 and received by ACEH on March 31, 2006. The Work Plan proposes four tasks: 1) the connection of receptor trench wells T1 and T2 to a newly installed treatment compound; 2) destruction of on-site wells MW1, RS2, and RS6; 3) excavation of contaminated soil; and 4) further delineation of the extent of contamination west of Brighton Avenue. ACEH generally concurs with the proposed scope of work provided that the technical comments below are addressed during Work Plan implementation. We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

- 1. Task 1 – Connection of Receptor Trench Wells to Treatment Compound.** ACEH concurs with the proposed scope of work to connect receptor trench wells T1 and T2 to a newly installed treatment compound. Please document the changes to the groundwater recovery system and summarize the results from operation of the system in the Quarterly Monitoring and Remediation Status Reports requested below.
- 2. Task 2 – Destruction of Wells.** ACEH concurs with the proposed decommissioning of wells MW1, RS2, and RS6 to avoid damage during excavation and site development. Please decommission the wells according to Alameda County Public Works Agency requirements (<http://www.acgov.org/pwa/wells/index.shtml>). Well decommissioning is to be documented in the Excavation and Site Characterization Report requested below.
- 3. Task 3 – Excavation Confirmation Soil Samples.** ACEH concurs with the proposed on-site excavation of contaminated soil. Confirmation samples are to be collected at intervals of no greater than 20 feet along the sidewalls of the excavation. A minimum of five confirmation

soil samples are to be collected from the base of the excavation. All soil samples are to be analyzed for total petroleum hydrocarbons as gasoline, BTEX, and methyl tert-butyl ether. Please present the results of the excavation, soil screening, and soil confirmation samples in the Excavation and Site Characterization Report requested below.

4. **Task 4 - Further Delineation of Fuel Hydrocarbons West of Brighton Avenue.** The Work Plan proposes advancing borings using a hand auger to obtain soil and groundwater samples from the residential backyards that are adjacent to stormwater/sewer laterals extending west from Brighton Avenue. ACEH requests that the borings be extended 3 feet rather than 2 feet below the top of water in order to obtain sufficient quality and quantity of the water samples. The soil and groundwater samples are to be analyzed for total petroleum hydrocarbons as gasoline (TPHg), BTEX, and methyl tert-butyl ether (MTBE). Please present the results in the Excavation and Site Characterization Report requested below.
5. **Groundwater Monitoring.** Please continue quarterly groundwater monitoring using existing wells. Water samples are to be analyzed for TPHg, BTEX, and MTBE on a quarterly basis. Please include the additional fuel oxygenates diisopropyl ether, ethyl tert-butyl ether, tert-amyl methyl ether, and tert-butanol as analytes on an annual basis. Please also include the fuel additives ethylene dibromide and 1,2-dichloroethane as analytes on an annual basis. Results are to be presented in the quarterly monitoring reports requested below.
6. **Electronic Submittal of Reports.** Please note that the ACEH now requires submission of all reports in electronic form to the county's ftp site. For all future reports, please follow the attached instructions for electronic submittal of reports. A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of the most recent analytical data have not been submitted for your site. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geotracker website via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude accurate to within 1-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB Geotracker website. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please upload the required data and reports for this site to the SWRCB Geotracker website.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Jerry Wickham), according to the following schedule:

- **May 15, 2006** - Quarterly Monitoring and Remediation Status Report for the First Quarter 2006
- **August 10, 2006** – Soil Excavation and Site Characterization Report

- **August 15, 2006** - Quarterly Monitoring and Remediation Status Report for the Second Quarter 2006

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

ELECTRONIC SUBMITTAL OF REPORTS

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. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." 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 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 jerry.wickham@acgov.org.

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or

certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

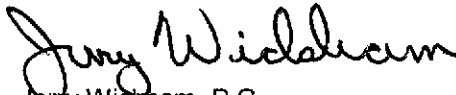
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse
Western Geo-Engineers
1386 Beamer Street
Woodland, CA 95776

Michael Gabriel
Glenview Neighborhood Association
4200 Park Boulevard, Box 111
Oakland, CA 94602

Derrick Williams
4032 Brighton Avenue
Oakland, CA 94602

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

RO429

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Thursday, February 02, 2006 4:34 PM
To: 'wege@cal.net'
Subject: Schedule extension

George,

Based on your request, the schedule for submittal of a Work Plan for fuel leak case RO429 at 4035 Park Blvd. in Oakland is extended to March 3, 2006.

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

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

November 16, 2005

Mr. William Thompson
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Kin Man Li et al.
P.O. Box 348
Oakland, CA 94604

Mr. Tony Razi
3609 East 14th Street
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Avenue
Oakland, CA 94608

Subject: Fuel Leak Case No. [REDACTED] Desert Petroleum Site DP793, 4035 Park Boulevard, Oakland, CA

Mr. Thompson, Li, Razi, and Haley:

I am the caseworker recently assigned to your case. Please send future correspondence or inquiries regarding this case to my attention. Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the subject site and the document entitled, "Soil and Groundwater Investigation with Conceptual Model," dated March 8, 2005 and received by ACEH on April 8, 2005. The report presents the results of a December 2004 soil and groundwater investigation and a site conceptual model. The report also summarizes data gaps for the site and presents recommendations to address the data gaps. As discussed in the technical comments below, ACEH concurs with the recommendations to remove the remaining on-site hydrocarbon source, continue existing groundwater extraction from well RS-5, and to conduct continuous groundwater extraction from the intercept trench. ACEH also concurs with the recommendation to conduct additional investigation of the extent of fuel hydrocarbons along the storm drain/sewer lateral. Please submit a Work Plan **by January 31, 2006** describing the proposed scope of work to implement these recommendations. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Remove the On-site Source of Hydrocarbons in Soil and Shallow Groundwater.** Please present plans in the Work Plan requested below to remove the on-site source of fuel hydrocarbons.
2. **Groundwater Extraction from Well RS5.** Groundwater extraction from well RS-5 is to be continued. The results of groundwater extraction including the volumes pumped from well RS-5 and the intercept trench are to be reported along with influent concentrations in the quarterly monitoring reports requested below.
3. **Continuous Groundwater Extraction from the Intercept Trench.** ACEH concurs that continuous groundwater extraction should be conducted from the intercept trench on Brighton

Avenue. Please present plans in the Work Plan requested below to install service laterals to allow continuous pumping from the intercept trench.

4. **Additional Investigation along the Storm Drain/Sewer Lateral.** Additional investigation is to be conducted to fully define the extent of fuel hydrocarbons along the storm drain/sewer lateral. Please present plans to define the downgradient extent of fuel hydrocarbons along the storm drain/sewer lateral in the Work Plan requested below.
5. **Groundwater Monitoring.** Please continue quarterly groundwater monitoring using existing wells. Water samples are to be analyzed for total petroleum hydrocarbons as gasoline, BTEX, and methyl tert-butyl ether on a quarterly basis. Please include the additional fuel oxygenates diisopropyl ether, ethyl tert-butyl ether, tert-amyl methyl ether, and tert-butanol as analytes on an annual basis. Please also include the fuel additives ethylene dibromide and 1,2-dichloroethane as analytes on an annual basis. Results are to be presented in the quarterly monitoring reports requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Mr. Jerry Wickham), according to the following schedule:

- **January 31, 2006** – Work Plan
- **120 days following ACEH approval of Work Plan** – Soil and Groundwater Investigation Report and On-site Source Removal Report
- **February 15, 2006** - Quarterly Report for the Fourth Quarter 2005
- **May 15, 2006** - Quarterly Report for the First Quarter 2006
- **August 15, 2006** - Quarterly Report for the Second Quarter 2006

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

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB

adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

UNDERGROUND STORAGE TANK CLEANUP FUND

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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Mr. Thompson, Li, Razi, and Haley
November 16, 2005
Page 4

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse
Western Geo-Engineers
1386 Beamer Street
Woodland, CA 95776

Michael Gabriel
Glenview Neighborhood Association
4200 Park Boulevard, Box 111
Oakland, CA 94602

Derrick Williams
4032 Brighton Avenue
Oakland, CA 94602

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Schultz, Robert, Env. Health

PO-429

From: George Converse [wege@cal.net]
Sent: Wednesday, February 02, 2005 2:28 PM
To: Schultz, Robert, Env. Health
Cc: Jack Napper
Subject: extension for Soil and Water Invest. Rpt w/SCM

Dear Mr. Schultz

As per our phone conversation this morning (Feb. 2, 2005), I am requesting an extension for the production of the requested Soil and Water Investigation Report with Site Conceptual Model. Due to delays in obtaining the drilling rig, the soil and water samples were not obtained until December 17, 2004, at which time they were submitted to laboratory for analysis. I received the completed laboratory reports sometime after January 1, 2005.

I am requested a due date of February 28, 2005, by that time I should have the report finalized, and had time for review by the Responsible Party, Desert Petroleum.

Sincerely,

George Converse
Western Geo-Engineers

2/2/2005

2048

Drogos, Donna, Env. Health

From: George Converse [wege@cal.net]
Sent: Wednesday, February 02, 2005 2:28 PM
To: Schultz, Robert, Env. Health
Cc: Jack Napper
Subject: extension for Soil and Water Invest. Rpt w/SCM

Dear Mr. Schultz

As per our phone conversation this morning (Feb. 2, 2005), I am requesting an extension for the production of the requested Soil and Water Investigation Report with Site Conceptual Model. Due to delays in obtaining the drilling rig, the soil and water samples were not obtained until December 17, 2004, at which time they were submitted to laboratory for analysis. I received the completed laboratory reports sometime after January 1, 2005.

I am requested a due date of February 28, 2005, by that time I should have the report finalized, and had time for review by the Responsible Party, Desert Petroleum.

Sincerely,

George Converse
Western Geo-Engineers

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 27, 2004

William Thompson
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032

Kin Man Li et al.
P.O. Box 348
Oakland, CA 94604

Razi Tony
3609 East 14th St.
Oakland, CA 94601

Golpad & Karimabadi
c/o Matt Haley
1633 San Pablo Ave.
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ENVIRONMENTAL HEALTH SERVICES

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

Subject: Fuel Leak Case No. RO0000429, Desert Petroleum/J&M Service Station #7,
4035 Park Blvd., Oakland, California

Dear Messrs. Thompson, Li, Tony, and Haley:

Based on the recommendations in Desert Petroleum's July 26, 2004 groundwater monitoring report, and on my September 3, 2004 telephone conversation with Ana McCowen of Desert Petroleum, Alameda County Environmental Health (ACEH) understands that Desert Petroleum has not proceeded with the required subsurface investigation. On June 8, 2004, ACEH conditionally approved Western Geo-Engineer's October 23, 2003 revision to the May 1, 2003 workplan for subsurface investigation. Please perform the required investigation and address the following technical comments. We request that you present your results in a written report following the schedule specified below.

TECHNICAL COMMENTS

1. Site Conceptual Model

As part of your report, and in anticipation of a Corrective Action Plan (CAP) for the site, ACEH requests a Site Conceptual Model (SCM) that illustrates the relationship between contaminants, retention/transport media, and receptors. The SCM needs to incorporate all aspects of the contaminant release investigation, including site geology, hydrogeology, release and cleanup history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely magnitude of potential impacts to receptors. The SCM is developed using readily available (existing) data and is used to identify data gaps that are subsequently filled as the investigation proceeds. Investigations continue until the SCM is not likely to significantly change upon collection of additional information, and the SCM is said to be "validated." By clarifying major site issues, the validated SCM forms the foundation for developing the most likely to succeed and cost-effective corrective action plan.

Technical guidance for developing SCMs is presented in ASTM 1689-95(2003)e1 *Standard Guide for Developing Conceptual Site Models for Contaminated Sites*; American Petroleum Institute Publication No. 4699 *Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE*, February 2000; EPA 510-B-97-001 *Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators*, March 1997; and the State Water

Resources Control Board's *Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates*, Appendix C, March 27, 2000.

The SCM for this project is to include the following:

- A. A concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed.
- B. A concise discussion of the on-site and off-site geology, hydrogeology, release source and history, secondary source areas, remediation status, risk evaluation, plume migration, attenuation mechanisms, preferential pathways, and potential threat to downgradient receptors. The SCM shall include an analysis of the hydraulic flow system at and downgradient from the site.
- C. Local and regional maps showing location of sources, extent of soil and groundwater contamination for appropriate depth intervals (i.e., an interpretive drawings and isoconcentration maps—not a plot of laboratory results), rose diagram of recent and historical groundwater gradients, and locations of receptors. "Receptors" include, but are not limited to, all supply wells and surface water bodies within 2,000 feet of the source area, and all potentially impacted schools, hospitals, daycare facilities, residences, and other areas of heightened concern for vapor impact.
- D. Geologic cross-sections (parallel and perpendicular to the contaminant plume axis) which include subsurface geologic features, depth to groundwater, man-made conduits, soil boring and sampling locations, monitoring well construction, and an interpretive drawing of the vertical extent of soil and groundwater contamination (i.e., an interpretive drawing—not a plot of laboratory results).
- E. Exposure evaluation flowchart (similar to Figure 2 in ASTM's Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites).
- F. Plots of chemical concentrations vs. time and vs. distance from the source. Plots should be shown for each monitoring well which has had detectable levels of contaminants.
- G. Summary tables of chemical concentrations in each historically sampled media (including soil, groundwater and soil vapor).
- H. Boring and well logs (including construction/screening), and a summary table indicating construction specifications for each monitoring and extraction well.
- I. Identification and listing of specific data gaps that require further investigation during subsequent phases of work.
- J. Proposed activities to investigate and fill data gaps identified above.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attn: Robert Schultz) according to the following schedule:

- January 31, 2005 - *Soil and Water Investigation Report* containing the SCM requested above

- End of First Month of Each Quarter – *Quarterly Monitoring Report* covering the previous quarter's groundwater monitoring

ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. CCR Title 23 Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

PROFESSIONAL CERTIFICATION AND CONCLUSIONS/RECOMMENDATIONS

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

PERJURY STATEMENT

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

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested we will consider referring your case to the County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Mssrs. Thompson, Li, Tony and Haley
October 27, 2004
RO-429

Please call me at (510) 567-6719 with any questions regarding this case.

Sincerely,



Robert W. Schultz, R.G.
Hazardous Materials Specialist

cc: Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland, CA 94602
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
George Converse, Western Geo-Engineers, 1386 Beamer St., Woodland, CA 95776
Donna Drogos, ACEH
Robert W. Schultz, ACEH

BILLING ADJUSTMENT FORM

Billing Acct.#	
<input type="checkbox"/> Generator ...H	_____
<input type="checkbox"/> HMMP.....L	_____
<input checked="" type="checkbox"/> UST.....T	21049

Date: 8/3/94
HazMat StID#: 1248

Caller: _____ Phone: _____

Company Name: Desert Petroleum
Site Address: 4035 Park Blvd. Oakland 94602
City Zip

Requested Changes: Removed 4 usts; 0 left on site
Initials: _____

Rescind Bill with explanation and date (if available):

- Generator _____
- HMMP (AB2185) _____
- UST Removed 4 usts

Continue Billing With Following Changes:

- | | | |
|--|----------|----------|
| | From : | To : |
| <input type="checkbox"/> Change number of EMPLOYEES | _____ | _____ |
| <input checked="" type="checkbox"/> Change number of TANKS | <u>4</u> | <u>0</u> |
| <input type="checkbox"/> HMMP (AB2185) | _____ | _____ |
| <input type="checkbox"/> Updated information | _____ | _____ |

Business Name Desert Petroleum Phone: _____

SITE Address 4035 Park Blvd Oak 602
City Zip

BILLING Address _____
City Zip

Inspector: [Signature] Date: 7-28-94

<input checked="" type="checkbox"/> Sent to Billing on <u>8/23/94</u>
Rev 12/91 Mac-BillAdj-2

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO0000429

June 8, 2004

Mr. Bill Thompson
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Kin Man Li et al
P.O. Box 348
Oakland, CA 94604

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

RE: Soil and Water Investigation, Former J&M Service Station, 4035 Park Boulevard, Oakland, CA 94602

Dear Messrs. Thompson and Li:

We are in receipt and have completed review of the May 1, 2003 Western Geo-Engineers (WEGE) work plan entitled "*Workplan to Investigate Contaminated Soils Above and Below the Water Table, Former Desert Petroleum Site DP 793*". The cited WEGE work plan proposes alternative methodologies for advancement of soil borings to assess soil and ground water conditions in the area beneath and adjacent to the location of the former station building. This initial WEGE work plan was later amended with an October 28, 2003 revision that updated the original soil boring locations and increased their number, and expounded on descriptions of boring techniques and sampling methodologies, among other topics.

The cited WEGE work plan, as revised, has been accepted for this phase of work at the site with the following clarifications:

1. Soil samples are to be collected according to standard and acceptable industry practices that allow for the collection of undisturbed samples precluding the loss of volatile compounds that might be present in sampled soil.
2. Depth discrete soil samples shall be retained for laboratory analyses from both the saturated and unsaturated zones to total depth explored. Depth discrete water samples shall also be collected to depth explored and preferentially from regions of the saturated zone exhibiting relatively higher permeabilities.
3. No more than 2' of screen shall be exposed in the Hydropunch (or similar) sampling device at each sampling interval for the collection of depth discrete ground water samples.
4. Target analytes for both soil and ground water samples shall include, in addition to those proposed, total fuel oxygenates. Polynuclear aromatic (PNA) compounds shall also be

sought in those soil samples collected in the area where the hydraulic lifts were previously located.

5. Determination of appropriate and necessary physical soil parameters (e.g., fraction organic carbon, bulk density, etc.) through collection and analyses of additional soil samples is recommended for completion of the site-specific risk assessment.

TECHINCAL REPORT REQUEST

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

60 Days from Completion of Soil and Water Investigation – Soil and Water Investigation Report (which incorporates recommendations for additional assessment work as needed)

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

July 15, 2004 – Quarterly Report for Second Quarter 2004

October 15, 2004 – Quarterly Report for the Third Quarter 2004

January 15, 2005 – Quarterly Report for the Fourth Quarter 2004

April 15, 2005 – Quarterly Report for the First Quarter 2005

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

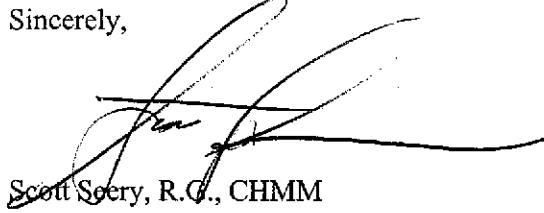
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that all work plans and technical reports containing professional geologic or engineering evaluations and/or judgments be completed under the direction of an appropriately registered or certified professional. This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

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

Please contact me at (510) 567-6783 should you have any questions and to inform when fieldwork has been slated to begin.

Messrs. Thompson and Li
Re: 4035 Park Blvd., Oakland
June 8, 2004
Page 3 of 3

Sincerely,



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

c: Betty Graham, RWQCB
Leroy Griffin, Oakland Fire Department
David Charter, SWRCB UST Fund
David Self, 18 Crow Canyon Ct., Ste. 205, San Ramon, CA 94583
Toni Razi, 3609 E. 14th St., Oakland, CA 94601
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Michael Gabriel, Glenview Neighborhood Assoc.
4200 Park Blvd., Box 111, Oakland, CA 94602
George Converse, Western Geo-Engineers, 1386 Beamer St., Woodland, CA 95776

ALCO
HAZMAT

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM A



91 MAY 1 11:11:12

COMPLETE THIS FORM FOR EACH FACILITY/SITE

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input checked="" type="checkbox"/> 7 PERMANENTLY CLOSED SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY SITE CLOSURE	

I. FACILITY/SITE INFORMATION & ADDRESS - (MUST BE COMPLETED)

DBA OR FACILITY NAME DESERT PETROLEUM INC		NAME OF OPERATOR SAME			
ADDRESS 4035 PARK BLVD		NEAREST CROSS STREET HAMPEL	PARCEL # (OPTIONAL) 24-533-7		
CITY NAME OAKLAND CA		STATE CA	ZIP CODE 94602	SITE PHONE # WITH AREA CODE N/A	
<input checked="" type="checkbox"/> BOX TO INDICATE <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LOCAL-AGENCY DISTRICTS <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> FEDERAL-AGENCY					
TYPE OF BUSINESS <input checked="" type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input type="checkbox"/> 4 PROCESSOR <input type="checkbox"/> 5 OTHER		<input type="checkbox"/> IF INDIAN RESERVATION OR TRUST LANDS	# OF TANKS AT SITE 4	E. P. A. I. D. # (optional) CAL000005069	

EMERGENCY CONTACT PERSON (PRIMARY)

EMERGENCY CONTACT PERSON (SECONDARY) - optional

DAYS: NAME (LAST, FIRST) DREW KEN	PHONE # WITH AREA CODE 910-925-0305	DAYS: NAME (LAST, FIRST) 805-644-6784	PHONE # WITH AREA CODE 805
NIGHTS: NAME (LAST, FIRST) DREW KEN	PHONE # WITH AREA CODE 916-725-0305	NIGHTS: NAME (LAST, FIRST)	PHONE # WITH AREA CODE

II. PROPERTY OWNER INFORMATION - (MUST BE COMPLETED)

NAME DESERT PETROLEUM INC	CARE OF ADDRESS INFORMATION P.O. BOX 1601 - OXNORD			
MAILING OR STREET ADDRESS P.O. BOX 1601	<input checked="" type="checkbox"/> BOX TO INDICATE	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> LOCAL-AGENCY	<input type="checkbox"/> STATE-AGENCY
CITY NAME OXNORD	<input checked="" type="checkbox"/> CORPORATION	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> COUNTY-AGENCY	<input type="checkbox"/> FEDERAL-AGENCY
STATE CA	ZIP CODE 93032	PHONE # WITH AREA CODE 644-6784 805		

III. TANK OWNER INFORMATION - (MUST BE COMPLETED)

NAME OF OWNER DESERT PETROLEUM INC	CARE OF ADDRESS INFORMATION			
MAILING OR STREET ADDRESS P.O. BOX 1601	<input checked="" type="checkbox"/> BOX TO INDICATE	<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> LOCAL-AGENCY	<input type="checkbox"/> STATE-AGENCY
CITY NAME OXNORD	<input checked="" type="checkbox"/> CORPORATION	<input type="checkbox"/> PARTNERSHIP	<input type="checkbox"/> COUNTY-AGENCY	<input type="checkbox"/> FEDERAL-AGENCY
STATE CA	ZIP CODE 93032	PHONE # WITH AREA CODE 805-644-6784		

IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER - Call (916) 323-9555 if questions arise.

TY(TK) HQ **44-030652**

V. PETROLEUM UST FINANCIAL RESPONSIBILITY - (MUST BE COMPLETED) - IDENTIFY THE METHOD(S) USED

<input checked="" type="checkbox"/> BOX TO INDICATE	<input type="checkbox"/> 1 SELF-INSURED	<input type="checkbox"/> 2 GUARANTEE	<input type="checkbox"/> 3 INSURANCE	<input type="checkbox"/> 4 SURETY BOND
	<input type="checkbox"/> 5 LETTER OF CREDIT	<input type="checkbox"/> 6 EXEMPTION	<input checked="" type="checkbox"/> 99 OTHER	

VI. LEGAL NOTIFICATION AND BILLING ADDRESS Legal notification and billing will be sent to the tank owner unless box I or II is checked.

CHECK ONE BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR LEGAL NOTIFICATIONS AND BILLING: I. II. III.

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) JOHN RUTHERFORD	APPLICANT'S TITLE Dir. ENVIL. AFFAIRS	DATE MONTH/DAY/YEAR 5-9-99
--	---	--------------------------------------

LOCAL AGENCY USE ONLY

COUNTY # 01	JURISDICTION # 000	FACILITY # 609207
LOCATION CODE - OPTIONAL	CENSUS TRACT # - OPTIONAL	SUPVISOR - DISTRICT CODE - OPTIONAL 82394

THIS FORM MUST BE ACCOMPANIED BY AT LEAST (1) OR MORE PERMIT APPLICATION - FORM B, UNLESS THIS IS A CHANGE OF SITE INFORMATION ONLY.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B
HAZMAT



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED ON SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input checked="" type="checkbox"/> 8 TANK REMOVED

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: DESERT PETROLEUM Inc #93-OAKLAND

I. TANK DESCRIPTION COMPLETE ALL ITEMS -- SPECIFY IF UNKNOWN	
A. OWNER'S TANK I.D.# <u>2</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>1966</u>	D. TANK CAPACITY IN GALLONS: <u>8,000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.			
A. <input checked="" type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 4 OIL	<input type="checkbox"/> 1 PRODUCT	<input type="checkbox"/> 3 DIESEL
<input type="checkbox"/> 2 PETROLEUM	<input type="checkbox"/> 80 EMPTY	<input checked="" type="checkbox"/> 1b PREMIUM UNLEADED	<input type="checkbox"/> 4 GASAHOL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 5 JET FUEL
			<input type="checkbox"/> 6 AVIATION GAS
			<input type="checkbox"/> 7 METHANOL
			<input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)
D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED			C. A. S. #:

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E			
A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 95 UNKNOWN
	<input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank)	<input checked="" type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 99 OTHER
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINED	<input type="checkbox"/> 2 ALKYD LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 5 GLASS LINING	<input checked="" type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 4 PHENOLIC LINING
		<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER
	IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATING	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input checked="" type="checkbox"/> 91 NONE	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC
		<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL	SPILL CONTAINMENT INSTALLED (YEAR) <u>N/A</u>		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) <u>N/A</u>

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE			
A. SYSTEM TYPE	A U 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY
			A U 99 OTHER
B. CONSTRUCTION	<input checked="" type="checkbox"/> 1 SINGLE WALL	A U 2 DOUBLE WALL	A U 3 LINED TRENCH
			A U 95 UNKNOWN
			A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U 1 BARE STEEL	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL W/ COATING
	A U 9 GALVANIZED STEEL	A U 10 CATHODIC PROTECTION	A U 95 UNKNOWN
			A U 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input checked="" type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING
			<input type="checkbox"/> 99 OTHER

V. TANK LEAK DETECTION				
<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input type="checkbox"/> 91 NONE	<input type="checkbox"/> 95 UNKNOWN	<input checked="" type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION		
1. ESTIMATED DATE LAST USED (MO/DAY/YR) <u>12-10-89</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING <u>0</u> GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) <u>JOHN RUTHERFORD</u>	DATE <u>5-9-94</u>
--	-----------------------

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW			
STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #
	<u>01</u>	<u>000</u>	<u>009207</u>
			TANK # <u>000001</u>
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE <u>7-6-97</u>	

THIS FORM MUST BE ACCOMPANIED BY A PERMIT APPLICATION - FORM A, UNLESS A CURRENT FORM A HAS BEEN FILED.
FILE THIS FORM WITH THE LOCAL AGENCY IMPLEMENTING THE UNDERGROUND STORAGE TANK REGULATIONS

ALCO HAZMAT UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD



94 MAY 11 AM 11:49

COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED ON SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input checked="" type="checkbox"/> 8 TANK REMOVED

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: DESERT PETROLEUM INC #793 - OAKLAND

I. TANK DESCRIPTION COMPLETE ALL ITEMS -- SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D.# <u>3</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>1974</u>	D. TANK CAPACITY IN GALLONS: <u>8,000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.

A. <input checked="" type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 4 OIL	B. <input checked="" type="checkbox"/> 1 PRODUCT	C. <input checked="" type="checkbox"/> 1a REGULAR UNLEADED	<input type="checkbox"/> 3 DIESEL	<input type="checkbox"/> 6 AVIATION GAS
<input type="checkbox"/> 2 PETROLEUM	<input type="checkbox"/> 80 EMPTY	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 1b PREMIUM UNLEADED	<input type="checkbox"/> 4 GASAHOL	<input type="checkbox"/> 7 METHANOL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 95 UNKNOWN		<input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 5 JET FUEL	<input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D, BELOW)

D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED _____ C. A. S. #: _____

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 95 UNKNOWN
	<input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 99 OTHER _____
B. TANK MATERIAL (Primary Tank)	<input checked="" type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 95 UNKNOWN
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINED	<input type="checkbox"/> 2 ALKYD LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 5 GLASS LINING	<input checked="" type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 4 PHENOLIC LINING
	IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATING	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input checked="" type="checkbox"/> 91 NONE	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC
		<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER _____
E. SPILL AND OVERFILL	SPILL CONTAINMENT INSTALLED (YEAR) <u>N/A</u>		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) <u>N/A</u>

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A U 1 SUCTION	<u>U</u> 2 PRESSURE	A U 3 GRAVITY	A U 99 OTHER
B. CONSTRUCTION	<u>A U</u> 1 SINGLE WALL	A U 2 DOUBLE WALL	A U 3 LINED TRENCH	A U 95 UNKNOWN
				A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U 1 BARE STEEL	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	<u>A U</u> 4 FIBERGLASS PIPE
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL W/ COATING	A U 8 100% METHANOL COMPATIBLE W/FRP
	A U 9 GALVANIZED STEEL	A U 10 CATHODIC PROTECTION	A U 95 UNKNOWN	A U 99 OTHER
D. LEAK DETECTION	<input checked="" type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING	<input type="checkbox"/> 99 OTHER

V. TANK LEAK DETECTION

<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input type="checkbox"/> 91 NONE	<input type="checkbox"/> 95 UNKNOWN	<input checked="" type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION

1. ESTIMATED DATE LAST USED (MO/DAY/YR) <u>12-10-89</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING <u>0</u> GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	---	---

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) JOHN RUTHERFORD DATE 5-9-94

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
	<u>01</u>	<u>000</u>	<u>009207</u>	<u>000002</u>
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE <u>7-10-97</u>		

THIS FORM MUST BE ACCOMPANIED BY A PERMIT APPLICATION - FORM A, UNLESS A CURRENT FORM A HAS BEEN FILED.
FILE THIS FORM WITH THE LOCAL AGENCY IMPLEMENTING THE UNDERGROUND STORAGE TANK REGULATIONS

ALCO
HAZMAT

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



01 MAY 11 11:48

COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED ON SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input checked="" type="checkbox"/> 8 TANK REMOVED

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: DESERT PETROLEUM INC #793-OAKLAND

I. TANK DESCRIPTION COMPLETE ALL ITEMS -- SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D.# <u>1</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>UNKNOWN 1966</u>	D. TANK CAPACITY IN GALLONS: <u>10,000</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.

A. <input checked="" type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 4 OIL	B. <input checked="" type="checkbox"/> 1 PRODUCT	C. <input checked="" type="checkbox"/> 1a REGULAR UNLEADED	<input type="checkbox"/> 3 DIESEL	<input type="checkbox"/> 6 AVIATION GAS
<input type="checkbox"/> 2 PETROLEUM	<input type="checkbox"/> 80 EMPTY	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 1b PREMIUM UNLEADED	<input type="checkbox"/> 4 GASAHOL	<input type="checkbox"/> 7 METHANOL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 95 UNKNOWN		<input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 5 JET FUEL	<input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)

D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED _____ C. A. S. #: _____

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 95 UNKNOWN
	<input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank)	<input checked="" type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 95 UNKNOWN
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINED	<input type="checkbox"/> 2 ALKYD LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 5 GLASS LINING	<input checked="" type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 4 PHENOLIC LINING
	IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATING	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input checked="" type="checkbox"/> 91 NONE	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC
		<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL	SPILL CONTAINMENT INSTALLED (YEAR) <u>N/A</u>		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) <u>N/A</u>

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A U 1 SUCTION	<input checked="" type="checkbox"/> U 2 PRESSURE	A U 3 GRAVITY	A U 99 OTHER
B. CONSTRUCTION	<input checked="" type="checkbox"/> U 1 SINGLE WALL	A U 2 DOUBLE WALL	A U 3 LINED TRENCH	A U 95 UNKNOWN
				A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	A U 1 BARE STEEL	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	<input checked="" type="checkbox"/> U 4 FIBERGLASS PIPE
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL W/ COATING	A U 8 100% METHANOL COMPATIBLE W/FRP
	A U 9 GALVANIZED STEEL	A U 10 CATHODIC PROTECTION	A U 95 UNKNOWN	A U 99 OTHER
D. LEAK DETECTION	<input checked="" type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING	<input type="checkbox"/> 99 OTHER

V. TANK LEAK DETECTION

<input type="checkbox"/> 1 VISUAL CHECK	<input type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input type="checkbox"/> 91 NONE	<input type="checkbox"/> 95 UNKNOWN	<input checked="" type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION

1. ESTIMATED DATE LAST USED (MO/DAY/YR) <u>12-10-89</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING <u>0</u> GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	--	---

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) John Rutherford DATE 5-9-99

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
	<u>011</u>	<u>000</u>	<u>00006</u>	<u>000003</u>
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE		
		<u>7-6-97</u>		

THIS FORM MUST BE ACCOMPANIED BY A PERMIT APPLICATION - FORM A, UNLESS A CURRENT FORM A HAS BEEN FILED.
FILE THIS FORM WITH THE LOCAL AGENCY IMPLEMENTING THE UNDERGROUND STORAGE TANK REGULATIONS

ALCO
HAZMAT

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD



UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B

94 MAY 11 AM 11:48

COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM

MARK ONLY ONE ITEM	<input type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED ON SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input checked="" type="checkbox"/> 8 TANK REMOVED

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: DESERT PETROLEUM #793 OAKLAND

I. TANK DESCRIPTION COMPLETE ALL ITEMS -- SPECIFY IF UNKNOWN

A. OWNER'S TANK I.D.# <u>4</u>	B. MANUFACTURED BY: <u>UNKNOWN</u>
C. DATE INSTALLED (MO/DAY/YEAR) <u>UNKNOWN</u>	D. TANK CAPACITY/IN GALLONS: <u>200</u>

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.

A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input checked="" type="checkbox"/> 4 OIL	B. <input type="checkbox"/> 1 PRODUCT	C. <input type="checkbox"/> 1a REGULAR UNLEADED	<input type="checkbox"/> 3 DIESEL	<input type="checkbox"/> 6 AVIATION GAS
<input type="checkbox"/> 2 PETROLEUM	<input checked="" type="checkbox"/> 80 EMPTY	<input checked="" type="checkbox"/> 2 WASTE	<input type="checkbox"/> 1b PREMIUM UNLEADED	<input type="checkbox"/> 4 GASAHOL	<input type="checkbox"/> 7 METHANOL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 95 UNKNOWN		<input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 5 JET FUEL	<input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW)

D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED _____ C. A. S. #: _____

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALL	<input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER	<input type="checkbox"/> 95 UNKNOWN
	<input checked="" type="checkbox"/> 2 SINGLE WALL	<input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK)	<input type="checkbox"/> 99 OTHER
B. TANK MATERIAL (Primary Tank)	<input checked="" type="checkbox"/> 1 BARE STEEL	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 4 STEEL CLAD W/ FIBERGLASS REINFORCED PLASTIC
			<input type="checkbox"/> 8 100% METHANOL COMPATIBLE W/FRP
			<input type="checkbox"/> 99 OTHER
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINED	<input type="checkbox"/> 2 ALKYD LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 5 GLASS LINING	<input checked="" type="checkbox"/> 6 UNLINED	<input type="checkbox"/> 4 PHENOLIC LINING
			<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 99 OTHER
	IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___		
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 COATING	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input checked="" type="checkbox"/> 91 NONE	<input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC
			<input type="checkbox"/> 95 UNKNOWN
			<input type="checkbox"/> 99 OTHER
E. SPILL AND OVERFILL	SPILL CONTAINMENT INSTALLED (YEAR) <u>N/A</u>		OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) <u>N/A</u>

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A U 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	<input checked="" type="checkbox"/> 99 OTHER
B. CONSTRUCTION	<input checked="" type="checkbox"/> 1 SINGLE WALL	A U 2 DOUBLE WALL	A U 3 LINED TRENCH	A U 95 UNKNOWN
				A U 99 OTHER
C. MATERIAL AND CORROSION PROTECTION	<input checked="" type="checkbox"/> 1 BARE STEEL	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PIPE
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL W/ COATING	A U 8 100% METHANOL COMPATIBLE W/FRP
	A U 9 GALVANIZED STEEL	A U 10 CATHODIC PROTECTION	A U 95 UNKNOWN	A U 99 OTHER
D. LEAK DETECTION	<input type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR	<input type="checkbox"/> 2 LINE TIGHTNESS TESTING	<input type="checkbox"/> 3 INTERSTITIAL MONITORING	<input checked="" type="checkbox"/> 99 OTHER

V. TANK LEAK DETECTION

<input type="checkbox"/> 1 VISUAL CHECK	<input checked="" type="checkbox"/> 2 INVENTORY RECONCILIATION	<input type="checkbox"/> 3 VADOZE MONITORING	<input type="checkbox"/> 4 AUTOMATIC TANK GAUGING	<input type="checkbox"/> 5 GROUND WATER MONITORING
<input type="checkbox"/> 6 TANK TESTING	<input type="checkbox"/> 7 INTERSTITIAL MONITORING	<input type="checkbox"/> 91 NONE	<input type="checkbox"/> 95 UNKNOWN	<input type="checkbox"/> 99 OTHER

VI. TANK CLOSURE INFORMATION

1. ESTIMATED DATE LAST USED (MO/DAY/YR) <u>12-10-89</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING <u>0</u> GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	--	---

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

APPLICANT'S NAME (PRINTED & SIGNATURE) <u>JOHN RUTHERFORD</u>	DATE <u>5-9-99</u>
--	-----------------------

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

STATE I.D.#	COUNTY #	JURISDICTION #	FACILITY #	TANK #
	<u>CI</u>	<u>000</u>	<u>009207</u>	<u>000004</u>
PERMIT NUMBER	PERMIT APPROVED BY/DATE	PERMIT EXPIRATION DATE		
		<u>7-6-97</u>		

THIS FORM MUST BE ACCOMPANIED BY A PERMIT APPLICATION - FORM A, UNLESS A CURRENT FORM A HAS BEEN FILED.
FILE THIS FORM WITH THE LOCAL AGENCY IMPLEMENTING THE UNDERGROUND STORAGE TANK REGULATIONS

Alameda County

APR 21 2003

Environmental Health

Kin Man Li
P.O. Box 348
Oakland
CA 94604
April 14, 2003

Mr. Bill Thompson
Dessert Petroleum
P.O. Box 1601
Oakland CA 93032
OXNARD

Re: 4035 Park Blvd Oakland CA

Dear Mr. Thompson,

I write to inform you that demolition of the structure was completed on April 9, 2002, and the debris have been removed from the site. Excavation for soil contamination test or cleaning up of the contamination soil could be carried out any time. Please proceed with the work at your earliest convenience.

With regard to the "Agreement" for reimbursement of the costs relating to the removal of the fuel or the contamination soil, please advise me if the same has been prepared and ready for execution by the parties.

Yours faithfully,



Kin Man Li

cc. Mr. Toni Razi, 3609E, 14th Street, Oakland, CA 94604
Mr. George Converse, ~~Western Geo Engineers Inc. 1386~~
1386 E. Beamer Street, Woodland, CA 95776 - 6003
Mr. Scott Seery, 1131 Harbor Bay Parkway Suite 250
Alameda, CA 94502-9335

Mr. Lou Carpiac, the attorney.
1050 S. Kimball Rd. Ventura, CA 93004

Long dormant gas station is a thing of the past

By Christopher Togneri
CORRESPONDENT

Glenview residents can rest assured that a gas station will not reopen on the empty lot at Park Boulevard and Hampel Street. The remnants of a gas station there that shut down after the Loma Prieta earthquake were demolished Wednesday.

Now, instead of new pumps, two houses will rise on the property.

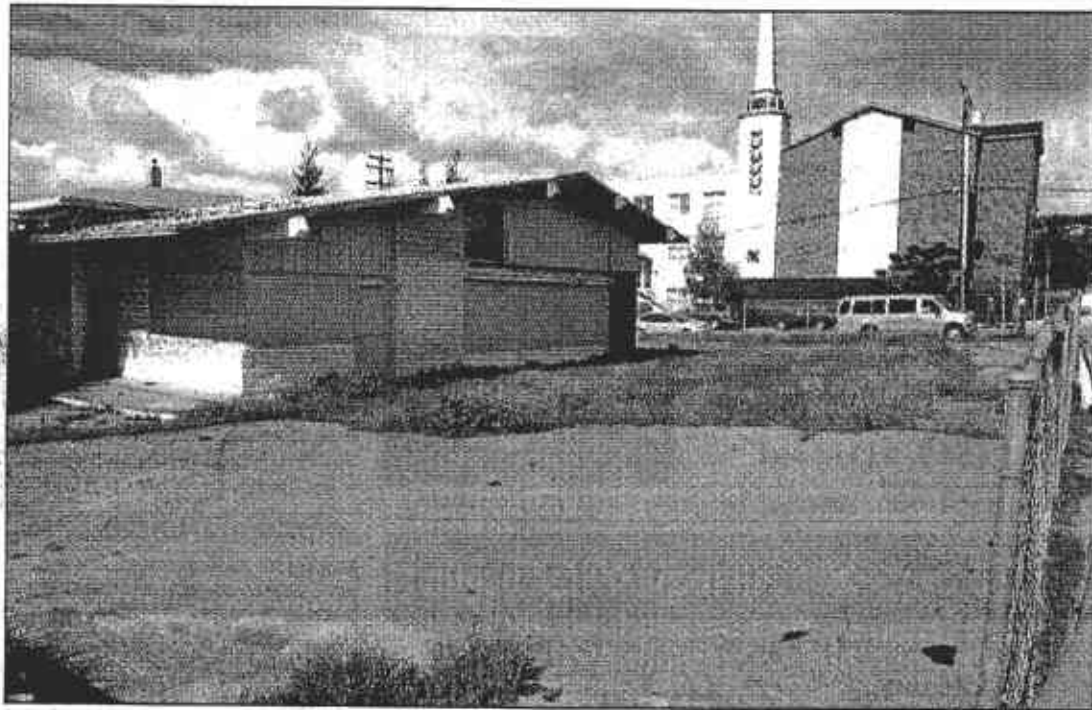
"Hurrah!" said Michael Gabriel, head of the Glenview Neighborhood Association. "It's been a long struggle. Boy, is it nice to see this come to a resolution everyone can live with."

The property sold for \$425,000 to Oakland resident Tom Lee earlier this year.

Lee, who owns Lee Construction Co., intends to split the property into two smaller lots and build one home on each. Construction cannot begin, though, until contaminated soil is removed from the area.

The gas station was shut down after an underground fuel line ruptured during the 1989 quake, spilling petroleum and contaminating both soil and groundwater nearby.

Lee plans to finance the



STEVE MASLANKA/STAFF

THIS VACANT LOT on Park Boulevard at Hampel Street will be used for housing, not a gas station.

cleanup and hopes the state will reimburse him through its Underground Storage Tank Cleanup Fund. According to the state water board, the fund pays small businesses and individuals for "unexpected and catastrophic ex-

penses associated with the cleanup of leaking petroleum."

Lee may not qualify for the aid. In most cases, buyers who knowingly obtain contaminated land are not eligible for it, said Scott Seery of the Alameda

County Environmental Health Department.

Lee said he did not know how long the cleanup would take nor how much it would cost. Once it is

See STATION, Page A10

Station

FROM PAGE 1

finished, the residential construction project is expected to take one or two years. Designs for the homes have not yet been drawn.

Each house could sell for "somewhere between \$900,000 and \$1 million," once completed, said Hong Gardner, the real estate agent who handled the property's sale for Affiliated Brokers.

For neighbors, the sale to Lee was a welcome end to their 14-year battle over the site. The lot steadily deteriorated into a nuisance after the station closed.

Oxnard-based Desert Petroleum was responsible for removing the underground tanks and their hazardous contents. But the company did not remove them until 1993 nor did it clear away contaminated soil. Unable to finance the full cleanup or find a buyer, Desert Petroleum filed for bankruptcy in 1994.

Two years later, Ali Shirazian and Tony Razzi, who owns of Tony's Express Auto on International Boulevard, bought the lot for \$300,000 with plans to reopen the gas station.

The Glenview Neighborhood Association balked.

Residents wanted the contaminated property cleaned up — and they did not want a new gas station in their neighborhood.

"Petroleum was leaked into the groundwater, and it had spread under several houses on the block," said Derek Williams, a groundwater hydrologist and Glenview resident, who said the land under his house was contaminated. "The contamination spread to houses throughout the block, perhaps even further."

"It didn't make sense to put a gas station here when you haven't even cleaned up the old mess," said Gabriel, the neighborhood association leader. "There were people down drainage from the site who literally could smell gas in their basements."

When Shirazian and Razzi petitioned the city's planning commission in October 1996 to reopen the station, residents

mobilized.

Led by Gabriel, dozens showed up at the meeting. One after another, they spoke out against a new gas station.

The October 1996 meeting lasted until 3 a.m., and the commission voted against the station's reopening. In direct response to the Glenview protest, the commission also approved a curfew to avoid any future meetings stretching into the predawn hours.

"We were not going away," Gabriel said. "It was our night for Glenview to sound off on this station, and we were not going to back down. We were not going to let them slip in another gas station on us, put pollution upon pollution."

Tom Peacock, an Alameda County Environmental Health specialist, said at the meeting that the site was among the top 10 on a list of 800 contaminated sites the county was trying to clean up.

Today, a slow but steady cleanup has reduced the contamination to "not high risk," according to Donna Drogos, the county's supervising hazardous materials specialist. She said, though, that "further cleanup is needed before residential units can be built."

With the property's sale to Lee, Williams said he is pleased with the gas station's defeat but fears the cleanup will drag on.

"The cleanup has been quite slow, and I would like to see it expedited," he said. "This is partly a function of Desert Petroleum having no impetus to clean up, whereas Mr. Lee does. He can't build until it's done."

Most residents are optimistic about the property's development.

"That's good news," said Carol Taylor, the office manager at the Presbyterian Church across the street from the vacant lot. "We would rather not see something like (a gas station), which would create a lot of traffic congestion."

"Conceptually, this is exactly what we wanted done," Gabriel said. "I really support what he wants to do with the land. We argued long and hard. And now we can finally say: Let's get that gas station out of here."

Seery, Scott, Env. Health

From: Seery, Scott, Env. Health
Sent: Friday, October 24, 2003 3:44 PM
To: 'George Converse'
Subject: RE: 4035 Park Blvd.

George

This previous e-mail was "frozen" for some while as I tried to transmit it. When it finally was freed up, it was sent incomplete. This one is the complete version. Please note that an additional item is added to the bottom.

Scott

=====

Hi George

Briefly, here are a few bullet items to expound on and clarify the WEGE work plan for the onsite assessment work in prep to redevelop the property.

1. Review of on-site boring logs failed to reveal a cobbly backfill material that you felt may cause a problem should a GeoProbe be used to complete this phase of work. You mentioned that the R1 and R2 trenches exposed that material. See if you can find some info in your records that might help show where this fill should be anticipated, depths, etc..
2. If the 3" ID HSA is determined to be the drilling method of choice (based on the presence of the noted cobbly fill), please provide an SOP for this methodology.
3. Provide a soil, sampling SOP for use with the 3" ID HSA, and/or for the other methods contemplated, in case another is chosen ultimately.
4. Please clarify expected depths of each boring.... we expect that it should be a 50' depth.
5. Please clarify protocol for determining where soil samples would be retained for chemical analyses (e.g, every 5' advanced, changes in lithologies, areas of evident impacts, etc.)
6. Please clarify how depth discrete GW sampling will be accomplished while ensuring complete isolation of each sampling interval to prevent cross contamination from "dirty" zones into "clean" zones.

Thanks!

Scott

George Converse

From: "Seery, Scott, Env. Health" <sseery@co.alameda.ca.us>
To: "George Converse" <wege@cal.net>
Sent: Friday, October 24, 2003 2:43 PM
Subject: RE: 4035 Park Blvd.

George

This previous e-mail was "frozen" for some while as I tried to transmit it. When it finally was freed up, it was sent incomplete. This one is the complete version. Please note that an additional item is added to the bottom.

Scott

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Hi George

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2. If the 3" ID HSA is determined to be the drilling method of choice (based on the presence of the noted cobbly fill), please provide an SOP for this methodology.
3. Provide a soil, sampling SOP for use with the 3" ID HSA, and/or for the other methods contemplated, in case another is chosen ultimately.
4. Please clarify expected depths of each boring.... we expect that it should be a 50' depth.
5. Please clarify protocol for determining where soil samples would be retained for chemical analyses (e.g, every 5' advanced, changes in lithologies, areas of evident impacts, etc.)
6. Please clarify how depth discrete GW sampling will be accomplished while ensuring complete isolation of each sampling interval to prevent cross contamination from "dirty" zones into "clean" zones.

Thanks!

Scott

10/27/03

Kin Man Li
P. O. Box 348
Oakland CA94604

March 24, 2003

TO : Mr. Bill Thompson
Desert Petroleum
P. O. Box 1601
Oxnard CA93032

Alameda County
MAR 26 2003
Environmental Health

RE J & M SERVICE STATION 4035 PARK BOULEVARD OAKLAND

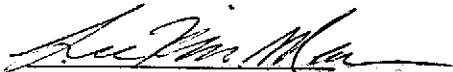
Dear Mr. Thompson,

This is to draw your attention that I have owned the above property since January 15, 2003 please also find a copy of grant deed for your review.

As acknowledged that you are the primary responsible party for the clean-up of the fuel release at this property and I also wish to complete the job as early as possible, hereby, I request your approval to work together with your contracted engineer, Mr. Georger Converse of Western Geo Engineers Inc. as well as entering an agreement with you regarding all the clean-up expenses paid up front by me will be fully reimbursed.

You are requested to contact me or my attorney, Miss Gina M. Mariani at 1307 #C Lincoln Ave, Alameda CA94501, her office telephone No. (510) 523-4310

Sincerely,



c.c.

Toni Razi 3609 E. 14th Street, Oakland CA94604
George Converse Western Geo Engineers Inc.
✓ Scott Seery 1131 Harbor Bay Parkway Suite 250 Alameda CA94502-9335

RECORDING REQUESTED BY
First American Title Guaranty Company
Order No.
Escrow No. 138561
Loan No.

2003033204 01/17/2003 08:30 AM
OFFICIAL RECORDS OF RECORDING FEE: 13.00
ALAMEDA COUNTY COUNTY TAX: 467.50
PATRICK O'CONNELL CITY TAX: 6375.00



3 PGS

WHEN RECORDED MAIL TO:

Kin Man Li
PO Box 348
Oakland CA 94604

Handwritten initials: JMB, TK, B, JM

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

The undersigned grantor(s) declare(s):
CITY TRANSFER TAX \$ 6,375.00
DOCUMENTARY TRANSFER TAX \$ 467.50
SURVEY MONUMENT FEE \$
___ Computed on the consideration or value of property conveyed; OR
___ Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

APN 024-0533-007

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Tony's Service Station, a California general partnership

hereby GRANT(S) to

Kin Man Li and Lavinia Li, husband and wife and Yiu Kan Lau and Evelyn Lau, husband and wife

the real property in the City of **Oakland**
County of **Alameda**, State of California, described as

SEE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF

Tony's Service Station

Dated January 13, 2003

STATE OF CALIFORNIA)
COUNTY OF Alameda)ss.

Abolghassem Razi 1-15-03

Abolghassem Razi

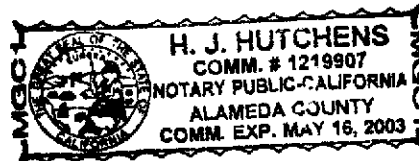
On 1-15-2003
before me, H. J. Hutchens
personally appeared Abolghassem Razi
and Ali Shirazian

Alireza Shirazian
Alireza Shirazian

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

Lots 7 and 8, Block A, Fourth Avenue Terrace, filed May 8, 1907, in Book 22, of Maps, Page 93, Alameda County Records.

APN: 024 -0533-007



**WESTERN
GEO-ENGINEERS**
CALIF. CONTRACTOR #513857
REGISTERED GEOLOGISTS

1386 EAST BEAMER STREET
WOODLAND, CA 95776-6003
(530) 668-5300
FAX (530) 662-0273
wege@cal.net

Alameda County

MAR 26 2003

March 20, 2003

Environmental Health

Mr. Kin Man Li
P.O. Box 348
Oakland, CA 94604
(510) 599-7000

RE: Drilling/Sampling Assessment Estimate for 4035 Park Blvd., Oakland, CA.

Dear Mr. Kin Man Li:

As you requested in our phone conversation on March 4, 2003, and the subsequent letter dated March 17, 2003 the following cost estimate for assessing the environmental risk has been generated. If you award Western Geo-Engineers the below described work, it will be performed on a time and materials basis, the enclosed estimate is not a bid, but rather an estimate of my projected costs to perform the assesment.


Drill and sample three borings, using hollow stem auger continuous sampling from 5 feet to 30 feet below the surface. Three soil samples will be obtained from each borings and submittal to a California Certified Laboratory to run analyses using EPA method 8260 for gasoline range compounds as Total Petroleum Hydrocarbons as gasoline, Benzene, Toluene, Ethylbenzene, Xylenes and MtBE. The results of these soil samples will be used to update a Risk Based Corrective Action model (RBCA Tier II) that has previously been generated for this site. The model will help in determining if contaminated soils at the site need to be remediated (excavated) or can be left in place. The enclosed Table "Estimate - Risk Assessment 4035 Park Blvd." shows the estimated cost breakdown of fulfilling the risk assessment. The estimated cost to complete this job is estimated at \$12,880.00.

As we discussed, it would be beneficial to you to contact Desert Petroleum Inc. and work out an agreement that would pave the way for any work you perform that aids in the assessment and clean-up of the site to be included in the UST Clean Up fund reimbursement that is ongoing with Desert Petroleum. The UST fund does not reimburse moneys that are not directly related to the environmental assessment and/or cleanup of underground storage tank sites. Furthermore, prior to undertaking any assessment and or clean-up actions the necessity to perform the work needs to be discussed and approved by Alameda County Health, the local oversight agency for this site. Also to insure that the moneys spent in the assessment and/or clean-up of the site are reimbursable, the pre-approval of the cost request must be submitted to the UST Fund for their review and approval.

Another matter that needs to be addressed is that site ownership must be established and presented to Mr. Scott Seery of Alameda County Health before any work can be done on this property.

We appreciate the opportunity to provide you with this cost estimate and look forward to helping you with the assessment of your site. Please call me if you have any questions.

Sincerely,


George L. Converse
Project Geologist
(530) 668-5300

cc: Mr. Bill Thompson, Desert Petroleum
Mr. Scott Seery, Alameda County Health

ESTIMATE - RISK ASSESSMENT 4035 PARK BLVD. OAKLAND, CA.

COST ESTIMATE

	RATE	UNITS	SUB TOTAL	
WORK PLAN - PROPOSAL				
PROJ. GEOLOGIST	\$90.00	15	\$1,350.00	
REG. GEOLOGIST	\$125.00	2	\$250.00	
ADMINISTRATIVE	\$45.00	2	\$90.00	
PUBLISHING	\$5.00	4	\$20.00	\$1,710.00

WORK PLAN SUBMITTAL AND REGULATORY COORESPONDENCE

PROJECT GEOLOGIST	\$90.00	5	\$450.00	\$450.00
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REQUEST FOR BID - DRILLING CONTRACTORS

PROJECT GEOLOGIST	\$90.00	2	\$180.00	
ADMINISTRATIVE	\$45.00	1	\$45.00	
PUBLISHING	\$5.00	4	\$20.00	\$245.00

NOTIFICATIONS AND MARKING SITE FOR USA

GEOLOGIST	\$75.00	3	\$225.00	
EQUIPMENT TRUCK	\$60.00	1	\$60.00	\$285.00

ESTIMATE OF DRILLING/SAMPLING (3 BORINGS TO 30 FEET)

HEALTH AND SAFETY PLAN	\$360.00	1	\$360.00	
GEOLOGIST	\$75.00	12	\$900.00	
EQUIPMENT TRUCK	\$60.00	1	\$60.00	
DRILLING CONTRACTOR	\$3,100.00	1.15	\$3,565.00	
BRASS SAMPLE SLEEVES	\$6.00	9	\$54.00	
PID	\$50.00	1	\$50.00	\$4,989.00

LABORATORY FEES

SOIL

TPHg, BTEX, MIBE	\$57.50	9	\$517.50	\$517.50
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WATER

TPHg, BTEX, MIBE	\$69.00	3	\$207.00	\$207.00
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REPORT OF FINDINGS WITH RBCA TIER 2 RISK MODELING

PROJECT GEOLOGIST	\$90.00	40	\$3,600.00	
REG. GEOLOGIST	\$125.00	5	\$625.00	
ADMININSTATIVE	\$45.00	5	\$225.00	
PUBLISHING	\$5.00	5	\$25.00	\$4,475.00

TOTAL ESTIMATED COSTS. PERMIT FEES NOT INCLUDED

\$12,878.50

NOTE: DRILLING PERMITS WILL BE AT COST PLUS 15%

DRILL CUTTINGS WILL BE PLACED ON AND COVERED WITH PLASTIC

PROFILING AND DISPOSAL OF DRILL CUTTINGS IS NOT INCLUDED IN THIS ESTIMATE.

Alameda County

MAR 19 2003

Environmental Health

Kin Man Li
P. O. BOX 348
Oakland CA94604

510 599-7000

March 17, 2003

Western GEO Engineer Inc.
c/o Mr. George Converse
1386 E. Beamer Street
Woodland CA95776

RE : 4035 PARK BLVD OAKLAND CA

Dear Mr. Converse,


As per your request over the phone conversation on March 4, 2003 I hereby forward a sketch of proposal plan for your review. Although the plan has not yet been approved by City of Oakland but the dimension of the buildings will not be much different.

The entire project will be divided into two stages, the first stage to be on Parcel 8 and expected to start the construction as soon as possible, therefore, you are kindly requested to drill holes and test soils on both parcels and determine an evaluation of Parcel 8 whether good enough for human habitation right now and allow to continue the clean-up of the fuel release at Parcel 7.

Your prompt and professional advice is so important to me, please move forward to prepare all necessary papers to all related parties and let me have a result of assessment for Parcel 8 as soon as possible

Thanking you in anticipation,

Sincerely,


Kin Man Li

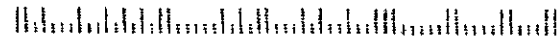
c.c. Mr. Scott Seery
Environmental Health Services

TOM LEE
LEE CONSTRUCTION BUILDERS
P. O. BOX 348
OAKLAND, CA 94602



To: Mr. Scott Seery
Hazardous Materials Specialist
Environmental Health Service
1131 Harbor Bay Parkway Suite 250
Alameda CA 94502-6577

94502+6577



Drogos, Donna, Env. Health

From: Griffin, Leroy [LGriffin@oaklandnet.com]
Sent: Tuesday, March 04, 2003 6:01 PM
To: 'Drogos, Donna, Env. Health'
Subject: RE: 4035 Park Blvd

I locked down this site in our Permit Tracking System. No building or Planning actions can be accomplished without my approval.

LeRoy Griffin
Hazardous Materials Program Manager
Oakland Fire Department/Office of Emergency Services
lgriffin@oaklandnet.com
(510)238-7759

-----Original Message-----

From: Drogos, Donna, Env. Health [mailto:ddrogos@co.alameda.ca.us]
Sent: Thursday, February 27, 2003 4:56 PM
To: Bice, Lara, BOS Dist 5
Cc: Levi, Ariu, Env. Health; Seery, Scott, Env. Health
Subject: 4035 Park Blvd
Importance: High

Hi Lara,

I just sent you a fax re: the above referenced site containing a copy of our letter issued today & a letter from the new property owner addressed to Desert Petroleum's consultant (dated 02/24/03). It appears that the property has sold & the new owner plans to demolish the site, excavate contaminated soil, and redevelop into 2 single family homes. Our letter asks Desert Petroleum for information re: new property owners and future site plans.

I spoke with Leroy Griffin of OFD & he was not aware of any demolition or excavation permits/plans for the site. The building department is to notify him of such plans as the site is tagged as contaminated in their system. He is going to inquire on his end.

Will keep you posted.

Donna

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO0000429

February 27, 2003

Mr. Bill Thompson
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

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

RE: J&M Service Station, 4035 Park Boulevard, Oakland, CA 94602

Dear Mr. Thompson:

We are in receipt of a copy of a letter from Mr. Kin Man Li, dated February 24, 2003, addressed to your attention. Mr. Li's letter was sent to this office under facsimile cover dated February 26, 2003 from Mr. George Converse of Western Geo-Engineers, Inc. In his letter, Mr. Li reports that as of January 15, 2003, he is the new owner of the subject property. He briefly describes his plan to demolish the current station building, excavate contaminated soil, subdivide the site into two parcels, and build a single-family dwelling on each parcel.


Please be advised that California Health and Safety Code Section 25297.15 requires the primary responsible party, in this case Desert Petroleum, to notify this agency within 20 calendar days if property ownership changes. This was not done.

Within 10 days of the date of this letter, please provide to this office all pertinent fee title owner information. The new owner(s) will be added to the current list of responsible parties, and will be notified of their responsibility for the assessment and cleanup of the fuel release at this site.

Please be advised that before any excavation of potentially impacted soil may occur, the primary responsible party must submit a workplan detailing this work, including expected depths of excavation, soil sampling strategies, sample analyses plans, and soil stockpile management plans. Please be further advised that an evaluation of risks, and a plan for the mitigation of such risks, must be completed before this office will grant clearance for the development of this property for human habitation.

Please contact me at (510) 567-6783 should you have any questions.

Sincerely,


Scott Seery, CHMM
Hazardous Materials Specialist

Mr. Thompson
Re: 4035 Park Ave., Oakland
February 27, 2003
Page 2 of 2

c: Betty Graham, RWQCB
Leroy Griffin, Oakland Fire Department
Steve Marquez, SWRCB UST Fund
Keith Carson, Board of Supervisors, Alameda County
Danny Wan, Council Member, City of Oakland
Kin Man Li, P.O. Box 348, Oakland, CA 94604
David Self, 18 Crow Canyon Ct., Ste. 205, San Ramon, CA 94583
Toni Razi, 3609 E. 14th St., Oakland, CA 94601
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Michael Gabriel, Glenview Neighborhood Assoc.
4200 Park Blvd., Box 111, Oakland, CA 94602
George Converse, Western Geo-Engineers, 1386 Beamer St., Woodland, CA 95776

1386 E. Beamer Street
Woodland, CA 95776
Phone: (530) 668-5300
Fax: (530) 662-0273

Western Geo-Engineers

Fax Cover Sheet

To: Scott Seery	From: George Converse
Fax: (510) 337-8335	Date: February 26, 2003
Phone:	Pages: 2 including this page
Re: DP#783, 4035 Park Blvd., Oakland, Calif.	
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input checked="" type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

Scott,

Letter from Mr. Kin Man Li scheduled to demolish station on March 15, 2003. Wants to excavate contaminated soil.

Need some input from Alameda County to advise Desert Petroleum.

*Thanks
George Converse*

KIN MAN LI
P. O Box 348
Oakland CA94604

February 24, 2003

Western GEO Engineer Co.
c/o Mr. George Converse
1386 E. Beamer Street
Woodland CA95776

RE: FUEL LEAK CASE NO. RO 0000429
4035 PARK BLVD. OAKLAND CA.

Dear Mr. Converse,

Please be informed that the above-said property was owned by Tony's Service Station and now the ownership has been changed under my name since January 15, 2003. Hoping you still remember that I had had phono conversation with you regarding the situation of contamination soil and claim for reimbursement from the State.

I have decided to demolish the existing structure and the work has been scheldued on March 15, 2003 and you would perform the excavation for the contamination soil so that the clean-up work could be moved faster and effeciency.

As per my proposal I would like to sub-divide the lot into two parcels and build single family dwelling on each parcel. You also told me that the State will require a full package of document for the proapproval of reimbursement of the expensos, therefore, you are requested to help me to prepare the relevant documentations and render professional advice how to start the claim procedures. Please do not hositate to send me fecs estimate you will charge for such services.

If you have any questions please contact me at (510) 599-7000 or send mails to the above address

Sincerely


KIN MAN LI

SEP 25 2002



Environmental Health

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

September 20, 2002

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-7367

Ms. Donna Drogos.
Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6557

**Re: Fuel Leak Case Number RO0000429, 4035 Park Boulevard,
Oakland, California 94602**

Dear Ms. Drogos:

We are writing to request clarification of regarding your office's position with respect to the above-referenced contaminated site.

As you know, in 1989, a large petroleum release occurred at the gasoline station at 4035 Park Boulevard. The station was closed in 1989 and has not operated since that time.

In 1996, the current owner, Ali Sharazian, acquired the site and applied for City approval to re-open the gas station with certain modifications and to authorize self-service operations at the station. At that time, the evidence before the City demonstrated that, subsequent to the station's closure, the station's physical characteristics had been altered without the owner having obtained required City approvals. Evidence further showed that the 1989 petroleum release had resulted in significant on-site soil contamination, serious off-site pollution of adjacent residential property, the public street and sewer system, and that the owners had failed to undertake timely remediation of the site.

In March 1997, after an extensive public hearing and review process, the City approved the owner's application to operate a self-service station, specifying that the station must conform to plans consistent with original City approvals. Several conditions of approval were adopted to ensure that serious efforts would be made to determine the extent of the contamination and to ensure that the environmental hazards would be remediated in a timely manner. These conditions of approval (as modified in November 2000) include a requirement (Condition No. 15) that "all on-site toxic remediation work shall be completed to the satisfaction of the Alameda County Environmental Protection Services" prior to the issuance of any building permits or

commencement of work to re-open the gasoline station. These conditions of approval were determined to be necessary to address the serious public nuisance concerns associated with the site and the potential impacts of new operations.

Now the applicant has requested the City to eliminate Condition of Approval No. 15 and to allow the station to re-open prior to completion of the remediation. This matter is tentatively set before the City Planning Commission on October 16, 2002.

We are interested in understanding the County's position regarding the owner's request to re-open the station prior to completion of on-site remediation efforts. In your letter of June 24, 2002 (as revised and reissued), you indicated that although site remediation can be temporarily affected by reconstruction activities, your experience is that such temporary effects are not detrimental to the long-term success of the remediation work. These views seem at odds with the County's prior view, as expressed on several occasions by Thomas F. Peacock, Manager of the County's Department of Environmental Health. For example, in a letter dated June 22, 2001, Mr. Peacock stated that future releases of contaminants associated with renewed station operations could only be distinguished "with difficulty" from existing contamination. Mr. Peacock expressed this position on several other occasions, including in public hearings before the City Planning Commission. The City has viewed the problem of distinguishing new and existing contamination as one of the compelling reasons for requiring completion of on-site cleanup before new operations can proceed. If the County's views on this matter have changed, it is critical for the City and the community to understand the basis for such a change.

why?

We also request your assessment regarding the status of the site clean-up efforts and when the County expects the site to be deemed "clean." In Mr. Peacock's June 22, 2001 letter, he indicated that contamination on the site was high enough to pose health risks to adjacent property owners and, therefore, the site required "aggressive remediation." In hearings before the City Planning Commission, Mr. Peacock stated that the site was "one of our most important sites" and was "in the top 10" contaminated sites of concern to the County. We would appreciate your opinion regarding the nature and level of progress in remediation efforts since Mr. Peacock's statements. This evaluation will assist the City and the community to understand the health risks currently posed by conditions on the site and the timeframe in which clean-up is expected to be complete.

• conc. ↓
• attenuation
• FP/dispersal
phos removal
from trench
and well

Finally, we request your assistance in identifying appropriate potential mitigation measures and conditions of approval for the City to consider in evaluating the owner's current request to allow the station to re-open. Your June 24, 2002 letter indicates that your belief that re-opening the station need not adversely affect remediation is based on the "assumption" that the City will set "construction and use conditions that prevent interference with said investigation and remediation activities." The County's technical assistance in developing and evaluating such standards and conditions is critical to the City's evaluation of the owner's current request.

• safe ground wells
• allow access to env. workers

actually it was not an "assumption", but a proviso, "... and provided the City sets construction and use conditions that prevent interference..."

Ms. Donna Drogos
September 20, 2002
Page Three

We appreciate your assistance in this matter. In light of the longstanding nuisance conditions and serious public health and safety associated with the 4035 Park Boulevard site, it is critical that the City and the community be fully apprised of the County's views and of the technical issues presented by the owner's current application.

We would appreciate your earliest possible response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Russo', written in a cursive style.

John A. Russo
City Attorney

cc: Councilmember Danny Wan
Supervisor Keith Carson
Mr. Michael Gabriel, Glenview Neighborhood Association
Ms. Leslie Gould, Director of Planning, City of Oakland
Mr. Leroy Griffin, Oakland Fire Department

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 6, 2002
(Reissued and revised June 24, 2002)

JUL 16 2002

David Self, Esq.
18 Crow Canyon Court, Ste. 205
San Ramon, CA 94583

RE: Fuel Leak Case Number RO0000429, J & M Service Station #7, 4035 Park Boulevard, Oakland, CA 94602

Dear Mr. Self:

This letter follows the meeting of February 28, 2002, which was convened to discuss issues and concerns regarding the subject site's environmental investigation and remediation activities. This meeting was attended by you, representing the interests of the current properties owners, Messrs. Alireza Shirazian and Tony Razi, as well as Ms. Donna Drogos, and Messrs. Ariu Levi and Scott Seery of this office.

We understand that your primary interest was the clarification of two issues that had arisen in the past regarding this case: 1) our view of any potential complications that may arise with responsible party designations should a subsequent release from underground storage tanks (USTs) occur at this site, and 2) whether in our view the reconstruction and operation of a gasoline station would interfere with remediation work performed, or initiated, at the site. This letter attempts to clarify our position on these issues.

"Responsible party" is defined, for the purpose of regulatory oversight of petroleum UST cases, in language presented in the California Underground Storage Tank Regulations, 23 CCR Section 2720, to mean:

- (1) Any person who owns or operates an UST used for the storage of any hazardous substance;
- (2) In the case of any UST no longer in use, any person who owned or operated the UST immediately before discontinuation of its use;
- (3) Any owner of property where an unauthorized release of a hazardous substance from an UST has occurred; and
- (4) Any person who had or has control over an UST at the time of or following an unauthorized release of a hazardous substance.

Mr. David Self
Re: 4035 Park Blvd., Oakland
May 6, 2002

This language guides our determinations of "responsible party" (RP) at petroleum UST sites where a release has occurred. In some cases, a single RP is determined by the facts of the case for a given site. There are other sites where, based on the specific timelines and sequence of property or tank ownership and/or operation, multiple RPs are determined.

In other cases still, there may have been a RP determination at the time the initial release was first discovered, only to be followed much later by the naming of additional RPs when evidence of a *subsequent* release was discovered. Sometimes both the initial and subsequent releases were from the same UST, and at other times from a different or newer set of USTs.

This is not an uncommon occurrence, nor does it pose an insurmountable issue in a regulatory context. The language of Sec. 2720 makes RP identification fairly straight forward for our purposes. As a so-called "joint and several liability" provision, we do not determine apportionment of costs nor degree of responsibility. We only identify the party or parties that satisfy one or more of the RP criteria. The parties, each considered 100% responsible under the law, work out amongst themselves any cost apportionment and degree of responsibility issues as they see fit.

On a related question, if a need to distinguish one release from another presents itself, it is our understanding that some analytical laboratories are capable of performing this type of evaluation, and it is possible to make some determination in that regard. Results from this technique, called "forensic chemistry", have been submitted for projects managed by this office in the past. However, the degree of reliability of this methodology can be uncertain and is substantially affected by site-specific conditions. We defer interpretation of this type of chemical data to the forensic chemist.

Consequently, in light of the discussion presented above, we do not reasonably anticipate RP determinations to unduly complicate project continuity at this site should a future UST release occur.

On the second issue, please allow us to reiterate our position on a connected issue that has been stated in the past: This agency, in the broadest sense, is not the authority on issues of land use or permitting in the City of Oakland. In this specific case, we can neither approve nor deny the use of this property as a retail gasoline station, although we will offer technical recommendations to the City should a proposed land use change to one that is more "sensitive" or restrictive, e.g., residential. Our role at this site is simply to provide technical oversight assistance to the City of Oakland under mutual agreement, funded through our contract with the State Water Resources Control Board (SWRCB) as a Local Oversight Agency (LOP). It is there that our role ends.

Mr. David Self
Re: 4035 Park Blvd., Oakland
May 6, 2002

That being said, the question still lingers regarding reconstruction and operation of a gasoline station at this site, outside the land-use context, and whether we anticipate these activities would interfere with remediation work in any significant way. In our experience, on-going remediation and investigation successfully occur at numerous operating stations under our regulatory oversight. Many of these stations have also gone through various stages of facility remodeling and reconstruction concurrent with remediation and investigation activities. Complete razing and removal of site improvements has occurred in some instances, at times including UST system replacement.

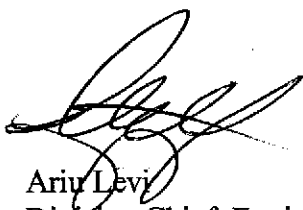
Although site remediation can, on occasion, be temporarily affected by reconstruction activities, in our experience such temporary effects are not detrimental to the long-term success of a project. Well planned and executed reconstruction projects, cognizant of the locations of monitoring wells and/or remediation systems, and sensitive to the continued need for remediation contractors to have ready access to the site, will reduce the likelihood of significant interference with remediation efforts. Therefore, from our limited position of technical oversight authority, we do not reasonably anticipate that reconstruction and operation of a retail gasoline station at this site will adversely affect the ability to initiate and continue timely remediation activities, assuming the City chooses to approve this use for the subject property, and provided the City sets construction and use conditions that prevent interference with said investigation and remediation activities.

We trust that this letter has clarified these points to your satisfaction. Should you have any further questions, please contact Ms. Donna Drogos, LOP Program Manager, at (510) 567-6721.

Sincerely,



Donna L. Drogos, P.E.
Supervising Hazardous Materials Specialist
Local Oversight Program



Ariu Levi
Division Chief, Environmental Health

Mr. David Self
Re: 4035 Park Blvd., Oakland
May 6, 2002

cc: Mr. Chuck Headlee, RWQCB
Mr. Leroy Griffin, Oakland Fire Department
Mr. Sunil Ramdass, SWRCB UST Fund
Mr. Keith Carson, Board of Supervisors, Alameda County
Mr. Danny Wan, Council Member, City of Oakland
Mr. Bill Thompson, Desert Petroleum, P.O. Box 1601, Oxnard, CA 93032
Mr. Toni Razi, 3609 E. 14th St., Oakland, CA 94601
Mr. Alireza Shirazian, 2 Anchor Drive, #F-386, Emeryville, CA 94608
Mr. Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Mr. Michael Gabriel, Glenview Neighborhood Assoc.
4200 Park Blvd., Box 111, Oakland, CA 94602

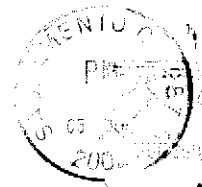
D. Drogos, A. Levi, M. Tung, S. Seery



ALAMEDA COUNTY *4520*
HEALTH CARE SERVICES AGENCY
 Environmental Health Services Administration
 1131 Harbor Bay Parkway, Suite 250
 Alameda, CA 94502-6577

Sort

RETURNED TO
 SENDER
 ADDRESSEE UNKNOWN



~~Mr. Alireza Shirazian
 2 Anchor Drive, #F-386
 Emeryville, CA 94608~~

*Return
 (Not at this address)*

94608+1336 1B

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
944	805 659 6818	05-15 11:38	01' 24	04/04	OK		

*Lou Carpiac
lawyer for Desert Petroleum*

7499402045

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



May 6, 2002

David Self, Esq.
18 Crow Canyon Court, Ste. 205
San Ramon, CA 94583

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

RE: Fuel Leak Case Number RO0000429, J & M Service Station #7, 4035 Park Boulevard, Oakland, CA 94602

Dear Mr. Self:

This letter follows the meeting of February 28, 2002, which was convened to discuss issues and concerns regarding the subject site's environmental investigation and remediation activities. This meeting was attended by you, representing the interests of the current property owners, Messrs. Alireza Shirazian and Tony Razi, as well as Ms. Donna Drogos, and Messrs. Ariu Levi and Scott Seery of this office.

We understand that your primary interest was the clarification of two issues that had arisen in the past regarding this case: 1) our view of any potential complications that may arise with responsible party designations should a subsequent release from underground storage tanks (USTs) occur at this site, and 2) whether in our view the reconstruction and operation of a gasoline station would interfere with remediation work performed, or initiated, at the site. This letter attempts to clarify our position on these issues.

"Responsible party" is defined, for the purpose of regulatory oversight of petroleum UST cases, in language presented in the California Underground Storage Tank Regulations, 23 CCR Section 2720, to mean:

- (1) Any person who owns or operates an UST used for the storage of any hazardous substance;

David A. Self

Attorney at Law

18 Crow Canyon Court, Suite 280

San Ramon, CA 94583

Telephone: (510) 538-3105

FEB 14 2002

FAX: (510) 538-3207

Date: 2/13/02

Copy to: _____

FAX: _____

TO: Scott Seery

COMPANY: ACDEH

FAX NO.: 510, 337, 9335

FROM: DAVID A. SELF

SUBJECT: 4035 Park Blvd, Oakland

NUMBER OF PAGES TRANSMITTED, INCLUDING THIS PAGE: ~~3~~ 4

MESSAGE:

Pursuant to our conversation attached is a copy of my April 14, 2001 letter to Mr. Levi (from computer)

also attached are pertinent portions of the Court of appeal decision relating to reconstruction of the gas station, and "leakdown" to be redacted.

Seery, Scott, Env. Health

From: Hugo, Susan, Env. Health
Sent: Tuesday, January 22, 2002 10:47 AM
To: 'Jeff Eckart'
Cc: Seery, Scott, Env. Health; Levi, Ariu, Env. Health; Bice, Lara, BOS Dist 5
Subject: RE: Corner of Park and Hampel

Mr. Eckart;

The investigation / cleanup of contamination at the subject site has been assigned to Scott Seery, one of our LOP staff member. He is the current case worker for this site. I will refer your questions to him. Please call Scott Seery at (510) 567-6783 for the current status of the site.

Please call or e-mail me if you need further assistance.

Thanks

-----Original Message-----

From: Jeff Eckart [<mailto:jeffeckart@earthlink.net>]
Sent: Monday, January 21, 2002 4:40 PM
To: shugo@co.alameda.ca.us
Subject: Corner of Park and Hampel

Ms. Hugo,

I left a voice mail at your office also. Your name was passed on to me by a member of the Glenview Neighborhood Association.

I am currently investigating sites for a plant nursery in Oakland and noticed the empty lot at the corner of Park and Hampel. I have received a lot of information from the neighborhood association but I am still in doubt about the current state of the environmental cleanup: is the cleanup still ongoing? are there current negotiations between owners or former owners of the property and the county? could the current level of environmental pollution be used to halt residential development of the site?

If you know any of the answers to these questions I would certainly appreciate hearing them or if you have suggestions about who else to contact please let me know.

Thanks,
Jeff Eckart
1310 Trestle Glen Rd
Oakland
510 986 0734

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
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7499402046

ALAMEDA COUNTY
HEALTH CARE SERVICESAGENCY
DAVID J. KEARS, Agency Director

November 28, 2001

STID 1248

Mr. Bill Thompson
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Post-It® Fax Note	7671	Date	1-24-02	# of pages	2
To	Heather Lee	From	Scott Seery		
Co./Dept.	City of Oak	Co.	ACDEN		
Phone #	238-3838	Phone #	567-6783		
Fax #	238-6500	Fax #	337-9335		

Re: (former) Desert Petroleum #793, 4035 Park Boulevard, Oakland

Dear Mr. Thompson:

This letter is sent in the wake of our November 13th meeting. Your consultant, George Converse of Western Geo-Engineers (WEGE), presented a summary of the current project status and brief history of this case. The scope of the August 29, 2000 WEGE corrective action plan (CAP) proposal was also discussed.

We agreed that the scope of the cited CAP should be revised to reflect positive changes in groundwater impacts observed both on- and off-site over the last two years. For example, reported groundwater concentrations of Benzene in well RS8 have dropped from the 24,000 micrograms per liter (ug/l) observed in August 1999, to 11 ug/l in May 2001. Similar generalized decreases in dissolved-phase concentrations have been observed in all sampled wells, as well as those observed within the Brighton Avenue receptor trench.

As we discussed, the CAP scope now envisioned will still include the introduction of oxygen to the subsurface to support aerobic biodegradation. We discussed the use of

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

November 28, 2001

STID 1248

Mr. Bill Thompson
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032

Re: (former) Desert Petroleum #793, 4035 Park Boulevard, Oakland

Dear Mr. Thompson:

This letter is sent in the wake of our November 13th meeting. Your consultant, George Converse of Western Geo-Engineers (WEGE), presented a summary of the current project status and brief history of this case. The scope of the August 29, 2000 WEGE corrective action plan (CAP) proposal was also discussed.

We agreed that the scope of the cited CAP should be revised to reflect positive changes in groundwater impacts observed both on- and off-site over the last two years. For example, reported groundwater concentrations of Benzene in well RS8 have dropped from the 24,000 micrograms per liter (ug/l) observed in August 1999, to 11 ug/l in May 2001. Similar generalized decreases in dissolved-phase concentrations have been observed in all sampled wells, as well as those observed within the Brighton Avenue receptor trench.

As we discussed, the CAP scope now envisioned will still include the introduction of oxygen to the subsurface to support aerobic biodegradation. We discussed the use of batched or metered H₂O₂, or oxygen-releasing compounds (ORC) in lieu of air sparging or other engineered approaches. Nutrient augmentation does not appear necessary at this time. In addition, periodic pumping from either the on-site wells or Brighton Avenue receptor trench is also not requested at this time pending evaluation of groundwater impacts after several quarters of oxygen supplementation.

Please submit a revised CAP workplan that reflects the issues presented above, as discussed during the November 13th meeting. This workplan is due for submittal within 45 days of the date of this letter.

Mr. Thompson
Re: 4035 Park Blvd., Oakland
November 28, 2001
Page 2 of 2

In addition, quarterly sampling, monitoring, and reporting are to be reinstated beginning the 4th quarter 2001.

Please call me at 510/567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB
Hernon Gomez, Oakland Fire Department
Steve Marquez, SWRCB UST Fund
Keith Carson, Board of Supervisors, Alameda County
Danny Wan, Council Member, City of Oakland
George Converse, Western Geo-Engineers
1386 E. Beamer St., Woodland, CA 95776-6003
Toni Razi, 3609 E. 14th St., Oakland, CA 94601
Alireza Shirazian, 2 Anchor Drive, #F-386, Emeryville, CA 94608
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Michael Gabriel, Glenview Neighborhood Assoc.
4200 Park Blvd., Box 111, Oakland, CA 94602

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



June 22, 2001

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

David A. Self
Attorney at Law
18 Crow Canyon Court, Suite 205
San Ramon, CA 94583

RE: 4035 Park Boulevard, Oakland, CA 94602

RO#0000428 (STID 1248)

Dear Mr. Self:

This office received your letter, dated April 16, 2001, that request comment by Alameda County Department of Environmental Health (ACDEH) on several issues concerning the above subject site. This agency, after consultation with San Francisco Bay Regional Water Quality Control Board (SFRWQCB) staff, has the following response to your inquiry:

- 1) Your first question assumes that future use of the subject site shall be as a gasoline service station. Based on this assumption you ask if existing levels of petroleum hydrocarbons on site pose any significant health risk to:
 - (a) **Off-site residents** - yes, groundwater contamination in the northwest portion of the property is high enough to pose health risks to the residence at 4006 Brighton Avenue. Therefore, ACDEH would like to see aggressive remediation continue at the site in order to reduce contaminant concentrations to (or below) acceptable levels
 - (b) **On-site workers** - (1) future maintenance / construction workers scenario is covered by routine health and safety precautions; (2) future employees - if a foodmart or an indoor scenario is developed (such as automotive repair or an office for the gas station), additional construction details have to be developed by the project sponsor and then submitted for review and approval by the appropriate agencies to prevent vapor intrusion into buildings. To date, we are not aware that this has occurred.
 - (c) **Customers** - we do not see any health risks to customers.
- 2) The answer to your second question, "Could any future release of contaminants on site be distinguished from any existing contamination in a reasonably effective manner?" is **yes, but with difficulty**. The pivotal phrase to your entire question, though, is "...reasonably effective...". This additional phrase is taken to imply a degree of casual certainty. Since the technology and skills necessary to ascertain differences in chemical fingerprints have not developed to the point where casual certainty exists, this office responds that chemical differentiation of different petroleum fuel contaminant streams is always possible, but not always likely and is always difficult.

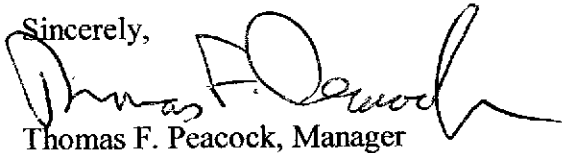
Mr. Self
RE: 4035 Park Blvd, Oakland
June 22, 2001
Page 2 of 2

- 3) Your third and final question cannot be answered by this office. The City of Oakland is the local administering agency, also known as the Certified Unified Program Agency (CUPA) for the subject site. As a CUPA agency, the City of Oakland determines whether a gasoline station in the City of Oakland can be permitted for operation or not. As such, within the City, the County is not a land use agency. Our agency (ACDEH) provides contamination remediation oversight for the City of Oakland on a referral basis. County involvement at this site is limited to evaluating cleanup activities.

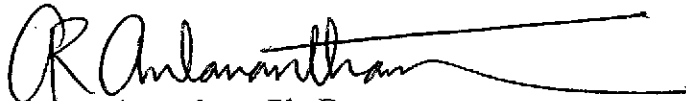
I hope that the answers provided by this office and the SFRWQCB have helped clarify these ongoing concerns. At minimum, it should be understood that the County's role in terms of this site is limited to ongoing clean up issues. All concerns related to this site in terms of future use should be directed to the City of Oakland.

If you have any questions, please call me at (510) 567-6782.

Sincerely,



Thomas F. Peacock, Manager
Department of Environmental Health



Ravi Arulanantham, Ph. D.
Staff Toxicologist, Cal-EPA/ S.F. Bay RWQCB

- C: Mee Ling Tung, Director, Environmental Health
Ariu Levi, Chief, Environmental Health
Susan L. Hugo, Acting Supervisor, LOP
Chuck Headlee, San Francisco Bay RWQCB
Keith Carson, Board of Supervisor, Alameda County
Danny Wan, Council Member, City of Oakland
Leroy Griffin / Hernan Gomez, OFS, 1605 Martin Luther King Jr. Way, Oakland, CA 94612
John Rutherford, Desert Petroleum Inc., P.O. Box 1601, Oxnard, CA 93032
Tony Razi, 3609 East 14th Street, Oakland, CA 94601
Michael Gabriel, Glenview Neighborhood Assoc.
4200 Park Blvd., Box 111, Oakland, CA 94602
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602

David A. Self
Attorney at Law
18 Crow Canyon Court, Suite 205
San Ramon, CA 94583
Telephone (510) 538-3105
FAX (510) 538-3207

~~April 16, 2001~~

By facsimile 510.337.9335 and U.S. Mail

FEB 14 2002

Ariu Levi
Division Chief, Department of Public Health
Environmental Health Services
Alameda County Health Agency
1131 Harbor Bay Parkway, Room 200
Alameda, CA 94502-30440

Dear Mr. Levi:

Re: 4035 Park Boulevard, Oakland, CA 94602
Your file: Desert Petroleum site #793

On behalf of my clients, Ali Shirazian and Tony Razi, owners of the above site, I request clarification of issues addressed in the letter from Thomas Peacock dated November 9, 2000. A copy of that letter is attached as Attachment A.

Specifically,

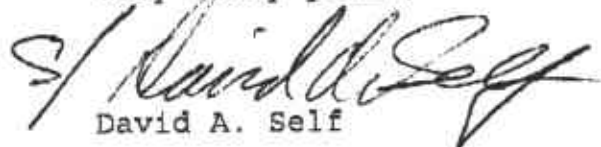
1. Assuming that the future use of the site is a gasoline service station, do existing levels of petroleum hydrocarbons on site pose any significant health risk to off-site residents or on-site workers or customers, based on current laws and regulations?

2. Could any future release of contaminants on the site be distinguished from any existing contamination in a reasonably effective manner?

3. Assuming that contamination remediation work were needed on-site, would reconstruction and operation of the gasoline station interfere with such remediation work in any significant way?

Thank you very much for your cooperation and consideration of these issues.

Very truly yours,


David A. Self

FEB 14 2002

was located at the beginning of the "slope down the sewer" — could migrate to other properties through the sewer line if there were no further remediation.

If we give credence to these inferences (i.e., conclude they are reasonable) then there is sufficient evidence that the remaining contamination on the site created a public nuisance; that is, it is "injurious to health . . . so as to interfere with the comfortable enjoyment of life or property" and affects a "considerable number of persons." (Civ. Code, §§ 3479, 3480.)

We will not substitute our deductions for those of the trial court. (*Yordamlis, supra*, 11 Cal.App.4th at p. 659.) The trial court and City apparently deduced that, given the location of the on-site contamination and the general description of gasoline's health effects, Peacock's statement that there was "too much" contamination at one corner of the site was tantamount to an opinion that the remaining contamination presented a health and environmental risk to adjacent parcels.

In short, the City and trial court concluded that, in the context of all the evidence, "too much" means "enough to constitute a public nuisance." Looking at the totality of the evidence, this inference is reasonable. As a reviewing court, we are bound to accept the reasonable inference the City and the trial court reached, even if we may have reached a different conclusion.

2) The Finding That Reopening Will Hinder Remediation

The planning commission imposed the following additional conditions on the "major variance" for the service station: "(a) Subject to subsection (b) below, all on- and off-site toxic remediation work shall be completed to the satisfaction of the Alameda County Environmental Protection Services, prior to the commencement of any work for the reopening of the service station . . . (b) That [this major variance] shall be reviewed 12-months from this determination . . . with regards to the progress and completion of the toxic remediation work (on- and off-site) and dependent upon the owner's compliance with these conditions and the state of the toxic remediation work, the Planning

FEB 14 2002

Commission, at that time, may allow the reopening of the service station." The city council adopted and approved this condition following the administrative appeal.

In support of this condition, the planning commission stated there was evidence that "installation of the new underground storage tanks for reopening of the station *could* potentially negatively impact toxic remediation work and *could* make it difficult to identify future on-site toxic releases." (Italics added.) The planning commission specifically found that "Remediation on- and off-site is incomplete. The reopening of the service station prior to completion of remediation work *could complicate* remediation efforts on the site." (Italics added.) The city council adopted and approved this finding.

It is important to note the planning commission and city council did not find reopening the gas station "would" hinder remediation, but only that it "could" effect remediation. In our view, the evidence is clearly sufficient to support this specific factual finding (that it "could" effect remediation). (See text, *ante*, pp. 3-4.) However, whether this finding is sufficient to support the City's decision to delay opening until all "off-site" remediation is complete is another matter.

The evidence supports the conclusion that reopening the station "could" complicate remediation efforts on the site. The evidence also supports the City's more specific findings that "installation of the new underground storage tanks for reopening of the station could potentially negatively impact toxic remediation work and could make it difficult to identify future on-site toxic releases."

B. The City Had Power to Find and Abate a Public Nuisance As a Condition to Reopening the Station.

Shirazian next contends the City had no "jurisdiction" to make a determination that a public nuisance existed on his property, or to condition the reopening of the station on remediation of that nuisance. We disagree.

It is now well established that "Once a licensee has acquired a conditional use permit, or has 'deemed approved' [grandfathered] status, a municipality's power to revoke the conditional use is limited. [Citation.] If the permittee has incurred substantial expense and acted in reliance on the permit, the permittee has acquired a vested property

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

November 9, 2000

STID 1248

Ralph Wheeler
City of Oakland Attorney's Office
One City Hall Plaza, 6th Floor
Oakland, CA 94612

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Wheeler,

This office has received and reviewed a Third Quarter 2000 Monitoring Report dated August 29, 2000, by Western Geo-Engineers by Western Geo-Engineers. The following are my comments concerning this report related to remaining contamination on the above property. There is still significant petroleum contamination on the above property, especially in the soil and groundwater under the northwest corner of the parcel. This corner is near the beginning of a sewer line that has allowed the migration of contamination down to Brighton Ave. The contamination is mainly characterized as total petroleum hydrocarbon and as benzene.

The levels of benzene remaining in the groundwater under that corner exceed the Tier II levels in Oakland's risk table for a residential scenario. As such, contamination levels are still too high.

If a station were reopened on the site, any future contamination would be difficult to distinguish from the contamination still existing on the site. This would be even more confusing if there was a different set of responsible parties for the current contamination as for any future possible leak.

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,

Thomas Peacock, Manager
Environmental Protection Division

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

September 11, 2000

STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office has received and reviewed a Second Quarter 2000 Monitoring Report dated July 18, 2000, by Western Geo-Engineers by Western Geo-Engineers. The following are comments concerning this report:

1. The only monitoring points with significant contamination were RS-5, RS-7, RS-8, RS-9, R1, R2, and T1. All wells showed declining or stable levels of benzene except for the recovery wells, which is expected. R1 and T1 had increased levels of contamination, which is a good indicator of removal as there is no continuing source for this site.
2. There is no MTBE problem at this site.
3. The very low levels of benzene at MW-10 appear to indicate that the plume may have divided into two separate residual areas. This may indicate that the plume is reducing and that cleanup is occurring.

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Peacock', with a long horizontal flourish extending to the right.

Thomas Peacock, Manager
Environmental Protection Division

cc: Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 409 Picadilly Pl., unit 6, San Bruno, CA 94066
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland, CA 94602
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland, CA 94612
Steve Marquez, SWRCB, Cleanup Fund
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

July 26, 2000

STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

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

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office has received and reviewed a fourth Quarter Monitoring Report dated November 22, 1999, by Western Geo-Engineers and a first Quarter Monitoring Report dated April 3, 2000, by Western Geo-Engineers.

The following are comments concerning these reports:

1. Page 3 of the second report mentions an upgradient source for MTBE may exist, and says that Appendix D contains a chart. There is no Appendix D in my copy of the second report. There is a Chevron site at 4500 Park Blvd., which this office is investigating. There may be other sites that could be a source of MTBE under the jurisdiction of the City of Oakland Fire Department. The laboratory analysis also did show that MTBE was below detection levels, so that it may not be of concern at this site.
2. The quarterly report does not show significant degradation in benzene.

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,

Thomas Peacock, Manager
Environmental Protection Division

cc: Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 409 Picadilly Pl., unit 6, San Bruno, CA 94066
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland, CA 94602
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland, CA 94612
Steve Marquez, SWRCB, Cleanup Fund
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



November 5, 1999

STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

ENVIRONMENTAL HEALTH SERVICES

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

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office attended a meeting with the Oakland Planning Commission regarding the above site on September 22, 1999. The Planning Commission voted for option A: Consider revocation base on code compliance issues. This affects the current property owner and the decision is not impacting the current remediation going on at the site.

Prior to that meeting this office received a workplan describing the need and procedures for injection of treated groundwater recovered from a soon to be installed receptor trench along Brighton Ave. into recover wells. This workplan was submitted by Western Geo-Engineers and dated July 15, 1999. The workplan has been mentioned to the City of Oakland and Derrick Williams of the Glenview Neighborhood Association, which has desired more input into the approval process. To date, this workplan has not been approved, although it has not been disapproved and over 60 days has elapsed, which normally confers assumed approval.

Since that meeting this office has received the following documents:

1. A letter from Michael Gabriel of the Glenview Neighborhood Association, dated August 23, 1999.
2. Compliance review from the City of Oakland Planning Commission, dated October 6, 1999.
3. Attachment A to the Oakland Planning Commission report dated 9/22/99
4. Further Assessment, Installation of Brighton Avenue Receptor Trench and 3rd Quarter 1999 Groundwater Monitoring for the above site, by Western Geo-Engineers and dated October 20, 1999.

This office is in the process of reviewing the report in number 4 above and would like to meet with the Glenview Neighborhood Association so that they may have input into actions that should be taken. The receptor trench has been installed and the contents are being removed to a Baker tank located on the Park Blvd. Site on a regular basis. The contractor would like to install a more permanent connection between the trench and the

November 5, 1999
STID 1248
Page 2 of 2
John Rutherford

Baker tank. Three additional groundwater monitoring wells have also been installed: RS-8, RS-10, and RS-9.

In November 1998 the first occurrence of MTBE was noted in upgradient wells MW-1 and RS-2. The contractor believes that the source may be a Chevron Station located at 4500 Park Blvd. This station is already undergoing remediation with this department under the Local Oversight Program. The contact person for this site is Don Hwang of this office at 567-6746.

Results of bioremediation sampling are reported. A Risk based Corrective Action Tier 2 study was done and had the following conclusions:

- Natural attenuation is occurring
- The plume is depleted of oxygen and the nutrients containing nitrogen and ortho phosphate
- Weekly purging of receptor trench water is not significantly lowering the surrounding water table.

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,



Thomas Peacock, Manager
Environmental Protection Division

c: Mee Ling Tung, Director
Ariu Levi, Chief
Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 2 Anchor Dr. # F-386, Emeryville, CA 94608
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111, Oakland, CA 94602
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther King Jr. Dr., Oakland, CA 94612
Ralph Wheeler, City of Oakland, City Attorney's Office, One City Hall Plaza, Oakland, CA 94612
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Steve Marquez, SWRCB, Cleanup Fund
Thomas Peacock/file

Peacock, Tom, Public Health, EH

From: Peacock, Tom, Public Health, EH
Sent: Friday, September 24, 1999 3:19 PM
To: Levi, Ariu, Public Health, EH; Tung, Mee Ling, Public Health, EH
Subject: 4035 Park Blvd.

On 22 Sep at 6:30 p.m. I was again called before the Oakland Planning Commission regarding the above site. The site was #5, came up @ 10:00, and was adjourned @ 12:10 a.m. I gave a brief report that remediation had begun, but we have no sample report yet. I was asked how long it would take and had no answer, except to say that it was highly likely that it would take less time than doing nothing. Leroy Griffin of Oakland F.D. and Chrysinthia Brown of the P.C. staff gave reports. Most of the time was spent by the new owners attorney, 10 neighbors, and commissioners. They decided on option B, which pleased the neighborhood group. That is to consider revocation based on violation of Conditions of Approval, since there is a pending lawsuit that the City Attorney says must be considered. I spoke with the neighborhood group, and they have yet to consider the current workplan for approval, but I'm sure that will come.

OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: Charles B. Kennedy
CEDA, Code Enforcement

FROM: Ralph Wheeler
Deputy City Attorney

DATE: September 17, 1999

RE: 4035 Park Boulevard

Post-it® Fax Note	7671	Date	9/17/99	# of pages	1
To	C. Brown	From	Ralph Wheeler		
Co./Dept.		Co.	CAO		
Phone #		Phone #			
Fax #	6538	Fax #	6500		

This interoffice letter serves to confirm and memorialize the substance of our telephone conversation of earlier today regarding blight conditions at 4035 Park Boulevard.

During our conversation, you confirmed and stated the following:

- (1) On August 11, 1999 the property owner (or his representatives) of 4035 Park Boulevard was issued a notice to abate certain blight conditions at the site;
- (2) The notice to abate required the property owner to comply with the notice to abate by August 26, 1999;
- (3) Your post August 26, 1999 cite inspections have confirmed that the notice to abate has been substantially complied with and you and your office do not intend to take any further actions regarding the August 11, 1999 notice to abate;
- (4) Regarding the continued use of the property, you are awaiting the outcome of the Planning Commission actions that may result from the Planning Commission's September 22, 1999 revocation hearing regarding the variance for the gasoline station at 4035 Park Boulevard; and
- (5) You will continue to monitor the cite and will issue any new notices to abate, if required due to new or future violations at the cite.

Thank you for your assistance in this matter.

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA, SUITE 3330 • OAKLAND, CALIFORNIA 94612-2032

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3941
FAX (510) 238-6538
TDD (510) 839-6451

September 15, 1999

Leroy Griffin
Hazardous Materials Management
Office of Emergency Services
Fire Services Agency
1605 Martin Luther King Jr. Drive
Oakland, California 94612
(Facsimile: 510 238-7761)

Thomas Peacock
Alameda County Health Care Services
Environmental Protection Division
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502
(Facsimile: 510-337-9335)

Re: 4035 Park Boulevard (VM65-567); City Planning Commission Hearing

During the June 16, 1999, City Planning Commission meeting, the Commission set a revocation hearing of the Major Variance (VM65-567) at 4035 Park Boulevard on September 22, 1999. At previous hearings, the Commissioners and staff have had questions related to the environmental contamination and cleanup activities and your attendance has been critical. Please plan to attend the upcoming hearing. You should be prepared to advise the Commission of the recent progress and current status in your respective area of expertise and to respond to any questions the Commission may have.

I have attached a meeting agenda for your reference. You will also receive a copy of the final staff report by Friday, September 17, 1999. Please contact me at (510) 238-6190 to confirm your attendance.

Sincerely

CRESCENTIA L. BROWN, Planner III
Strategic Planning - Major Projects

fat 238-6538

ENVIRONMENTAL
PROTECTION

8/23/99 1:38

Michael Gabriel
Glenview Neighborhood Association
c/o 3945 Greenwood Ave.
Oakland, CA 94602
510-482-3128

c. Ann
~~Meeting~~
Mee Ling

August 23, 1999

Ms. Mee Ling Tung
Department of Public Health
Environmental Health Services
431 Harbor Bay Parkway, 2nd floor
Alameda, CA 94502-6577

Dear Ms. Tung:

I would like to thank you for attending and for your fine presentation at Glenview Neighborhood Association's (GNA) special meeting. As I am sure you know, the complex situation at 4035 Park Blvd. is of utmost concern to residents who live nearby the site, GNA, and the City at large. Your personal commitment to educating the public and working toward the resolution of the contamination matter, as demonstrated by attending our meeting, is greatly appreciated.

Perhaps the best way for me to memorialize my understandings from your presentation and our follow-up questions is to offer the following "bullets" in lay terms:

- ground water will be removed and tested from the Brighton Ave. trench until such time as contaminate levels reach "non-detect";
- when contaminant ground water levels reach "non-detect", the case will be closed and final Certification will be provided by the County;
- the County can not provide an estimate of how long it will take for contaminate levels to reach "non-detect" at this time;
- oxygen releasing chemicals will be injected into the ground above the Brighton Ave. trench to hasten process of contaminate decomposition;
- at the request and agreement of potentially impacted properties located at the next downgradient point on Greenwood Ave., the County will conduct or require the conduct of additional testing.

Please let me know if I have misunderstood or misstated the County's position in this letter. Thank you in advance for your prompt response to this request.


Sincerely,



Michael Gabriel
GNA President

- Cc: Keith Carson
Derrick Williams
John Moore
John Russo
Dick Spees

August 6, 1999

TO: Mee Ling Tung and Ariu Levi
From: Tom Peacock 
Re: 4035 Park Blvd., Desert Petroleum
Summary of recent actions

1. The last workplan was accepted March 24, 1999. It proposed an additional downgradient well across the street, two additional wells on separate residential properties in the offsite plume, and a recovery trench on Brighton Ave. This is the area with highest concentrations of contaminants.
2. The last quarterly report was dated May 18, 1999. The only wells with significant contamination are RS-6 and RS-7, and recovery well 2. Benzene levels in all these have recently gone up, probably due to the winter rains raising the water level into the smear zone.
3. The State Clean up Fund issued a Pre_ approval of Corrective Action Costs on June 30, 1999 for \$50,487.
4. An additional workplan was received July 19, 1999 that has not been approved, awaiting the public meeting scheduled for August 18, 1999.
5. Key points to remember:
 - Desert petroleum is in Chapter 11, the MTBE site in Livermore is also Desert Petroleum's.
 - Mr. Shirazian is the current property owner. He has not been participating in any way in the cleanup.
 - Mr. Shirazian is trying to open a new gas station. All matters pertaining to that are under the jurisdiction of the City of Oakland, as CUPA. We only oversee cleanup from the former UST's.
 - There is not currently any health or environmental hazard as the contamination presently stands under residential property. No resident is currently at risk.
 - The field implementation of the previous workplan was to have begun on July 28.

Mee Ling has the current file (G).

July 7, 1999

ENVIRONMENTAL
PROTECTION
99 JUL -9 PH 2: 23

Mr. Tom Peacock
Alameda County Health Care Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Dear Mr. Peacock,

**SUBJECT: NEIGHBORHOOD MEETING CONCERNING PROPERTY AT 4035
BRIGHTON AVENUE**

The Glenview Neighborhood Association has scheduled a neighborhood meeting on Wednesday, August 11, 1999 at 7:00 p.m. The meeting will take place at the Park Boulevard Presbyterian Church, 4101 Park Boulevard, in Oakland. The meeting's purpose is to discuss the status of the petroleum release from the property at 4035 Brighton Avenue.

The Neighborhood Association would appreciate your attendance at this meeting. We would appreciate it if you come prepared to answer any questions posed by neighborhood residents concerning the nature and extent of the petroleum, as well as the status of the remediation.

Please let me know if you can attend this meeting. You can contact me at (510) 530-5618, or you can contact Mr. Michael Gabriel at (510) 482-3128.

Sincerely,

Derrick Williams

CC: Michael Gabriel, Glenview Neighborhood Association
Lara Bice, Supervisor Keith Carson's Office
Shawn Stark, Councilmember Dick Spees' office
Nicole Brown, Councilmember John Russo's office
Charles Bryant, Secretary, City Planning Commission

5817 1298



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-7886
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

June 30, 1999

John Rutherford
Desert Petroleum, Inc.
P O Box 1601
Oxnard, CA 93032

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 003274,
SITE ADDRESS: 4035 PARK BLVD, OAKLAND, CA 94602**

I have reviewed your request, received on March 24, 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 actions costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement, for completing the June 11, 1998 Western Geo-Engineers workplan approved by the Alameda County EHD (County) in their October 6, 1998 letter, is **\$50,487**; refer the proposal for a breakdown of costs.

*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 County 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 the County and the Regional Water Quality Control Board.
- It is my opinion that it is unnecessary to obtain three bids for this scope of work; the Fund's three bid requirement is waived for this scope of work.
- 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 Pile Construction 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 2, 1999 by Pile Construction for conducting the work approved by the County.

99 JUN 26 PM 4:47
ENVIRONMENTAL
PROTECTION

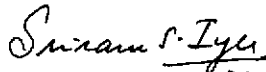
I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary corrective action work. The legislation governing the Fund requires that the Fund assist you in procuring contractor and consultant services for corrective action. If you need assistance in contracting for corrective action 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 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,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 227-7886.

Sincerely,



Sriram Iyer, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc:

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



LANDOWNER NOTIFICATION

ENVIRONMENTAL
PROTECTION

99 JUN 21 PM 4:05

CERTIFIED LIST OF RECORD FEE TITLE OWNERS

LOCAL AGENCY

Alameda County Health Care Services Agency
Environmental Health Services, Environmental Protection
1131 Harbor Bay Parkway, #250
Alameda, California 94502-6577

SITE NAME AND ADDRESS

Property, 4035 Park Blvd., Oakland, California 94602 #STID 1248

CERTIFICATION

1. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, Desert Petroleum Inc., certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

Mr. Tony Razi
3609 East 14th Street
Oakland, California 94601

Mr. Alireza Shirazian
2 Anchor Drive, #F-386
Emeryville, California 94608

2. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, Desert Petroleum Inc., certify that I am not the landowner of the above site.

Sincerely,



For Desert Petroleum Inc.
Signature of primary responsible party

Name of primary responsible party

Desert Petroleum Inc.
P.O. Box 1601,
Oxnard, California

Peacock, Tom, Public Health, EH

To: Dick Pantages; Mee Ling Tung; Bice, Lara, BOS
Subject: 4035 Park Blvd.

I have recently completed reviewing the Planning submittal for the Commission Meeting on [REDACTED]. There are some misunderstandings that need to be cleared up:

1. The workplan that we accepted dated March 24, 1999 DOES propose an additional downgradient well. It is across the street. There are some neighbors that currently think that up to 5 additional wells should be installed immediately and up to 2 blocks away. The consultant, the Responsible Party, and the State cleanup fund believe that one step at a time is appropriate. It is entirely possible that there be no impact downgradient as previous soil borings, which included groundwater samples, have not found anything.
2. The Cleanup Fund is very much in the driver's seat as far as how soon work may begin because they are paying for it. It is anticipated that funds may become available by the end of the month.
3. Whereas there were neighbors who were prohibiting access for monitoring the plume, that matter is all currently resolved.
4. The city also has not held anything up as all permits have been issued for street access.
5. Our role is only overseeing the cleanup of soil and groundwater contamination. The main problem for the city Planning Commission hinges with a request to open another gas station on the site. This is by far the most important issue before them, and one which we have no responsibility. The City of Oakland is the CUPA, in charge of all aspects of a new tank installation.

Lea. Brown @ aol.com

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

May 28, 1999

STID 1248

John Rutherford
Desert Petroleum Inc.
P. O. Box 1601
Oxnard, CA 93032

RE: 4035 Park Blvd., Oakland, CA 94602

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

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Rutherford:

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

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

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

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

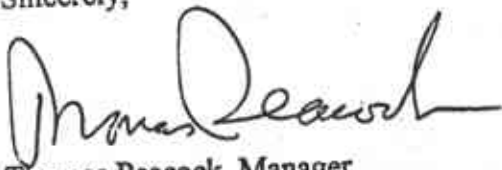
LANDOWNER NOTIFICATION
Re: 4035 Park Blvd., Oakland, CA 94602
May 28, 1999
Page 2 of 2

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

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

Please call me at (510) 567-6782 should you have any questions about the content of this letter.

Sincerely,



Thomas Peacock, Manager
Environmental Protection Division

Attachments

c: Chuck Headlee, RWQCB

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



November 6, 1998

STID 1248
Page 1 of 2

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office has received and reviewed the following documents:

- an update of the investigation, dated September 30, 1998, by Western Geo-Engineers
- a letter from Derrick Williams, dated October 13, 1998
- a Third Quarter Monitoring Report dated October 23, 1998, by Western Geo-Engineers
- a revised site map from Western Geo-Engineers, dated October 29, 1998

The following are comments concerning these reports:

1. I discussed called Derrick Williams and had a discussion concerning the workplan. His comments are considered.
2. The quarterly report shows that the plume seems to be shrinking, although there is not any noticeable degradation in contamination the plume shows stability or degradation in benzene. A concern has been that the plume is not defined downgradient and that is the main reason for this workplan. The location of the proposed wells has been clarified. At Brighton Ave. the plume going up the hill will be intercepted by construction of a trench which leads back to a proposed recovery well.
3. Some of the ideal locations for monitoring are not available because the property owners decline to grant access. Secondary locations are then selected to allow for real description of the status of the plume.
4. The soil and groundwater study which was done found only extremely low levels of benzene in soil and groundwater in TP18, which was across Brighton Ave. near the sewer trench. It appears that the extent of contamination has been defined.
5. There will be weekly removal of any accumulated contaminants from the installed trench on Brighton Ave.
6. A natural attenuation study is being done to determine what additional nutrients may be needed to augment the tsp which was to be injected in the infiltration wells placed at 4035 Park Blvd. This has not yet been documented.

November 6, 1998
STID 1248
Desert Petroleum
Page 2 of 2

7. The current workplan, as amended, is acceptable. You are directed to begin fieldwork within 30 days of the receipt of this letter. Please contact this office at least 3 days prior to conducting the fieldwork.

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,



Thomas Peacock, Manager
Environmental Protection Division

cc: Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 409 Picadilly Pl., unit 6, San Bruno, CA 94066
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland, CA 94602
Golpad & Karimabadi, c/o Matt Haley, 1633 San Pablo Ave., Oakland, CA 94612
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland, CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City
Hall Plaza, 2nd Floor, Oakland CA 94612
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland, CA 94612
Ralph Wheeler, City of Oakland, City Attorney's Office, One City Hall Plaza, Oakland,
CA 94612
Steve Marquez, SWRCB, Cleanup Fund
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Lara Bise, Supervisor Keith Carson's Office (QIC 20101)
Charles Bryant, Secretary, City Planning Commission, 250 Frank H. Ogawa Plaza, 2nd
Floor, Oakland, CA 94612

Thomas Peacock/file

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ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

October 26, 1998

STID 4905

Robert Duggan
Shiloh Christian Fellowship
3250 School St.
Oakland, CA 94602

re: 3250 School St., Oakland, CA 94602

Dear Robert Duggan:

This office has received and reviewed a Workplan for additional investigation, dated August 19, 1998, by Subsurface Consultants, Inc., for the above site. The following are comments concerning this workplan:

This office accepts the workplan as submitted. Please contact us at least 3 working days prior to conducting fieldwork on the site.

Please call me if you have any questions at (510) 567-6782.

Sincerely,

Thomas F. Peacock, Manager
Division of Environmental Protection

c: LeRoy Griffin, City of Oakland Hazardous Materials
Jerian Alexander, Subsurface Consultants, Inc., 3736 Mt.
Diablo Blvd., Suite 200, Lafayette, CA 94549
Dick Pantages, Chief - files- Tom

ST 100 1248

dw

00: deHd Williams 130 86

4032 Brighton Ave.
Oakland, CA 94602
510.336.7030
Fax 510.336.9709
e.mail derrickw@crl.com

Mr. Thomas Peacock
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

October 13, 1998

Subject: Desert Petroleum Site #793, 4035 Park Boulevard

Dear Mr. Peacock:

Thank you for forwarding to me a copy of your letter concerning Desert Petroleum's workplan to investigate the lateral extent of contamination from the former gas station at 4035 Park Boulevard. I was surprised to read that you found the workplan acceptable. As you state in your letter, the main purpose of the workplan is to investigate the downgradient extent of contamination. The workplan fails to even identify where the proposed borings will be located, and definitely does not address the area downgradient of well RS-2. Under the best interpretation of the workplan, it appears as though only one of the five potential borings is downgradient of well RS-2. I believe one downgradient boring constitutes a feeble and inadequate attempt to define the downgradient extent of contamination.

I hope your office works with Desert Petroleum and modifies the workplan to ensure that the extent of contamination is adequately defined.

Sincerely,

Derrik Williams, R.G.

Cc: Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd. Box 111,
Oakland, CA 94602

Charles Bryant, Secretary, City Planning Commission, 250 Frank H. Ogawa
Plaza, 2nd Floor, Oakland, CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

October 6, 1998

STID 1248

Page 1 of 2, copies continued

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office has received and reviewed a workplan to investigate the lateral extent of contamination downgradient of RS-2 near the above site. This workplan was dated June 11, 1998 and done by Western Geo-Engineers. This office also received and reviewed a quarterly monitoring report for the above site dated August 12, 1998, also by the same contractor. The following are comments concerning these reports:

1. The workplan is acceptable to this office. A concern has been that the plume is not defined downgradient and that is the main reason for this workplan. Also, the location of the proposed wells is very unclear. The key shows 6 large circles but the plan says only 5 wells. The drawing also shows 5 small circles but there is no key for what these are. Please send a correct site map showing the location of the proposed wells. Please contact this office at least 3 days prior to conducting the field work.
2. The effect of all the rain we had last winter was that the benzene levels in RS-5 and RS-7 actually went up to 2,800 ppb and 12,000 ppb respectively. Perhaps this is due to the soils being cleaned at the initial expense of the groundwater. This should not be construed to mean that the site is getting worse, as this is a common occurrence.

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,

Thomas Peacock, Manager
Environmental Protection Division

Continued on following page:

STID 1248
Desert Petroleum
Page 2 of 2

cc: Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 2 Anchor Dr. # F-386, Emeryville, CA 94608
Mansour Sepehr, SOMA Environmental Engineering, 2680 Bishop Dr., Suite 203, San
Ramon, CA 94583
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland, CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland, CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City
Hall Plaza, 2nd Floor, Oakland CA 94612
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland, CA 94612
Joseph Cotton, City of Oakland, Environmental Services, 1333 Broadway, Suite 330A,
Oakland, CA 94612
Ralph Wheeler, City of Oakland, City Attorney's Office, One City Hall Plaza, Oakland,
CA 94612
Steve Marquez, SWRCB, Cleanup Fund
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Charles Bryant, Secretary, City Planning Commission, 250 Frank H. Ogawa Plaza, 2nd
Floor, Oakland, CA 94612
Thomas Peacock/file

je.1248-I

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

June 2, 1998

STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office has received and reviewed a Fourth Quarter 1997 and a First Quarter 1998 groundwater monitoring report dated February 23, 1998 and April 22, 1998 respectively. Additionally, in this time frame there was an Oakland Planning Commission meeting on March 18, 1998 which I attended. The following are comments concerning these reports and the meeting:

1. Contamination in RS-5, RS-6, and RS-7 has not reached stability as some constituents have declined in concentration while others have gone up substantially. There has been very heavy rain this winter, which is highly unusual. It might have been presumed that this could cleanup the situation but that has not happened yet.
2. The monitoring well with the highest concentration of benzene is RS-7, which is not only down gradient some 300 feet through a series of residential properties, but it is along a sewer lateral that continues into residential property. This is not a good situation as it shows that the extent of contamination, especially contamination under private property off the source site, is not defined.
3. You are required to submit a workplan to investigate the lateral extent of contamination downgradient of RS-7 along the presumed preferential pathway of the sewer line, which apparently does not continue to run in the street, but rather under private property. The workplan should be submitted to this office within 90 days, in order to allow you to explore the cost and reimbursement potential with the UST Cleanup Fund.

June 2, 1998
STID 1248
Page 2 of 2
John Rutherford

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,



Thomas Peacock, Manager
Environmental Protection Division

cc: Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 2 Anchor Dr. # F-386, Emeryville, CA 94608
Mansour Sepehr, SOMA Environmental Engineering, 2680 Bishop Dr., Suite 203, San
Ramon, CA 94583
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland, CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland, CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City
Hall Plaza, 2nd Floor, Oakland CA 94612
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr. Dr., Oakland, CA 94612
Joseph Cotton, City of Oakland, Environmental Services, 1333 Broadway, Suite 330A,
Oakland, CA 94612
Ralph Wheeler, City of Oakland, City Attorney's Office, One City Hall Plaza, Oakland,
CA 94612
Derrick Williams, 4032 Brighton Ave., Oakland, CA 94602
Steve Marquez, SWRCB, Cleanup Fund
Thomas Peacock/file

je.1248-H



derrick williams

4032 brighton ave.
oakland, ca 94602

510.336.7030
fax 510.336.9709

e.mail derrickw@crl.com

55 MAR 27 PM 3:55

PROFESSIONAL

Mr. Thomas Peacock
Alameda Health Care Services
1131 Harbor Bay Parkway
Alameda, CA 95402-6577

March 26, 1998

Dear Mr. Peacock:

On behalf of the Glenview Neighborhood Association, thank you for allowing us to clarify our concerns about the petroleum leak at 4035 Park Boulevard. As we discussed following the March 18, 1998 Oakland Planning Commission meeting, we are concerned that the extent of contamination has not been adequately defined; the sewer that apparently served as the original petroleum conduit continues beneath houses beyond Brighton Avenue. We believe this sewer must be sampled beyond Brighton Avenue before the extent of contamination is known.

Because the Glenview Neighborhood Association has outstanding concerns with the site, we are requesting that you hold at least one public meeting prior to initiating any monitoring or remediation plan. We would like this meeting to occur early enough in the process such that neighborhood residents concerns are incorporated into the monitoring and remediation plan.

Thank you for your attention to this matter.

Sincerely

Derrick Williams, R.G.



Derik Williams

4032 Brighton Ave.
Oakland, CA 94602

510.336.7030
fax 510.336.9709

e.mail derikw@crl.com

Mr. Thomas Peacock
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 95402-6577

March 15, 1998

Dear Mr. Peacock:

Thank you for allowing me to review the case file for the former gas station at 4035 Park Boulevard. I appreciate the attention you have given this site, and I understand that you are taking all appropriate actions to see this site remediated rapidly.

As you may be aware, I live at 4032 Brighton Avenue, and my property is impacted by the petroleum that has leaked from this site. As an impacted party, and after reviewing the file, I feel obligated to place into the record my concerns about this site. I would like to emphasize that my concerns are in no way related to your supervision of the site or your office's actions, rather they are concerns about the property owner's handling of the site.

My primary concern is with the pace of the remediation. I understand from other residents of the Glenview Neighborhood Association that previously, a member of your office made the general statement that these remediations may last 3 to 7 years. After reviewing the progress that has been made at this site over the last 1½ years, it appears to me that we are not notably closer to remediation, i.e. this site is still 3 to 7 years away from completing remediation. I realize that the time estimate for remediating these sites is inexact, however it appears that the actions that have taken place in the previous 1.5 years have not brought us 1.5 years closer to remediation.

01:51:17 PM 3/15/98

RECEIVED
MARCH 17 1998

My second concern regards the extent of petroleum contamination. A groundwater and soil sampling event from last year revealed that the extent of petroleum contamination beneath Brighton Avenue is much greater than previously assumed. I am concerned that the property owner has not adequately defined the nature and extent of contamination. The owner's previously stated theory was that petroleum flowed through the backfill around the storm sewer. This latest sampling shows that the petroleum has left the storm sewer line, and spread laterally along Brighton Avenue. Furthermore, the storm sewer southwest of Brighton Avenue drops steeply, to a second low area at Greenwood Avenue. If any petroleum remained in the fill material around the storm sewer, it should have traveled farther downhill, to Greenwood Avenue. This area has not been sampled by the property owner to my knowledge.

Finally, I would like to address the risk assessment currently underway for this site. I would like to emphasize that direct contact with the groundwater by residents of Brighton Avenue is an almost certain exposure pathway. Because Brighton Avenue is a local low spot, groundwater collects in basements and crawl spaces beneath homes during the winter. Furthermore, groundwater seeps to the surface along the Brighton Avenue sidewalk during and after rains. Residents and children regularly come into contact with this groundwater as it seeps to the surface. I believe it is important that this exposure pathway be addressed during the risk assessment.

Again, I would like to thank you and your office for your attention to this site.

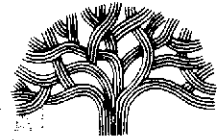
Sincerely

A handwritten signature in cursive script that reads "Derrick Williams". The signature is written in black ink and is positioned above the printed name.

Derrick Williams

cc: Charles Bryant/City of Oakland

CITY OF OAKLAND



1330 BROADWAY, 2ND FLOOR • OAKLAND, CALIFORNIA 94612

Community and Economic Development Agency
Zoning

(510) 238-3912
FAX (510) 238-4730
TDD (510) 839-6451

March 3, 1998

Thomas Peacock
Alameda County Health Care Services
Environmental Protection Division
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502

**Re: 4035 Park Boulevard (VM-65-567) - Status Report of Site
Remediation Process**

Mr. Peacock:

During the February 18th City Planning Commission meeting, the one year Compliance Review of the site cleanup for 4035 Park Boulevard was continued until the March 18, 1998, Commission meeting. The Commission postponed the February hearing so that it could hear a thorough status report on the Risk Base Corrective Action (RCBA) Tier II workplan implementation for the site. **Therefore, your attendance at the March 18, 1998, City Planning Commission meeting is imperative.**

Please be present and prepared to advise the Commission of the recent progress and current status of the remediation work and to respond to any questions the Commission may have. The Commission is particularly concerned that the remediation process has taken so long. Please contact me immediately at (510) 238-6285 if you have any questions.

Sincerely

A handwritten signature in cursive script, appearing to read "Willie Yee, Jr.".

WILLIE YEE, JR.
Zoning Administrator

WY:clb

cc: City Planning Commissioners
Michael Gabriel, Glenview Neighborhood Association
Ralph Wheeler, City Attorney's Office

Slide 1248
J.C. Williams



derrick williams
4032 brighton ave.
oakland, ca 94602
510.336.7030
fax 510.336.9709
e.mail derrickw@erl.com

FAX COVER SHEET

To: Mr Ariu Levi
Alameda County Health Department
Fax Number: (510) 337-9335
Telephone: 0

Number of pages including cover sheet: 1

Message:

Mr. Levi -

gylcood

I would like to view the files for the ongoing investigation of the former gas station at 4035 Park Boulevard in Oakland, CA. I would furthermore like to speak with the person person who is overseeing this site. Please contact me and let me know when this can be accomplished.

Thank you

Derrick Williams
(510) 336-7030
(510) 336-9709 (fax)

return to Tom

1
1
Need for 3-11-98

Michael Gabriel
President - Glenview Neighborhood Association
3945 Greenwood Ave.
Oakland, CA 94602
482-3128 (h)
273-4074 (w)

February 20, 1998

Mr. Thomas Peacock
Manager
Alameda County Health Care Services
Environmental Protection Agency
1131 Harbor Bay parkway, suite 250
Alameda, CA 94502-6577

re: 4035 Park Blvd
Desert Petroleum Site #793

SE Peacock

Call my for Peacock
3-9-98 3/10

Dear Mr. Peacock:

I would like to make an appointment for myself and engineer Derrick Williams to review the file for the site referenced above. Of particular interest is the Tier II Risk Assessment report dated November 19, 1997, of which I would like a copy. Please let me know when a file review can be scheduled.

Sincerely,

Michael Gabriel
Michael Gabriel

*mt. rescheduled
Review to 3-11-98*

cc: Mr. Levi
Environmental Health Services

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



December 5, 1997

STID 1248

Page 1 of 2

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard, CA 93032

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

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland, CA 94602

Dear Mr. Rutherford,

This office has received and reviewed a workplan for a Tier II Risk Assessment dated November 19, 1997 and a Pre-Approval of Corrective Action Costs from the Clean-up Fund dated September 29, 1997. Also, you, Mr. Sepehr, Mr. Converse, Mr. Shahnazi, and Mr. Razi met with me yesterday concerning these reports and actions needed to be done regarding the above site. The following are comments concerning these reports and this meeting:

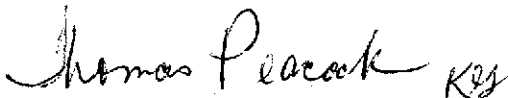
1. In the meeting you requested us to issue a "Directive" for you to accomplish a Tier II risk assessment. While this office may approve workplans we do not direct that a specified approach be used when there may be other approaches that are more desirable. In most cases the most desirable approach is for the contamination to be remediated, naturally or otherwise, rather than for it to be dismissed as not significant. For this reason, **we accept your workplan**, as written, rather than telling you to do specified work which may not be in your best interests.
2. The last page of the workplan gives a cost breakdown, which is for more than the pre-approval from the Fund. This office also does not operate as a go between regarding approval of costs for specified work. You will have to deal with the Fund on what actions and costs they will approve for reimbursement.
3. The question of operating a gasoline station or a vehicle maintenance shop must be directed to the City of Oakland. As of July 1, 1997, the City of Oakland became the Consolidated Unified Program Agency for laws governing these operations. The County no longer has jurisdiction over underground storage tanks or hazardous materials in the City of Oakland. Any questions should be referred to the LeRoy Greffin of the Fire Department at 238-7759.

The purpose of risk assessment is to develop site-specific soil and groundwater cleanup levels protective of human health and the environment. Again, this office accepts the workplan which you have written. Please call us at least three days before commencing the field work portion of the plan.

December 5, 1997
STID 1248
page 2 of 2
John Rutherford

If you have any questions or comments, please contact me directly at 510-567-6782.

Sincerely,

Handwritten signature of Thomas Peacock in cursive, with the initials 'kes' written to the right.

Thomas Peacock, Manager
Environmental Protection Division

cc: Tony Razi, 3609 East 14th St., Oakland, CA 94601
Alireza Shirazian, 2 Anchor Dr. # F-386, Emeryville, CA 94608
Mansour Sepehr, SOMA Environmental Engineering, 2680 Bishop Dr., Suite 203, San Ramon, CA 94583
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111, Oakland, CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall Plaza, 2nd Floor, Oakland, CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall Plaza, 2nd Floor, Oakland CA 94612
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther King Jr Dr., Oakland, CA 94612
Joseph Cotton, City of Oakland, Environmental Services, 1333 Broadway, Suite 330A, Oakland, CA 94612
Kevin Graves, RWQCB
Ralph Wheeler, City of Oakland, City Attorney's Office, One City Hall Plaza, Oakland, CA 94612
Steve Marquez, SWRCB, Cleanup Fund
Thomas Peacock/file

je.1248-H



Ca/EPA

September 29, 1997



Pete Wilson
Governor

State Water
Resources
Control Board

Division of
Clean Water
Programs

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

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-0746
FAX (916) 227-4530

World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

Mr. John Rutherford
Desert Petroleum, Inc.
P. O. Box 1601
Oxnard, CA 93032

Stid 120

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 3274,
SITE ADDRESS: 4035 PARK BLVD, OAKLAND, CA 94602**

I have reviewed your request, received on July 7, 1997, 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. Future pre-approvals must be sent to Jim Munch of this office.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the risk assessment work approved by the Alameda County EHD (County) in their May 6, 1997 letter, is **\$4,200**; see the table below for a breakdown of costs. The bids and costs presented by the three bidders appear unreasonable and costs have been reduced to reflect typical Tier II RBCA costs. If your consultant is not agreeable to the pre-approved costs it is recommended that you obtain additional bids and assistance from the Fund. (The total amount approved for payment through Request No. 1 for work at your site that has been directed and approved by the County is **\$127,410**.)

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 County 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.*

COST PRE-APPROVAL BREAKDOWN

Task	Amount Pre-Approved	Comments
Data Evaluation	\$1,200	
Tier II RBCA	\$3,000	If a Tier III RBCA is necessary, County must approve of the scope of work. Fund pre-approval is required for additional costs.
TOTAL PRE-APPROVED	\$4,200	

- 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 the County and the Regional Water Quality Control Board.



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

- If a different scope of work becomes necessary, then you must request pre-approval of costs for the new scope of work.
- Although I have pre-approved costs 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 reasonable costs for conducting the risk assessment 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 corrective action work. The legislation governing the Fund requires that the Fund assist you in procuring contractor and consultant services for corrective action. If you need assistance in contracting for corrective action 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. *To make this easier, insure that your consultant prepares his invoices to match the format of the original estimate, and provides reasonable explanations 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) 227-0746.

Sincerely,

ORIGINAL SIGNED BY

Steve Marquez, PE
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Mr. Jennifer Eberle
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Flr.
Alameda, CA 94502-6577

RECEIVED
STATION
AM 9:40





Ca/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

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

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-2698
FAX (916) 227-4530



Pete Wilson
Governor

FAX TRANSMITTAL

DATE: June 4, 1997

TO: Jennifer Eberle
Alameda County Environmental Health Services

FAX #: (510) 337-9335

FROM: Arron Rambach, P. E. Civil
Associate Water Resources Control Engineer

UST CLEANUP FUND PROGRAM
FAX #: (916) 227-4530
PHONE #: (916) 227-2698

NUMBER OF PAGES (including this page): 3

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





Ca/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

Mailing Address:
P.O. Box 944212
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World Wide Web:
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>



Pete Wilson
Governor

June 4, 1997

Mr. John Rutherford
Desert Petroleum Incorporated
Post Office Box 1601
Oxnard, CA 93032

Dear Mr. Rutherford:

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, Claim No. 3274
Dessert Petroleum Inc. #793, 4035 Park Boulevard, Oakland, CA**

I reviewed your May 21, 1997 request for a bid waiver and cost pre-approval which was addressed to my supervisor Michael Mosbacher. The bid waiver and pre-approval request is for costs associated with a Tier 3 health risk assessment at the above mentioned site. Your request includes a cost proposal dated May 15, 1997 from SOMA Environmental Engineering, Inc. The pre-approval request and all associated documents, along with this letter, will be placed in your claim file for future reference.

Unfortunately, I cannot waive the USTCF's three bid requirement for this corrective action work. Section 2812.1c of the USTCF regulations allows our staff to waive the three bid requirement if and only if three bids are unnecessary, unreasonable, or impossible. However, there is no compelling reason to waive the three bid requirement at your site. Your request for a bid waiver indicates that SOMA is familiar with your site and experienced in conducting complicated health risk assessments. However, I am confident that there are other well qualified firms that can become familiar with your site, but this will be verified during the bidding process.

In addition, I can only pre-approve necessary and reasonable costs. Because the scope of work and costs for your site are complicated and not precisely defined in our USTCF Cost Guidelines, it is difficult to determine what are necessary and reasonable costs. The best way to determine necessary and reasonable costs, is to obtain comparable and competitive bids.

You are hereby required to obtain three comparable and competitive bids for the proposed health risk assessment, and submit them to the USTCF for pre-approval of costs. Please complete the enclosed blank form when submitting future pre-approvals. The pre-approval form must be signed by the claimant. Be sure to also submit the May 6, 1997 letter from Alameda County Environmental Health Services which directs you to conduct the health risk assessment. All future costs for corrective action work must be pre-approved in writing by USTCF staff. If a different scope of work becomes necessary, then the claimant must request pre-approval of costs for the new scope of work.



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Mr. John Rutherford

-2-

I want to emphasize that it will be critical that the bids are comparable and competitive. Legislation governing the USTCF requires that we assist you in procuring contractors and consultants. If you need any assistance with the bidding process or contracting for corrective action work, don't hesitate to call me.

Please call if you have any questions. I can be reached at (916) 227-2698.

Sincerely,

Arron Rambach, P.E. Civil
Associate Water Resources Control Engineer
Underground Storage Tank Cleanup Fund

Enclosure (pre-approval form for subsequent requests)

cc Jennifer Eberle, Alameda County Environmental Health (w/o encls.) by fax (510) 337-9335





derrik williams

4032 brighton ave.
oakland, ca 94602

510.336.7030
Fax 510.336.9709

e.mail derrickw@crl.com

Ms Jennifer Eberle
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

June 3, 1997

Dear Ms Eberle:

I live at 4032 Brighton Avenue in Oakland. Earlier this year, Western Geo-Engineers gathered groundwater samples near my house in connection with the investigation of petroleum contamination from 4035 Park Boulevard. I am interested in seeing the results of these sample analyses.

I have not been informed if the report summarizing this sampling event has been finalized. If it has been finalized, I would appreciate access to the report. Please contact me at (510) 530-5618, or write to me at the above address to discuss obtaining access to the sample results.

Sincerely

Derrik Williams, R.G.

ENVIRONMENTAL
PROTECTION

97 JUN -5 PM 3:58

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



May 6, 1997
STID 1248
page 1 of 2

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

Since my last letter to you, dated 3/4/97, the following documents have been received in this office:

- 1) "First Quarter 1997" groundwater monitoring and sampling report, prepared by Western Geo-Engineers (WEGE), dated 3/20/97; and
- 2) "Free Product Investigation Report Along Brighton Avenue, Oakland, California," with "Corrective Action Workplan," prepared by Western Geo-Engineers (WEGE), dated 4/3/97.

The "Free Product Investigation Report Along Brighton Avenue" report documents results from the 19 soil probe survey (SPS) points along Brighton Avenue conducted in January 1997. These SPS points ran the length of Brighton Ave. from Greenwood Ave. to 4026 Brighton Ave. WEGE reported that the free product was present as a sheen, along a narrow strip along the east side of Brighton Ave., between 5 and 10 feet below ground surface (bgs).

The "Corrective Action Workplan" involves the injection of Tri-Sodium Phosphate (TSP) into wells R3 and R4 on the subject site, with partial groundwater recovery at wells R1 and R2 on the subject site. The remainder of the injected groundwater will continue to migrate along the sewer lateral, and then be recovered at the proposed recovery trenches in Brighton Ave. This workplan also involves the installation of wells along the sewer lateral and along Brighton Ave. to monitor the effects of the infiltration water.

This office has raised some concerns regarding the workplan. WEGE is working to resolve some of these issues. This office will be discussing this workplan with the RWQCB. The RWQCB will also have to approve this workplan, since it involves groundwater injection and recovery.

It should be noted that if this case is to be closed with residual concentrations of contaminants, a risk assessment or risk evaluation must be conducted (and approved by

May 6, 1997
STID 1248
page 2 of 2
John Rutherford

this office) in order to determine the threat to human health, using a residential scenario for the residential properties, and using a) residential, b) commercial, and c) construction scenarios for the subject site. The selection of groundwater, soil, and vapor data should be discussed with and approved by this office for use in the risk assessment. The purpose of risk assessment is to develop site-specific soil and groundwater cleanup levels protective of human health and the environment.

The new property owners, identified as Tony Razi and Alireza Shirazian, requested a meeting with this agency, via their consultant Mansour Sepehr of SOMA Environmental. A meeting was held on 5/1/97 in this office. Attendees included the new property owners, SOMA, Frank Hamedi of Soil Tech Engineering, Madhulla Logan, myself, and yourself. Our staff toxicologist Madhulla Logan was present to discuss parameters for a risk assessment.

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

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Tony Razi, 3609 East 14th St., Oakland CA 94601
Alireza Shirazian, 2 Anchor Dr. # F-386, Emeryville CA 94608
Mansour Sepehr, SOMA Environmental Engineering, 2680 Bishop Dr., Suite 203, San Ramon CA 94583
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111, Oakland CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall Plaza, 2nd Floor, Oakland CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall Plaza, 2nd Floor, Oakland CA 94612
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther King Jr Dr., Oakland CA 94612
Joseph Cotton, City of Oakland, Environmental Services, 1333 Broadway, Suite 330A, Oakland CA 94612
Kevin Graves, RWQCB
Jennifer Eberle/file

je.1248-G

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

ENVIRONMENTAL ENGINEERING PROGRAM
DEPARTMENT OF CIVIL AND ENVIRONMENTAL ENGINEERING
631 DAVIS HALL # 1710
BERKELEY, CALIFORNIA 94720-1710

PHONE: (510) 642-4011
FAX: (510) 642-7483

Ms. Jennifer Eberle
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Suite 250
Alameda CA 94502-6577

April 22 1997

Subj: Student Presentation of RI/FS Projects
4035 Park Blvd., Oakland
Place: 621 Davis Hall, U.C. Berkeley
Time: 4:00 - 6:00 pm. - Tuesday May 6, 1997

Dear Jennifer,

The students enrolled in the Hazardous and Industrial Waste Management Class (CE 216) at U.C. Berkeley will present their completed group projects on Tuesday May 6, 1997. We would appreciate your presence and participation in the discussion following their presentations. There will be three groups presenting their site investigations which should run about half an hour each.

We have provided a campus map (attached) and will have a parking permit in your name at the East Gate. Allow yourself 15 minutes to find your way around after arriving in Berkeley. From University Avenue proceed left along Oxford, right at Hearst Avenue, up the hill (you will pass some large metal doors of Davis Hall on your right near the top), right on Gayley Rd. and right to the East Gate kiosk. The attendant will direct you to the nearest available parking lot.

Thank you for your assistance in making these projects possible, for providing invaluable real world information and for answering site questions as they arose. For the students this type of information will aid them in making informed decisions in their future professions and to understand the scientific and regulatory complexities that will confront them.

Sincerely

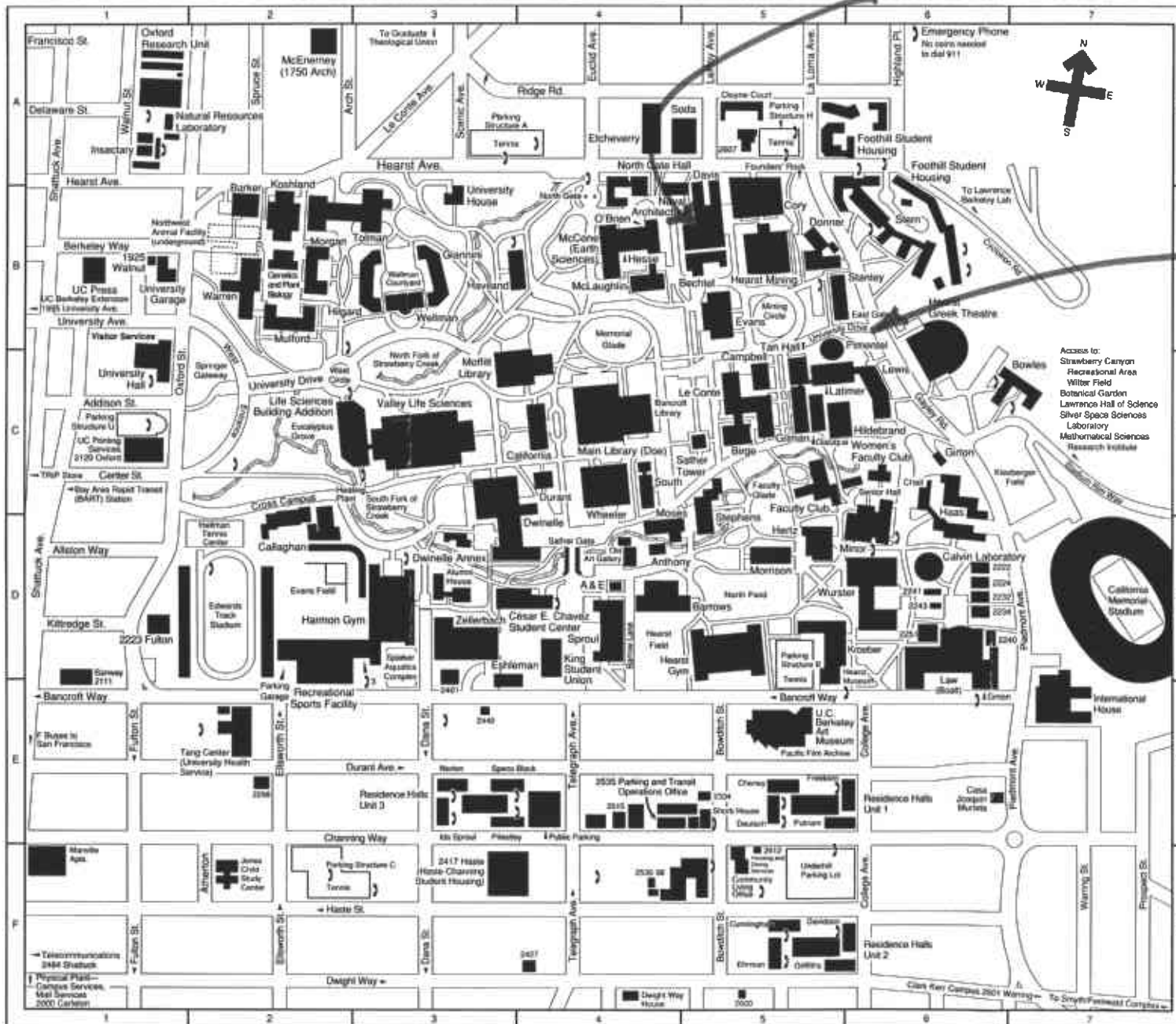
Prof. Lisa Alvarez-Cohen
Civil & Environmental Engineering

cc: Ravi Arulanantham
Juliet Shin

LAC:nph

Entrance at 3rd Floor

East Gate



Access to:
Strawberry Canyon
Recreational Area
Wilbur Field
Botanical Garden
Lawrence Hall of Science
Silver Space Sciences
Laboratory
Mathematical Sciences
Research Institute

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



March 4, 1997
STID 1248
page 1 of 2

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

Since my last letter to you, dated 10/24/96, the following documents have been received in this office:

- 1) "Third Quarter 1996" quarterly report, prepared by Western Geo-Engineers (WEGE), dated 12/20/96; and
- 2) "Fourth Quarter 1996" quarterly report, prepared by Western Geo-Engineers (WEGE), dated 2/13/97.

There have been up to 16 rounds of groundwater sampling conducted on the groundwater monitoring wells. Groundwater has been sampled on a quarterly basis consistently since 1994. **Biannual sampling would be acceptable at this point.** It should be conducted in the first and third quarters. Biannual reporting would also be acceptable.

I understand that additional borings were installed in January 1997; the report should be forthcoming.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jennifer Eberle', is written over a light blue horizontal line.

Jennifer Eberle
Hazardous Materials Specialist

March 4, 1997
STID 1248
page 2 of 2
John Rutherford

cc: George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Leroy Griffin, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland CA 94612
Joseph Cotton, City of Oakland, Environmental Services, 1333 Broadway, Suite 330A,
Oakland CA 94612
Jennifer Eberle/file

je.1248-F



ENVIRONMENTAL
PROTECTION

CITY OF OAKLAND



CITY HALL • ONE CITY HALL PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Clerk

(510) 238-3611
FAX (510) 238-2228
TDD (510) 839-6451

January 17, 1997

NOTICE
TO ALL INTERESTED PARTIES

This is to notify all interested parties that the item shown below will appear on the Agenda of the Oakland City Council at 7:31 p.m. on Tuesday, January 28, 1997:

If you challenge the following application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Community and Economic Development Agency/Zoning at, or prior to, the public hearing.

PUBLIC HEARINGS

Public hearing on the appeal of **David A. Self, Attorney for Ali Shirazian** against the decision of the City Planning Commission in adding conditions of approval to a Major Variance for a service station (**Case File No. VM65-567**) and determining that, due to on and off-site contamination, a serious public nuisance exists at **4035 Park Boulevard** in the R-50 Medium Density Residential Zone. (Environmental Determination: Exempt; Section 15261(b), State CEQA Guidelines; project approval predates CEQA.)
(COMMISSION VOTE: 7 ayes, 0 noes - to approve staff report)

Interested persons are invited to speak for or against the items.

The Council will meet at the Council Chambers, **One City Hall Plaza, 3rd Floor, Oakland**. If you need further information please call the City Clerk's Office at (510) 238-3611.

CEDA FLOYD
CEDA FLOYD, City Clerk
and Clerk of the Council

2CICLKNO.SLJ

FAX RETURN (510) 531-0567

JONATHAN C. BREULT

484 Lake Park Ave, #208 Oakland, CA 94610 (510) 5310567

FAX

DATE:

NUMBER OF PAGES INCLUDING FAX FORM - Two

TO: Mr. Tom Peacock

FAX # 337-9335

FROM:

RESPONSE _____

JONATHAN C. BREAUT
3944 Glen Park Road
Oakland, CA 94602-1203

October 25, 1996

Mr. Tom Peacock
Alameda County Environmental Health Services
1131 Harbor Bay Pkwy.
Suite 250
Alameda, California
94502-6700

Mr. Peacock,

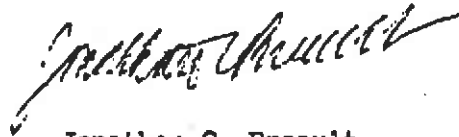
On behalf of Mike Gabriel, John Moore, myself and all of the Glenview Neighborhood residents I want to thank you for your appearance this past wednesday evening at the Oakland Planning Commission hearing regarding 4035 Park Blvd.

We appreciate your professional presentation and the conscientious manner in which you conveyed the information to the Commission. Also, I wish to thank Jennifer Eberle for her assistance. We look forward to working with your office in the near future as we are determined that the toxic remediation of the affected parcels is completed expeditiously.

Thanks again for your appearance and we apologize for the three a. m. adjournment.

Best Regards.

Sincerely Yours,



Jonathan C. Breault

All-night gasoline standoff

Glenview keeps Planning Commission running until 3 a.m.

By Jonathan Schorr
STAFF WRITER

OAKLAND — Glenview residents made good on their threat to relentlessly battle a proposed neighborhood gas station, carrying the fight well into the wee hours in a record-length Planning Commission meeting.

The neighbors oppose building a new station at 4035 Park Blvd. for environmental and traffic reasons. It sits on soil contaminated by a previous station that closed in 1989.

Ultimately, when the armistice was signed at 3 a.m. Thursday, the neighbors had won the same kind of victory they did against Starbucks Coffee earlier this year: not a decision in their favor, but a

delay and a show of strength that appears likely to keep the gas station out.

At the Wednesday night meeting, they were aided in their fight by Alameda County Environmental Health Supervising Hazardous Materials Specialist Tom Peacock, who put the site in the top 10 of about 800 contaminated sites the county is working to clean up.

County health officials said pure gasoline had been found under residential property about 200 feet from the station, and more testing needs to be done to see how far the gasoline has traveled underground.

Jennifer Eberle, the county hazardous materials specialist responsible for the site, said nearby residences had been tested for fumes and there are no immediate health concerns. She said pure gasoline is found on 10 percent to 15 percent of contaminated gas station sites.

Neighbors, however, asked the commission to

“ I am personally very serious about the cleanup. I think this neighborhood is at great risk ... ”

Vincent Reyes
planning commissioner

Oakland Tribune 10-25-96



Gas: Commission delays construction

Continued from A-11

hold the new station "hostage" to cleanup of the contamination, which could take three years or more.

The panel essentially agreed, voting unanimously to bar construction or station operations until all the neighboring properties are cleaned to the county's satisfaction.

That decision may well kill the station, said Felix Seidler, an attorney for station owner Al

Clinic: No liability problems within the last six years

Continued from A-11

expand our services to a second location, not cut back."

Cal Corps funding committee chairwoman Jennifer Sugiyama could not be reached for comment. Maude Tanswal, an AmeriCorps member who works for the Service Center, said the committee's decision to cut grant funding for prescription

Shirazian. "Given the carrying costs of the project, the delay of three years will probably render it economically unfeasible," he told the commission. "If you're serious about (requiring cleanup), you probably just doomed the project."

That didn't worry Commissioner Vincent Reyes. "I am personally very serious about the cleanup," he said. "I think this neighborhood is at great risk and great hazard."

Later Thursday, Seidler said Shirazian has not decided whether he will appeal.

Glenview resident Jonathan Breault said it appears to be a victory for his side. He said he was pleased with the commission's action, but also a bit stuporous after the graveyard-shift meeting which didn't end until just before 3 a.m.

"I'm exhausted," he said. "I didn't get home until 4 in the morning. My thoughts? I couldn't really tell you right now. . . . We're obviously happy."

Residents have argued that the toxic contamination could

pose a health hazard and lower property values. They had attempted to kill the project outright by proving it does not match the design of the original 1965 station. The new station relies on that 31-year-old variance to allow it into the residential neighborhood.

The contamination is being cleaned up by Desert Petroleum, owner of the previous station. Desert Petroleum, in Chapter 11 bankruptcy, is cleaning up three sites in Alameda County and 21 statewide.

More than 500 neighbors signed a petition against the station. The neighborhood demonstrated similar power earlier this year when it fought a Starbucks Coffee store so long that the chain, in a rare move, withdrew its application.

Clarif

The new Asian Health Services facility at 814 Webster St., Oakland, has 109 employees, but not all are full-time. There are 30 temporary employees, and \$2.5 million is needed to complete the project. In 1985,

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

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

October 24, 1996
STID 1248
page 1 of 2

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

I am in receipt of the "Workplan to Further Delineate Free Product Sheen and to Develop a Corrective Action Plan for Free Product Recovery Discovered at 4032 Brighton Ave. . ." prepared by Western Geo-Engineers (WEGE), dated 9/26/96. As you know, this workplan involves the placement of several borings in the area of the TP-9 boring. The borings will begin near the front yard of 4032 Brighton Ave., and continue laterally along Brighton Ave. Borings on private property will be conducted with permission of the property owners.

This workplan is acceptable on the condition that the samples will be analyzed by a state certified laboratory for TPHg and BTEX. The sampling procedure should be modified to collect samples appropriate for the certified laboratory. In particular, groundwater samples must be collected with a bailer.

As per the workplan, the borings will be scheduled within 2 weeks after tenant/landlord permission is granted, and encroachment and permit applications are approved.

The 9/26/96 report also documents the attempt at interim remediation. Monitoring well RS-7 was purged of groundwater and also vented of vapors for approximately 1.5 hours once a week, from 8/14/96 to 9/9/96. Unfortunately, the purging and venting was unsuccessful in removing floating product previously discovered in boring TP-9.

WEGE also conducted air monitoring of the residential crawl spaces, basements, and sewer manways on 9/20/96. Results indicated that no gasoline range hydrocarbons were discovered.

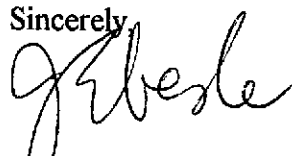
If you have any questions or comments, please contact me directly at 510-567-6761.

8-8-97 (2+2+2)

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To Miami Lion	From J. Kears	
Co.	Co.	
Dept.	Phone # 567-6761	
Fax # 238-4736	Fax #	

October 24, 1996
STID 1248
John Rutherford
page 2 of 2

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Britt Johnson, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland CA 94612
Joseph Cotton, City of Oakland, Environmental Services, 1333 Broadway, Suite 330A,
Oakland CA 94612
Jennifer Eberle/file

je.1248-E



1386 EAST BEAMER STREET
WOODLAND, CA 95776-6003
FAX (916) 662-0273
(916) 668-5300

CALIF CONTRACTOR #513857 A CORPORATION
REGISTERED GEOLOGISTS

SEPTEMBER 30, 1996

NOTICE OF DISTRIBUTION:

JOB: DESERT STATION #793
4035 PARK BLVD.
OAKLAND, CALIFORNIA

FINAL COPIES OF WORKPLAN TO FURTHER DELINEATE FREE PRODUCT SHEEN
AND TO DEVELOP A CORRECTIVE ACTION PLAN FOR FREE PRODUCT RECOVERY

Mr. John Rutherford
DESERT PETROLEUM
P.O. Box 1601
Oxnard, CA 93032

1 Copy

Jennifer Eberle
ALAMEDA COUNTY ENVIRONMENTAL HEALTH DEPT.
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

2 Copies

ENVIRONMENTAL
PROTECTION

96 OCT -1 PM 1:36

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

September 26, 1996
LOP STID 1248
page 1 of 2

Mr. Charles Bryant
Secretary to City of Oakland
Planning Commission
1330 Broadway, 2nd Floor
Oakland CA 94612

RE: Case Number #A96-143, former Desert Petroleum site #793, 4035 Park Blvd., Oakland
CA 94602

Dear Mr. Bryant,

This letter is to inform you of the history and various issues associated with this site, from the point of view of the regulatory agency charged with oversight of remedial activities.

There was a release of gasoline from this site in 1989, reportedly due to a faulty piping replacement job. When the station operators failed to take action to cleanup the leak, Desert Petroleum took responsibility for conducting a subsurface investigation. Several groundwater monitoring wells were installed both on- and off-site. Vapor extraction was employed as a remedial measure for two years. Desert Petroleum reportedly declared Chapter 11 bankruptcy in 1992. The underground storage tanks (USTs) were removed in 1994, followed by the excavation and removal of approximately 1,100 cubic yards of contaminated soil from the site.

A subsurface investigation was conducted on the residential area earlier this year. A total of 23 soil probe survey test holes were drilled. Vapor, soil, and water samples were collected. Gasoline was detected in soil and groundwater in all of the properties investigated. Based on this study, a remediation workplan was requested by letter from this office dated 8/12/96. The workplan is forthcoming. In addition, air monitoring was reportedly conducted on the residences within the last week; results are also forthcoming. It is unknown how long it will take to fully remediate these properties, and issue a final case closure letter. This case has been ongoing for seven years already. This is not wholly unusual in this type of situation.

We understand that there is a new application for a new gasoline service station at this location. If there were a release of petroleum from the new USTs, it would likely follow the same migration pathway as the previous 1989 release. The 1989 petroleum release appears to have found its way to the backfill material for the sewer line, then travelled through the sewer line in the yards of the residents of Brighton Ave. and Hampel St., finally pooling in the topographic low point of Brighton Ave. **A future release of petroleum would likely follow the same migration route.**

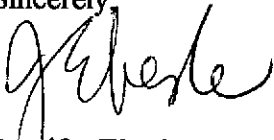
September 26, 1996
LOP STID 1248
page 2 of 2
Mr. Charles Bryant

Furthermore, a future release would likely be difficult to differentiate between the previous release, thus complicating the issues of liability/responsible parties and cleanup. Although there are techniques available for "fuel fingerprinting," they are often inconclusive.

One way to prevent such a future problem might be to place some sort of barrier in the area of the sewer line, as well as other utility lines, which lead off the subject site towards the adjacent residential area. Consultation with an environmental engineer would be recommended.

Please contact me at (510) 567-6782 if you have any questions.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Mimi Liem, City of Oakland, Office of Planning and Building, 1330 Broadway, 2nd Floor,
Oakland CA 94612
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Britt Johnson, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland CA 94612
J. Eberle/file

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ENVIRONMENTAL
PROTECTION

96 SEP 26 PM 2:43

LAW OFFICES OF
JAMES B. WICKERSHAM
3200A DANVILLE BLVD., SUITE 202
POST OFFICE BOX 1058
ALAMO, CALIFORNIA 94507
TELEPHONE (510) 831-1325
FAX (520) 831-8554

TRANSMITTAL MEMO

September 25, 1996

Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Care Services
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502-6577

Re: Desert Petroleum site #793, 4035 Park Blvd., Oakland

ENCLOSURE(S): Report of Levine-Fricke

ACTION REQUESTED:

Very truly yours,



Angela Kurtzman for
James B. Wickersham
JBW:ak
Enc.

desert petroleum inc.

ENVIRONMENTAL
PROTECTION

96 SEP 27 PM 2:46

John Rutherford
Director
Environmental Affairs

September 23, 1996

Ms. Jennifer Eberle
Alameda County
Environmental Protection Services
1131 Harbor Bay Parkway, Rm 250
Alameda CA 94502-6577

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA

Dear Ms. Eberle:

At your request a letter was mailed on September 22, 1996 to residents living in the area near our Park Blvd. location where identifiable or possible gasoline constituents has been found.

This letter was for informational purposes only and was reviewed by your office prior to mailing.

For your information I have included as an enclosure to this letter the front portion of each mailing reflecting the resident addressees.

Very truly yours,



John Rutherford

cc. L. Carpiac

enclosures:

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

September 24, 1996

Resident
4006 Brighton Avenue
Oakland, CA 94602

For more than seven years Desert Petroleum, Inc. ("Desert") has been conducting investigation and cleanup at its former property situated at 4035 Park Blvd., Oakland, CA, 94602. During the last five years, Desert has been operating under Chapter 11 of the Bankruptcy Code.

This fact sheet was prepared and is being provided to our neighbors in an effort to provide specific information regarding Desert's activities.

Background

For many years other persons leased this property from Desert and operated a gasoline service station and a repair shop. In late 1989 gasoline was detected in a sewer line on Brighton Avenue. When the operators of the service station failed to take action to cleanup the leak, Desert stepped in and has since been conducting investigations and cleanup activities. It was determined that the gasoline leak was caused by defective piping installed by the tenant/operators.

Desert has performed considerable site investigation work and installed monitoring wells on and off site (on Brighton Avenue) to determine the extent of gasoline contamination. Cleanup equipment utilizing soil vapor extraction and spray aeration for groundwater treatment was placed in service and operated for over two years. The underground gasoline tanks were removed, and in 1995 the contaminated soil was excavated, removed from the service station and transported to a regulated disposal facility.

Desert is working closely with the California Regional Water Quality Control Board (RWQCB) and the Alameda County Department of Environmental Health (ACDEH), in order to comply with the agencies' requirements.

Current Status

Groundwater conditions are monitored on a quarterly basis. Traces of gasoline have been detected in groundwater beneath the former station and in the vicinity of the sewer laterals at the street and rear of Brighton Avenue, but this is not a drinking water source. Also, groundwater sampling data has demonstrated the residue of gasoline is not wide spread and is not moving. Most importantly, our studies indicate the residue of gasoline is being cleaned up by forces in nature such as naturally occurring bacteria which thrive on hydrocarbons.

Proposed Work

As you may already be aware, releases from gasoline tanks at service station sites, while regrettable, are not an uncommon occurrence. Based upon Desert's experience at similar sites, and the input from our consultants, we do not believe the traces of gasoline present in the soil and groundwater in the vicinity of the station pose a health risk. To confirm this Desert is performing a further study to evaluate the actual and theoretical risk created by the gasoline residue which has been identified.

In order to complete this study, we have already collected specific samples of soil, soil vapors, and groundwater from the station and in the vicinity of those homes closest to the station. Additional sampling may also be done in the next few months if needed.

This study is being performed under the supervision of SCDEH and RWQCB.

If you desire more information, please contact one of the following:

John Rutherford
Director, Environmental Affairs
Desert Petroleum, Inc.
(805) 644-6784

Jennifer Eberle
Alameda County Health Care Services
Division of Environmental Health
(510) 567-6761

Very truly yours,



John Rutherford
Director Environmental Affairs

JDR:ca

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

September 24, 1996

Resident
4012 Brighton Avenue
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desert petroleum inc.

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Environmental Affairs

September 24, 1996

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4026 Brighton Avenue
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John Rutherford
Director
Environmental Affairs

September 24, 1996

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desert petroleum inc.

John Rutherford
Director
Environmental Affairs

September 24, 1996

Resident
1215 Hampel Street
Oakland, CA 94602

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John Rutherford
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Environmental Affairs

September 24, 1996

Resident
1221 Hampel Street
Oakland, CA 94602

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Environmental Affairs

September 24, 1996

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Desert has performed considerable site investigation work and installed monitoring wells on and off site (on Brighton Avenue) to determine the extent of gasoline contamination. Cleanup equipment utilizing soil vapor extraction and spray aeration for groundwater treatment was placed in service and operated for over two years. The underground gasoline tanks were removed, and in 1995 the contaminated soil was excavated, removed from the service station and transported to a regulated disposal facility.

Desert is working closely with the California Regional Water Quality Control Board (RWQCB) and the Alameda County Department of Environmental Health (ACDEH), in order to comply with the agencies' requirements.

Current Status

Groundwater conditions are monitored on a quarterly basis. Traces of gasoline have been detected in groundwater beneath the former station and in the vicinity of the sewer laterals at the street and rear of Brighton Avenue, but this is not a drinking water source. Also, groundwater sampling data has demonstrated the residue of gasoline is not wide spread and is not moving. Most importantly, our studies indicate the residue of gasoline is being cleaned up by forces in nature such as naturally occurring bacteria which thrive on hydrocarbons.



CALIF CONTRACTOR # 513857 A CORPORATION
REGISTERED GEOLOGISTS

1386 EAST BEAMER STREET
WOODLAND, CA 95776-6003
FAX (916) 662-0273
(916) 668-5300

ENVIRONMENTAL
PROTECTION
96 SEP 25 PM 2:56

September 23, 1996

NOTICE OF DISTRIBUTION:

JOB: DESERT PETROLEUM #793
4035 Park Blvd.
Oakland, California

FINAL COPIES OF 2nd QUARTER GROUND WATER SAMPLING REPORT:

Mr. John Rutherford
DESERT PETROLEUM
P.O. Box 1601
Oxnard, CA 93032

2 Copies of Report

Jennifer Eberlie
ALAMEDA COUNTY ENVIRONMENTAL DEPT.
1131 Harbor Bay Park Way, 2nd Floor
Alameda, CA 94502

1 Copy of Report

desert petroleum inc.

ENVIRONMENTAL
PROTECTION

96 SEP 27 PM 2:46

John Rutherford
Director
Environmental Affairs

September 23, 1996

Ms. Jennifer Eberle
Alameda County
Environmental Protection Services
1131 Harbor Bay Parkway, Rm 250
Alameda CA 94502-6577

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA

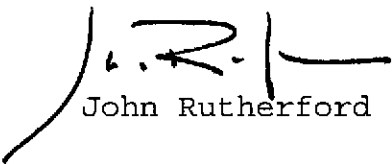
Dear Ms. Eberle:

At your request a letter was mailed on September 22, 1996 to residents living in the area near our Park Blvd. location where identifiable or possible gasoline constituents has been found.

This letter was for informational purposes only and was reviewed by your office prior to mailing.

For your information I have included as an enclosure to this letter the front portion of each mailing reflecting the resident addressees.

Very truly yours,



John Rutherford

cc. L. Carpiac

enclosures:



CALIF CONTRACTOR # 513857 A CORPORATION
REGISTERED GEOLOGISTS

1386 EAST BEAMER STREET
WOODLAND, CA 95776-6003
FAX (916) 662-0273
(916) 668-5300

FROM: David Threlkell

DATE: 9/12/96

TO: Ms. Jennifer Eberle
Alameda County
Environmental Health Services

FAX #: (510) 337-9335

TOTAL PAGES
INCLUDING THIS PAGE

2



CALIF CONTRACTOR # 513857 A CORPORATION
REGISTERED GEOLOGISTS

1386 EAST BEAMER STREET
WOODLAND, CA 95776-6003
FAX (916) 662-0273
(916) 668-5300

Ms. Jennifer Eberle
Alameda County
Environmental Health Services
1131 Harbor Bay Parkway #250
Alameda, CA 94502-6577
(510)567-6700 Fax: (510) 337-9335

September 12, 1996

RE: Former Desert Petroleum Station #793

Dear Ms. Eberle:

Western Geo-Engineers, on behalf of Desert Petroleum Inc, is requesting a two week extension to submit a workplan for free product remediation at former Desert Petroleum Station #793, located at 4035 Park Blvd, . Oakland, CA. This will allow Western Geo-Engineers time to present information gathered through interim free product remediation to Desert Petroleum and confer with them about future remediation plans.

Thank you for your considering this request,

David Threlfall
Western Geo-Engineers

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

August 27, 1996
STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

This letter is being written to confirm the presence of your contractor, Western Geo-Engineers (WEGE), in the residential area between Hampel St. and Brighton Ave., Park Blvd. and Greenwood Ave. WEGE will be in this area from mid August to mid September in order to conduct air monitoring in the sewer laterals and crawl spaces of homes. This work is being done to confirm that there are no hazardous levels of vapors in this area.

The Oakland Fire Dept (OFD) Haz Mat team surveyed the residential area on 7/29/96. They asked residents if they had any hydrocarbon (gasoline) odors in their homes, and everyone indicated they did not. The residents who were home and answered their doors were reportedly located at 1221, 1215, and 1227 Hampel St., and 4032 Brighton Ave. In addition, the sewer manholes in Brighton Ave. and the backyard of 1221 Hampel were checked for the presence of detectable fuel vapors. No explosive vapors were found during this survey.

WEGE will also be extracting groundwater from well RS7, located in the street in front of the residence at 4032 Brighton Ave. This work is slated to begin in mid August, and continue on a weekly basis for the interim.

A meeting was held in this office on 8/6/96, and attended by yourself, myself, George Converse of WEGE, Britt Johnson of Oakland Fire Dept (OFD), Shawn Stark of Councilmember Dick Spees' office, and Nicole Brown of Councilmember John Russo's office. We discussed the need for further air monitoring in the sewers and homes, how the residences will be notified, and corrective action.

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

Sincerely,

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

Jennifer Eberle
Hazardous Materials Specialist

August 27, 1996
STID 1248
John Rutherford
page 2 of 2

cc: George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Britt Johnson, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland CA 94612
Acting Chief/file

je.1248-D

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

Alameda County CC4580
Environmental Health Services
1121 Harbor Bay Blvd #250

August 12, 1996
STID 1248
page 1 of 3

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

8-13-96

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 3

To <i>David Threlfall</i>	From <i>J. Eberle</i>
Co. <i>Desert Petroleum</i>	Co.
Dept.	Phone #
Fax #	Fax #

-9335

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

Since my last letter to you, dated 1/23/96, the following documents have been received in this office:

- 1) fax from Western Geo-Engineers (WEGE), dated 5/9/96: laboratory results from the quarterly groundwater sampling event on 3/27/96 as well as 12/21/95;
- 2) fax from WEGE dated 5/22/96: preliminary results from sewer lateral investigation;
- 3) quarterly report from WEGE dated 2/13/96, received in this office on 5/20/96: documenting groundwater sampled on 12/21/95;
- 4) letter from Glenview Neighborhood Association dated 6/14/96, addressed to Oakland City Planning Dept, regarding the proposed new gasoline service station;
- 5) "Sewer Lateral Investigation Report, 4006 Brighton Ave., Oakland CA," prepared by WEGE, dated 7/12/96, received in this office on 7/23/96; and
- 6) "Sewer Lateral Investigation Report, Desert Petroleum Station #793, 4035 Park Boulevard, Oakland CA," prepared by WEGE, dated 7/3/96, received in this office on 7/23/96.

WEGE generated two separate reports for the sewer lateral investigation because there is arbitration pending between the owner of 4006 Brighton Ave. and Desert Petroleum (DP). The report listed as item #6 documents the entire sewer lateral investigation, including 4006 Brighton Ave. The data presented in this report indicate that soil and groundwater contamination remains below the residential area immediately downgradient of the former DP station. The most significant contamination is located at the topographic low point, in the vicinity of 4032 Brighton Ave. and the well RS7 in Brighton Ave. WEGE identified product sheen on groundwater in this area.

9-24-96

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 5

To <i>J. Wickenshaw</i>	From <i>J. Eberle</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

August 12, 1996
STID 1248
John Rutherford
page 2 of 3

The first priority is to remediate the free product. It must be removed "to the maximum extent practicable" and "in a manner that minimizes the spread of contamination," as per state law {23 California Code of Regulations, Division 3, Chapter 16, Sections 2722 (b), and 2655 (a) and (b)}. To this effect, you are required to submit a workplan for free product remediation within 30 days, or by September 12, 1996.

As per our meeting on 8/6/96, you will begin interim free product remediation by extracting groundwater from well RS7, located in the street in front of the residence at 4032 Brighton Ave. This work is slated to begin on or around August 15th, and continue on a weekly basis on a temporary or interim basis. It is hoped that free product will enter this well and be removed by extraction. If this approach is not effective, this office recommends the installation of a recovery well in the area of boring TP-9. This would allow the free product to collect, enabling us to determine the thickness of the free product, and make recovery easier.

The 8/6/96 meeting was held in this office and attended by yourself, myself, George Converse of WEGE, Britt Johnson of Oakland Fire Dept (OFD), Shawn Stark of Councilmember Dick Spees' office, and Nicole Brown of Councilmember John Russo's office. We discussed the need for further air monitoring in the sewers and homes, how the residences will be notified, and corrective action.

As you now know, Britt Johnson of OFD accompanied OFD's Haz Mat team to the area on 7/29/96. They asked residents if they had any hydrocarbon (gasoline) odors in their homes, and everyone indicated they did not. The residents who were home and answered their doors were located at 1221, 1215, and 1227 Hampel St., and 4032 Brighton Ave. In addition, the sewer manholes in Brighton Ave. and the backyard of 1221 Hampel were checked for the presence of detectable fuel vapors. No explosive vapors were found during this survey. WEGE plans to conduct further air monitoring on or around August 15th, while onsite for groundwater extraction as mentioned above. The City of Oakland agreed to write a letter stating their knowledge that WEGE will be conducting air monitoring in the residential area, including crawl spaces.

You agreed to draft a document for the homeowners in this area, which gives some background information and indicates the current status of the investigation and cleanup. **Please submit this draft to this office within 30 days, or by September 12, 1996.** I would like to review this document before it is sent to the homeowners in order to provide endorsement.

August 12, 1996
STID 1248
John Rutherford
page 2 of 3

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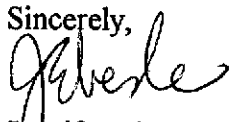
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August 12, 1996
STID 1248
John Rutherford
page 3 of 3

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

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Kevin Graves, RWQCB
Cheryl Gordon, SWRCB, UST CleanUp Fund
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Mimi Liem, City of Oakland, Office of Planning and Building, 1330 Broadway, 2nd Floor,
Oakland CA 94612
Michael Gabriel, Glenview Neighborhood Association, 4200 Park Blvd., Box 111,
Oakland CA 94602
Attn: Shawn Stark, Councilmember Dick Spees' office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Attn: Nicole Brown, Councilmember John Russo's office, City of Oakland, One City Hall
Plaza, 2nd Floor, Oakland CA 94612
Britt Johnson, Oakland Fire Dept., OES, Haz Mat Mgmt Program, 1605 Martin Luther
King Jr Dr., Oakland CA 94612
Acting Chief/file

je.1248-C

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

July 31, 1996

Ms. Jackie Allswang
4032 Brighton Avenue
Oakland, CA 94602

RE: WEGE Sewer Lateral Investigation Report

Dear Ms. Allswang:

Enclosed please find a copy of the report of findings concerning the investigation of the sewer laterals adjacent to and on your property.

We are presently in the process of formulating workplan proposals to address several issues outlined in the report. One of the issues of course is the remediation of any contamination which may be found on your property.

An informal meeting has been scheduled with Ms. Eberle at the Alameda County Environmental Health Department to discuss the report. After this meeting we will be in a better position to then begin to formulate work proposals upon receiving further direction from the Alameda County agency.

We will continue to keep you apprised of the next course of action in as timely a manner as possible. Please contact me if you have any further questions.

Very truly yours,



John Rutherford

cc: Jennifer Eberle, ACEHD

enclosure:

*Michael Gabriel - President
Glenview Neighborhood Association
4200 Park Blvd. Box 111
Oakland, CA 94602
510-273-4074*

June 14, 1996

Mr. Willie Yee, Jr.
Oakland City Planning Department
1333 Broadway, 2nd floor
Oakland, CA 94612

subject: 4035 Park Blvd.

Dear Mr. Yee,

I have reviewed the most recent revision of plans submitted for the proposed reopening of a gas station at 4035 Park Blvd. This letter contains concerns of Glenview Neighborhood Association members. We are joined by the Lakeshore Homes Association, and elders at Park Blvd. Presbyterian Church, who share our belief that the proposed use should not be allowed without benefit of public input through the public hearing process. As you know, December 7, 1965, the City Council approved a resolution allowing the construction of a new gas station facility at this location and required that plans for the new facility be approved by the Planning Commission. By that action, the Commission retained the authority to approve future modifications to the facility.

The removal of the approved canopy, overhead light fixtures, sign posts, paving, and damage to landscaped areas, all done without benefit of a demolition permit, constitute significant modifications to the facility. While the latest proposal makes an attempt at an accurate replacement of the canopy, it lacks the detail sufficient to make the determination. Plans also include the removal of windows on the Park Blvd. elevation, new planters, and does not include the locations of sign or light poles. In addition, the sizes and locations of underground gasoline tanks have been changed. Many of these changes have the potential to impact ingress and egress for customers and may impact the off-loading of fuel.

City Council findings in 1965 were based on a set of plans which may have been accompanied by any number of specifications. Unfortunately, these plans are no longer available for review. The burden of proof, however, falls on the applicant, not concerned citizens. The applicant has failed to prove that the submitted plans are consistent with the prior approved plans. Moreover, to date, no information regarding operating practices has been submitted. It is therefore only appropriate that the applicant be required to apply for zoning permits which allow the City Planning Commission to exercise the authority which it retained.

Mr. Willie Yee, Jr.

June 13, 1996

page 2

Pending Contamination Case

A case is still pending at this site with the Alameda County Health Care Services Agency regarding remediation (see attached A) of soil and groundwater contamination resulting from gasoline leakage which can be traced to 1989. County staff has given provisional approval to a proposed clean-up workplan which has not been completed. I have also shared concerns regarding operations with a Oakland Fire Department Sr. Hazardous Materials Inspector. These concerns include the unloading of fuel, the removal of other hazardous materials, and storage of flammable liquids, particularly given the proximity to adjoining residential uses.

Conclusion

Conditions in the area surrounding the site have changed significantly since the 1965 variance approval. Traffic on Park Blvd. is of a much greater volume, and there is now a multi-unit senior housing facility less than one block away. It is now common place for extremely long duel tanker trucks to deliver fuel which, given the site configuration and location of the pumps, may require that trucks stick-out onto Park Blvd. or Hampel St. causing an obvious safety hazard.

Gasoline sales operations at the site have had a history of failure. In addition to gasoline sales, independent operators in the past have had to rely heavily on auto repair, auto body work, towing services, vending machines, cigarette sales, and a variety of other efforts well beyond that which could be considered collateral to the originally permitted gasoline sales. The additional strain on the neighborhood is the result of a business activity that is not viable or safe on this small site. Attached please find a partial list of concerns based on years of neighbors living with this incompatible use (see attached B).

Notwithstanding the serious and yet unresolved environmental contamination, the granting of the 1965 variance and its subsequent abuse has resulted in an adverse impact on adjoining properties and the area in general. Recent modifications, proposed changes, and the potential for an increased negative impact on the surrounding neighborhood, warrant a review by the City Planning Commission.

The two contact persons with whom you have been working regarding this matter, GNA President Michael Gabriel, and GNA member Jonathan Breault, will both be out of town June 19 through July 1, 1996. In their absence the following individuals will act in their stead:

Sue Grandt, past president	510-530-7039 (h)
GNA	510-834-7665 (w)
John Moore, attorney	510-482-5623 (h)
GNA member	415-956-3400 (w)

Mr. Willie Yee, Jr.
June 13, 1996
page 3

Until my departure date you can contact me at 510-273-4074 during business hours. After my departure and until my return, please refer all notification to the aforementioned individuals.

Sincerely,



Michael Gabriel
President, GNA

cc: Jonathan Breault, GNA
Britt Johnson, Sr. Hazardous Material Inspector - Oakland Fire Dept.
Jennifer Eberle, Alameda County Health Services Agency
Rev. Carl Hofman, Park Blvd. Presbyterian Church
Gerald Manus, Lakeshore Homes Association
John Moore, GNA
John Russo, City Council
Dick Spees, City Council
GNA Steering Committee

attachments

4035 Park Blvd. Gas Station Site

Partial List of Operating Concerns

1. limits on operating hours
2. limit on days of operation
3. no vending machines
4. no pay phone allowed
5. the primary focus of the business shall be gasoline sales
6. minor automotive repair collateral to gasoline sales shall be restricted as follows
 - all automotive repair and lubrication shall be performed in an enclosed building
 - on-street automobile repair or storage is not allowed
 - no automobile shall be parked on the City sidewalk as a result of this operation
 - the sidewalk areas adjacent to the station be maintained free of grease and oil
 - no overnight open storage of automobiles
 - no outdoor storage of products, goods, auto parts, supplies, tools, machines, etc.
 - no outdoor storage of spent batteries, tires, wheels, or other automotive parts
 - no exterior storage of automotive repair or part waste bins
 - streamers and pennants or other similar devices shall not be permitted
 - no operation of towing services from this site
 - exterior lighting shall be designed in such a way that it is not intrusive to adjoining properties
7. Institute a no loitering policy
8. No outdoor speaker or attendant bell
9. Develop an anti-litter plan which includes appropriate waste bins and regular site clean-up
10. Site shall be kept clean and in an orderly manner at all times
11. A screening and buffering plan shall be developed per requirements of the Planning Director
12. Surface run-off shall not run over the sidewalk

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

attachment A

ARNOLD PERKINS, DIRECTOR

January 23, 1996
STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

4-23-96

Post-It™ brand fax transmittal memo 7671 # of pages > 12

To	M. Gabriel	From	J. Eberle
Co.		Co.	
Dept.		Phone #	
Fax #	273-6630	Fax #	

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

Since my last letter to you, dated 7/27/95, the following documents have been received in this office:

- 1) your letter dated 8/14/95
- 2) "Over-excavation and Quarterly Ground Water Sample Report," dated 11/24/95, prepared by Western Geo-Engineers (WEGE)
- 3) "Workplan to Further Evaluate Extent of Soil and Ground Water Contamination Associated with Former Desert Petroleum Station #793," dated 11/30/95, prepared by WEGE

This letter addresses the third item, the workplan. The workplan is acceptable with the following provisions and understandings:

- a) The collection of soil and water samples in Task 1 will be considered as a screening method only. The onsite lab will not be state-certified, nor will EPA methods be used to analyze the samples. The analysis will be Total Volatile Organics (TVO) in the gasoline and diesel range in mg/kg for soil, and mg/L for water, using a FID analyzer. Some vapor samples will also be analyzed (for health risk purposes).
- b) You are requested to analyze some soil and water samples in Task 1 for TPH-gasoline and BTEX by EPA standard methods, in order to verify the results obtained via the screening methods. The rate of sample analysis should be one (via EPA methods) in six samples collected (via screening methods). The vacuum used to obtain water samples (as described on page 3 of the workplan) is actually a closed system, thus minimizing any escape of volatiles.
- c) Task 2 should include the collection of soil AND water samples, and their analysis by EPA approved methods, in order to ensure QA/QC. The water samples will be collected by 0.5" bailers inserted into 1" diameter PVC casing with a 0.02 slotted screen. Water

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



01-070
ARNOLD PERKINS, DIRECTOR

January 23, 1996
STID 1248

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

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January 23, 1996
STID 1248
John Rutherford
page 2 of 2

samples will be collected after a minimum of 30 minutes in order for the water to stabilize. The workplan as written involves the collection of water samples in Task 1, via the closed vacuum system.

- d) The destruction of boreholes should be as per Zone 7, Alameda County Flood Control and Water Conservation District

I discussed these items with George Converse of WEGE today. The results from this investigation will be utilized in a Corrective Action Workplan (CAP).

Please contact me at least 2 business days in advance by telephone prior to field work. If you have any questions or comments, please contact me directly at 510-567-6761.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Kevin Graves, RWQCB
Cheryl Gordon, SWRCB, UST CleanUp Fund
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Tom Peacock/file

je.1248-B

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

ARNOLD PERKINS, DIRECTOR

attachment A

January 23, 1996
STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

4-23-96
Post-It™ brand fax transmittal memo 7671 # of pages > 12

To	M. Gabriel	From	J. Eberle
Co.		Co.	
Dept.		Phone #	
Fax #	273-6630	Fax #	

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- a) The collection of soil and water samples in Task 1 will be considered as a screening method only. The onsite lab will not be state-certified, nor will EPA methods be used to analyze the samples. The analysis will be Total Volatile Organics (TVO) in the gasoline and diesel range in mg/kg for soil, and mg/L for water, using a FID analyzer. Some vapor samples will also be analyzed (for health risk purposes).
- b) You are requested to analyze some soil and water samples in Task 1 for TPH-gasoline and BTEX by EPA standard methods, in order to verify the results obtained via the screening methods. The rate of sample analysis should be one (via EPA methods) in six samples collected (via screening methods). The vacuum used to obtain water samples (as described on page 3 of the workplan) is actually a closed system, thus minimizing any escape of volatiles.
- c) Task 2 should include the collection of soil AND water samples, and their analysis by EPA approved methods, in order to ensure QA/QC. The water samples will be collected by 0.5" bailers inserted into 1" diameter PVC casing with a 0.02 slotted screen. Water

7-23-96

Post-It® brand fax transmittal memo 7671

To	M. Gabriel	From	J. Eberle	# of pages	12
Co.		Co.			
Dept.		Phone #			
Fax #	273-6630	Fax #			

January 23, 1996
 STID 1248
 John Rutherford
 page 2 of 2

samples will be collected after a minimum of 30 minutes in order for the water to stabilize. The workplan as written involves the collection of water samples in Task 1, via the closed vacuum system.

- d) The destruction of boreholes should be as per Zone 7, Alameda County Flood Control and Water Conservation District

I discussed these items with George Converse of WEGE today. The results from this investigation will be utilized in a Corrective Action Workplan (CAP).

Please contact me at least 2 business days in advance by telephone prior to field work. If you have any questions or comments, please contact me directly at 510-567-6761.

Sincerely,



Jennifer Eberle
 Hazardous Materials Specialist

- cc: Kevin Graves, RWQCB
- Cheryl Gordon, SWRCB, UST CleanUp Fund
- George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
- Tom Peacock/file

je.1248-B

7-23-16

Post-It™ brand fax transmittal memo 7671

To	M. Gabriel	From	J. Eberle	# of pages	12
Co.		Co.			
Dept.		Phone #			
Fax #	273-6630	Fax #			

January 23, 1996
 STID 1248
 John Rutherford
 page 2 of 2

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cc: Kevin Graves, RWQCB
 Cheryl Gordon, SWRCB, UST CleanUp Fund
 George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
 Tom Peacock/file

je.1248-B

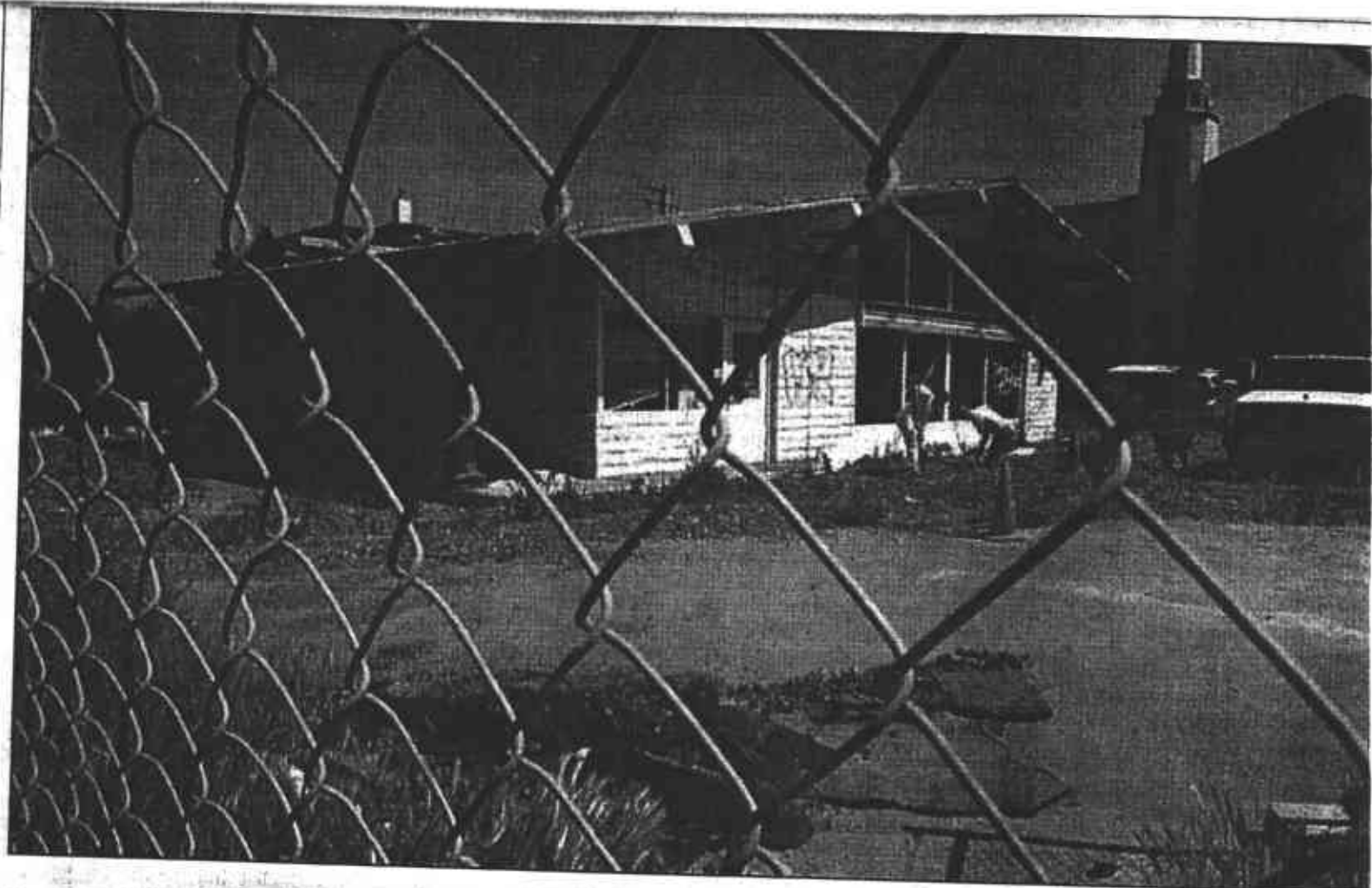
Michael Gabriel
3945 Greenwood Ave.
Oakland, CA 94602



Jennifer Eberle
Alameda County Health Agency
1131 Harbor Bay Parkway, 2nd floor
Alameda, CA 94502

94502-6577





RON RIESTERER — Sta

Some Glenview district residents are fighting plans for a new gas station at this chemically contaminated site.

Glenview rejects plan for new gas station

By Jonathan Schorr
STAFF WRITER

OAKLAND — With a new gasoline station proposed for a site already contaminated by an old one, Glenview district residents are ready to fight.

They are working to clean up the site of the former J&M Service Station and keep a new gas station from moving in.

The station, at 4035 Park Blvd., closed after the Loma Prieta earthquake in 1989. Since then, Alameda County has been working to clean up petroleum that leaked from a ruptured pipe there.

The situation is hardly unusual — there are hundreds of similar contamination sites in the county.

The issue has gained new public attention in the past few weeks, however, as contractors have gone into neighborhood yards to test for contamination. Test results have not been released.

Cynthia Gigi Jory, who lives in a home on Brighton Avenue downhill from the station, said she is concerned about contamination in her yard. She added, however, she continues to raise vegetables there.

Jennifer Eberle, a hazardous materials specialist with the Alameda County Department of Environmental Health, confirmed that soil at the station is contaminated, but the impact is hard to quantify. No health risk assessment has been done, she said.

She did say, however, the level is at least low enough to meet health standards for a commercial or industrial installation.

Neighbors, however, are fighting to ensure the site conforms to the residential contamination standard, which is higher. And that brings up the question of what the site will be next.

Ali Shirazian of Tiburon has applied to the city to build a new gas station but was turned down because he wanted to make changes to the original station's design, disallowed under zoning rules.

He could not be reached for comment Monday. It is not clear whether he will reapply with an application that matches the old station.

For the moment, however, a group of residents assisted by councilmembers John Russ (Grand Lake-Chinatown) and Dick Spees (Montclair-Laurel) and Alameda County Supervisor Keith Carson are fighting on two fronts. They want the site cleaned up. And, citing fears of increased traffic, noise and crime, they want to block any new gas station.

"The greater issue is the toxic issue," resident Jonathan Breault said. "We want that to be resolved first. Whatever goes on this site, it has to be clean first."

Even after years of county work to test and clean the soil and water, he wants to know: "How much of this dirt is really dirty?"

Officials try to cover up sex magazines on rack

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120
(916)227-4307
(916)227-4530 (FAX)



FEB 22 1996

DESERT PETROLEUM INCORPORATED
P O BOX 1601
OXNARD, CA 93032

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NO RESPONSE TO LETTER OF COMMITMENT (LOC): CLAIM NUMBER 003274; FOR SITE ADDRESS: 4035 PARK BLVD, OAKLAND

It has come to my attention that the LOC issued to you on September 05, 1995 in the amount of \$100,000 has not been responded to with a request for reimbursement.

Please submit your reimbursement request with all of the required supporting documentation, or a written explanation as to the status of the cleanup and why you have not requested reimbursement to date. If a request or adequate explanation is not received within thirty (30) calendar days from the date of this letter, I will take steps to begin the withdrawal process of your LOC.

Please send your reimbursement request or explanation to:

Francine Aguirre Claim No. 003274
State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund Program
P. O. Box 944212
Sacramento, CA 94244-2120

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

Sincerely,

Cheryl Gordon for
Francine Aguirre, Team Leader - Region 2
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
2101 Webster St., Ste. 500
Oakland, CA 94612

Mr. William E. Thompson
2060 Knoll Drive
Ventura, CA 93003

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

STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF CLEAN WATER PROGRAMS
 2014 T STREET, SUITE 130
 P.O. BOX 944212
 SACRAMENTO, CALIFORNIA 94244-2120
 (916) 227-4307
 (916) 227-4530 (FAX)

SEP 25 1995

ENVIRONMENTAL
 PROTECTION
 95 SEP 28 PM 1:40



#1248
 JE

John Rutherford
 Desert Petroleum, Inc.
 P.O. Box 1601
 Oxnard, CA 93032

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 003274, FOR SITE ADDRESS: 4035 Park Blvd., Oakland, CA 94602

The State Water Resources Control Board (State Board) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed \$100,000. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on January 17, 1992 and may be modified by the State Board in writing by an amended Letter of Commitment.

Read the terms and conditions listed in the Letter of Commitment. The State Board will take steps to withdraw this Letter of Commitment after 90 calendar days from the date of this transmittal letter unless you proceed with due diligence with your cleanup effort. This means that you must take positive, concrete steps to ensure that corrective action is proceeding with all due speed. For example, if you have not started your cleanup effort, you must obtain three bids and sign a contract with one of these bidders within 90 calendar days. If your cleanup effort has already started and was delayed, you must resume the expenditure of funds to ensure that your cleanup is proceeding in an expeditious manner. You are reminded that you must comply with all regulatory agency time schedules and requirements.

This package includes the following:

- A "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.
 - A "Bid Summary Sheet" to list information on bids received.
 - Recommended Minimum Invoice Cost Breakdown.
 - A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
- "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.
- "Vendor Data Record" (Std. Form 204) which must be completed and returned with your first Reimbursement Request.

YOU MUST SUBMIT A REIMBURSEMENT REQUEST PACKAGE BY December 5, 1995, OR SEND A WRITTEN UPDATE EXPLAINING:

1. Status of cleanup to date.
2. Reason(s) why a reimbursement request has not been submitted.
3. Costs incurred to date for corrective action.
4. Projected date for submitting a reimbursement request.

We constantly review the status of all active claims. If you do not submit a reimbursement request or a written update by the date above, or fail to proceed with due diligence with the cleanup, we will take steps to withdraw your Letter of Commitment.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,

Dave Deaner, Manager
 UST Cleanup Fund Program

Enclosures

cc: Mr. Steve Morse
 California Regional Water Quality
 Control Board, San Francisco Bay Region
 2101 Webster Street, Suite 500
 Oakland, CA 94612

Ms. Jennifer Eberle
 Alameda County EHD
 1131 Harbor Bay Pkway, 2nd Fl
 Alameda, CA 94502-6577

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 003274
CLAIMANT: Desert Petroleum, Inc.
CO-PAYEE: William E. Thompson
JOINT CLAIMANT: None

AMENDMENT NO: 0
BALANCE FORWARD: \$0
THIS AMOUNT: \$100,000
NEW BALANCE: \$100,000

CLAIMANT ADDRESS: John Rutherford
P.O. Box 1601
Oxnard, CA 93032

TAX ID/SSA NO: 95-2596253 463-24-1359

Subject to availability of funds, the State Water Resources Control Board (SWRCB) agrees to reimburse Desert Petroleum, Inc. (Claimant) for eligible corrective action costs at Desert Petroleum, Inc. #793 4035 Park Blvd., Oakland, CA 94602 (Site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

1. Reimbursement shall not exceed \$100,000 unless this amount is subsequently modified in writing by an amended Letter of Commitment.
2. The obligation to pay any sum under this Letter of Commitment is contingent upon availability of funds. In the event that sufficient funds are not available for reasons beyond the reasonable control of the SWRCB, the SWRCB shall not be obligated to make any disbursements hereunder. If any disbursements otherwise due under this Letter of Commitment are deferred because of unavailability of funds, such disbursements will promptly be made when sufficient funds do become available. Nothing herein shall be construed to provide the Claimant with a right of priority for disbursement over any other claimant who has a similar Letter of Commitment.
3. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
4. Claimant must at all times be in compliance with all applicable state laws, rules and regulations and with all terms, conditions, and commitments contained in the Claimant's Application and any supporting documents or in any payment requests submitted by the Claimant.
5. No disbursement under this Letter of Commitment will be made except upon receipt of acceptable Standard Form Payment Requests duly executed by or on behalf of the Claimant. All Payment Requests must be executed by the Claimant or a duly authorized representative who has been approved by the Division of Clean Water Programs.
6. Any and all disbursements payable under this Letter of Commitment may be withheld if the Claimant is not in compliance with the provisions of Paragraph 5 above.
7. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the SWRCB. In the event of any such assignment, the rights of the assignee shall be subject to all terms and conditions set forth in this Letter of Commitment and the SWRCB's consent.
8. This Letter of Commitment may be withdrawn at any time by the SWRCB if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the SWRCB this 5th day of September, 1995.

STATE WATER RESOURCES CONTROL BOARD

BY 
Manager, Underground Storage Tank Cleanup Fund Program

BY 
Chief, Division Administrative Services

STATE USE:
CALSTARS CODING:
0550-569.02 - 30530
\$ _____

*white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy.
 Suite 250
 Alameda, CA 94502-6577
 (510) 567-6700

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Desert Petroleum Today Date 8/16/95

Site Address 4035 Park Blvd.
 City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?
 Inspection Categories:
 I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 II. Business Plans, Acute Hazardous Materials
 III. Underground Tanks

hoists' sampling

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OnSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|-------------------------------|---|
| General | ___ 1. Permit Application 25284 (H&S) |
| | ___ 2. Pipeline Leak Detection 25292 (H&S) |
| | ___ 3. Records Maintenance 2712 |
| | ___ 4. Release Report 2651 |
| | ___ 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | ___ 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose
Semi-annual groundwater
One time soils |
| | 3) Daily Vadose
One time soils
Annual tank test |
| | 4) Monthly Gndwater
One time soils |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank teting |
| | 8) Annual Tank Testing
Daily inventory |
| | 9) Other _____ |
| New Tanks | ___ 7. Precls Tank Test
Date: _____ 2643 |
| | ___ 8. Inventory Rec. 2644 |
| | ___ 9. Soil Testing . 2646 |
| | ___ 10. Ground Water. 2647 |
| | ___ 11. Monitor Plan 2632 |
| | ___ 12. Access, Secure 2634 |
| | ___ 13. Plans Submit 2711 |
| | ___ 14. As Built
Date: _____ 2635 |

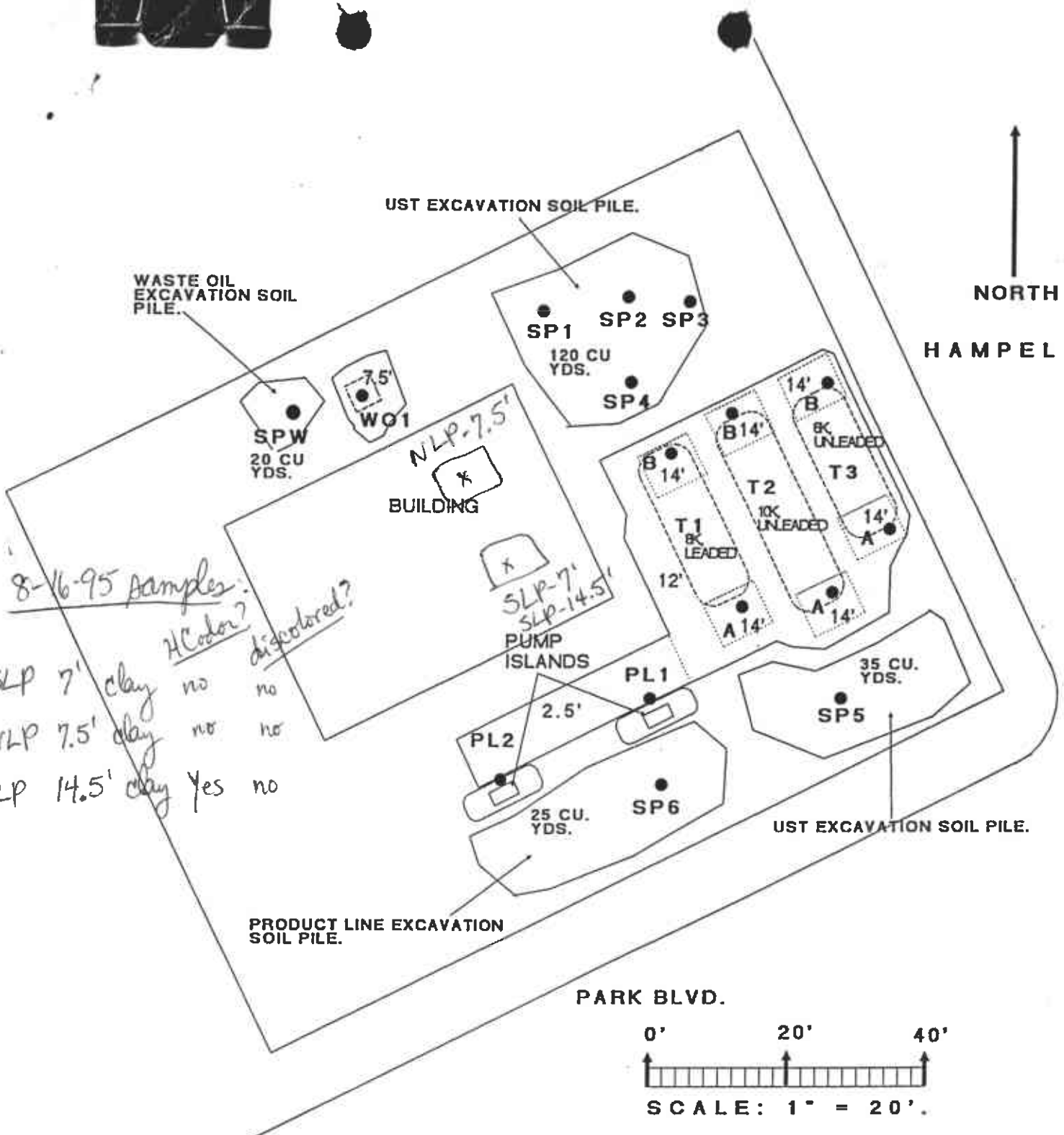
Comments:
 5:00 arrived. The waste oil pit was excavated to ~8' bgs to remove the dirty SP backfilled. The canopy is gone, as are the footings for pump islands, + the islands are gone also. They removed the hoists + excavated to ~7' bgs. Soil at bottom is clay. Took 2 samples. The backhoe cannot dig further. We'll analyze for O+G by 5520 or TPH-hydraulic fluid by 8015 mod. They disposed 325 gal of purge water plus hydraulic oil on 8-15, to Allied Oil in San Jose. Continued to auger in the South pit. HC odor began at ~9.5' bgs in the black, heavy clay. Odor continued until ~~we~~ sampled at ~~14.5' bgs~~ ~14.5' bgs. HC odor has decreased. Soil is saturated, heavy clay. They'll auger into waste oil pit to ~14 or 15' + sample there (after I leave site). Analyze the deep samples for TPHg + BTEX

6:10 left site

II, III

Contact: Roy Butler
 Title: Geologist
 Signature: Roy Butler

Inspector: Jennifer Eberle
 Signature: J Eberle



8-16-95 Samples:

SLP 7'	clay	no	no
NLP 7.5'	clay	no	no
SLP 14.5'	clay	Yes	no

HCodor? discolored?

EXPLANATION:

- 2.5' 7.5'
12' 14' EXCAVATION AND/OR SAMPLE DEPTH BELOW SURFACE.
- T 1 REMOVED TANK DESIGNATION.
- SAMPLE POINT AND ID #.
- A 14'

DESERT PETROLEUM STATION #793
4035 PARK BLVD..
OAKLAND, CALIFORNIA 94602

FIGURE 1
UST AND PRODUCT LINE REMOVAL SAMPLING LOCATIONS

JUNE 23, 1994

desert petroleum inc.

ENVIRONMENTAL
REGISTRATION

95 AUG 16 PM 2:07

John Rutherford
Director
Environmental Affairs

August 14, 1995

Ms. Jennifer Eberle
Alameda County
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Re: Desert Petroleum, Inc.
4035 Park Blvd.
Oakland, CA

Dear Ms. Eberle:

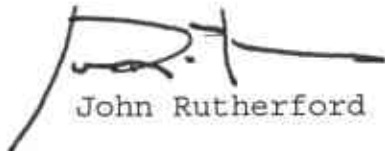
This letter is to advise you that the investigation and further remedial work activities at the subject site have been assigned to Western Geo-Engineers, (WEGE). The contact person for the project is Mr. George Converse, 1386 East Beamer Street, Woodland, CA 95776-6003. The telephone number for WEGE is 916-668-5300.

Remediation Service will continue to do some site work of a minor nature from time to time, but the future project management of the work will be under the direction of Mr. Converse and WEGE.

I would like to express my appreciation to you for your cooperation and scheduling of your time last week during our site excavation work. This type of work rarely goes as planned and your availability for sample verification was most appreciated.

If you require information or have questions concerning the project please call me or contact Mr. Converse direct.

Very truly yours,



John Rutherford

cc: George Converse, WEGE

ALAMEDA COUNTY, DEPARTMENT OF
 ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

white -env.health
 yellow -facility
 pink -files

Site ID # _____ Site Name Desert Petroleum Today's Date 8/14/95

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
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- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

Site Address 4035 Park Blvd
 City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

*overex
+
sample*

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N) _____
- 14. OnSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) _____
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose
Semi-annual groundwater
One time soils
 - 3) Daily Vadose
One time soils
Annual tank test
 - 4) Monthly Gndwater
One time soils
 - 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
 - 6) Daily Inventory
Annual tank testing
Cont pipe leak det
 - 7) Weekly Tank Gauge
Annual tank testing
 - 8) Annual Tank Testing
Daily Inventory
 - 9) Other _____

- 7. Precs Tank Test 2643
Date: _____
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647

- New Tanks
- 11. Monitor Plan 2632
 - 12. Access Secure 2634
 - 13. Plans Submit 2711
Date: _____
 - 14. As Built 2635
Date: _____

Comments:
 1:20 arrived onsite. They dug a trench bet. pumps + Park Blvd.
 PI-1 ~ 12' bgs, no HC odor, clay-black
 PI-2 ~ 7' bgs, " " "
 PI-3 ~ 8' bgs, " " "
 PI-4 → tried to take it, but the canopy started to fall. Took it w/ auger ~ 7' bgs!

Hydraulic oil will be removed from the " lifts inside bldg.



2:15 left site

Contact: George Converse
 Title: Pjt. Genl
 Signature: [Signature]

Inspector: Jennifer Steble
 Signature: [Signature]

II, III

ALAMEDA COUNTY, DEPARTMENT OF
 ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

II, III

white -env.health
 yellow -facility
 pink -files

Site ID # _____ Site Name Desert Petroleum Today Date 8/11/95
Friday

Site Address 4035 Park Blvd.
 City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

excavate
 +
 sample

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

3:20 Arrived onsite.
 Comments:
 Sampled SW wall bet bldg + pump island (see map). Samples J+K.
 Next excavation will be bet. pump island + Park Blvd.
 They installed a well (6") bet. bldg + pump island, while backfilling. This was done prior to my arrival.
 3:40 they're backfilling the pit. The stockpile is covered w/plastic.
 3:41 Simon Winger of BAQM arrived due to an anonymous ^{other} complaint. Hydraulic hoists to be removed next week. We'll sample/analyze soils at depth - for TPH₄ + BTEX. Today's samples (J+K) will also be analyzed for TPH₄ + BTEX. Waste oil pit will also be overexcavated next week.
 4:05 left site

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus Plan Stds 25503(b)
- 3. RR Cars > 30 days 25503.7
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- 5. Inventory Complete 2730
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- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ MATS

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- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25536

III. UNDERGROUND TANKS (Title 23)

- General**
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- 2) Daily Vadose
- Semi-annual groundwater
- One time soils
- 3) Daily Vadose
- One time soils
- Annual tank test
- 4) Monthly Gndwater
- One time soils
- 5) Daily Inventory
- Annual tank testing
- Cont pipe leak det
- Vadose/gndwater mon.
- 6) Daily Inventory
- Annual tank testing
- Cont pipe leak det
- 7) Weekly Tank Gauge
- Annual tank tising
- 8) Annual Tank Testing
- Daily Inventory
- 9) Other _____
- 7. Precs Tank Test 2643
- Date: _____
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647
- Monitoring for Existing Tanks**
- 11 Monitor Plan 2632
- 12. Access. Secure 2634
- 13. Plans Submit 2711
- Date: _____
- 14. As Built 2635
- Date: _____
- New Tanks**

Contact: George L Converse
 Title: Asst. Dir.
 Signature: [Signature]

Inspector: Jennifer Eberle
 Signature: [Signature]

II, III

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Inspection Form

1131 Harbor Bay Pkwy.
Suite 250
Alameda, CA 94502-6577
(510) 567-6700

II, III

Site ID # _____ Site Name Desert Petroleum Today's Date 8/10/95

Site Address 4035 Park Blvd.
City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

overex
+
resample

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

1:33 arrived onsite.
JK said site is zoned both commercial + residential. The former fuel UST pit has been backfilled. They are now excavating between bldg + dispensers. A strong HC odor is coming from this area. 1:50 began sampling. Bottom of pit is 16' bgs. They propose "installing" an injection well while backfilling: 6" diam casing, 0.02" slots from 5-15' bgs, 1/4" pea gravel from 5-15', AB (silt to 1" gravel) to 1' bgs, cement seal to grade. 2:25 A truck arrived; they began ~~the~~ loading the hot soil onto it. It's going to forward landfill. 2:50 sampled well below bldg.
3:00 left site

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

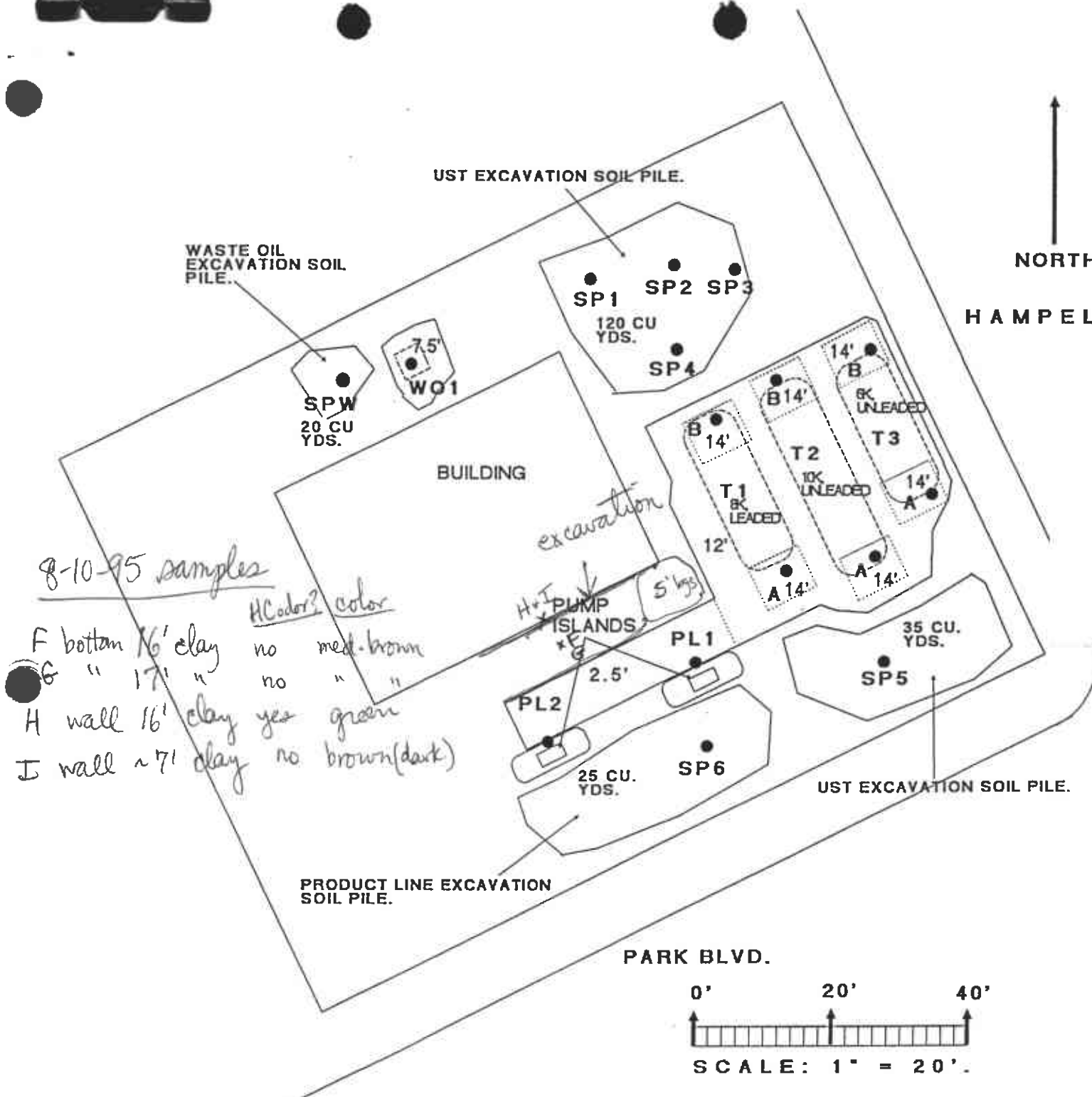
- | | |
|--|---|
| General | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose |
| | Semi-annual groundwater |
| | One time soils |
| | 3) Daily Vadose |
| | One time soils |
| | Annual tank test |
| | 4) Monthly Gndwater |
| | One time soils |
| Daily Inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| Vadose/gndwater mon. | |
| 6) Daily Inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| 7) Weekly Tank Gauges | |
| Annual tank test | |
| 8) Annual Tank Testing | |
| Daily Inventory | |
| 9) Other _____ | |
| New Tanks | <input type="checkbox"/> 7. Precs Tank Test 2643 |
| | Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing 2646 |
| | <input type="checkbox"/> 10. Ground Water. 2647 |
| <input type="checkbox"/> 11. Monitor Plan 2632 | |
| <input type="checkbox"/> 12. Access. Secure 2634 | |
| <input type="checkbox"/> 13. Plans Submit 2711 | |
| Date: _____ | |
| <input type="checkbox"/> 14. As Built 2635 | |
| Date: _____ | |

Rev 6/88

Contact: J. RUTHERFORD
Title: Dir. Public Affairs
Signature: [Signature]

Inspector: Jennifer Eberle
Signature: [Signature]

II, III



8-10-95 samples

	Depth	Soil Type	HCodor?	color
F bottom	16'	clay	no	med. brown
G "	17'	"	no	" "
H wall	16'	clay	yes	green
I wall	~7'	clay	no	brown (dark)

DESERT PETROLEUM STATION #793
 4035 PARK BLVD..
 OAKLAND, CALIFORNIA 94602

EXPLANATION:

- 2.5' 7.5'
12' 14' EXCAVATION AND/OR SAMPLE DEPTH BELOW SURFACE.
- T 1 REMOVED TANK DESIGNATION.
- SAMPLE POINT AND ID #.
- A 14'

FIGURE 1
UST AND PRODUCT LINE REMOVAL SAMPLING LOCATIONS
JUNE 23, 1994

ALAMEDA COUNTY, DEPARTMENT OF
 ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

II, III

white -env.health
 yellow -facility
 pink -files

Site ID # _____ Site Name Desert Petroleum Today Date 8/8/95

Site Address 4035 Park Blvd

City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

overex

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

12:00 arrived onsite.

Comments:
 John Rutherford of DP + George Converse onsite.

700 yd³ (1200 ton) of soil already offhauled today. They found some hotspots between bldg + pumps, + probably under bldg. Sampled in 4 locations (see map) Analyze for TP Hg + BTEX

12:47 left site

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ MATS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N) _____
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) _____
- 19. Trade Secret Requested? 25538

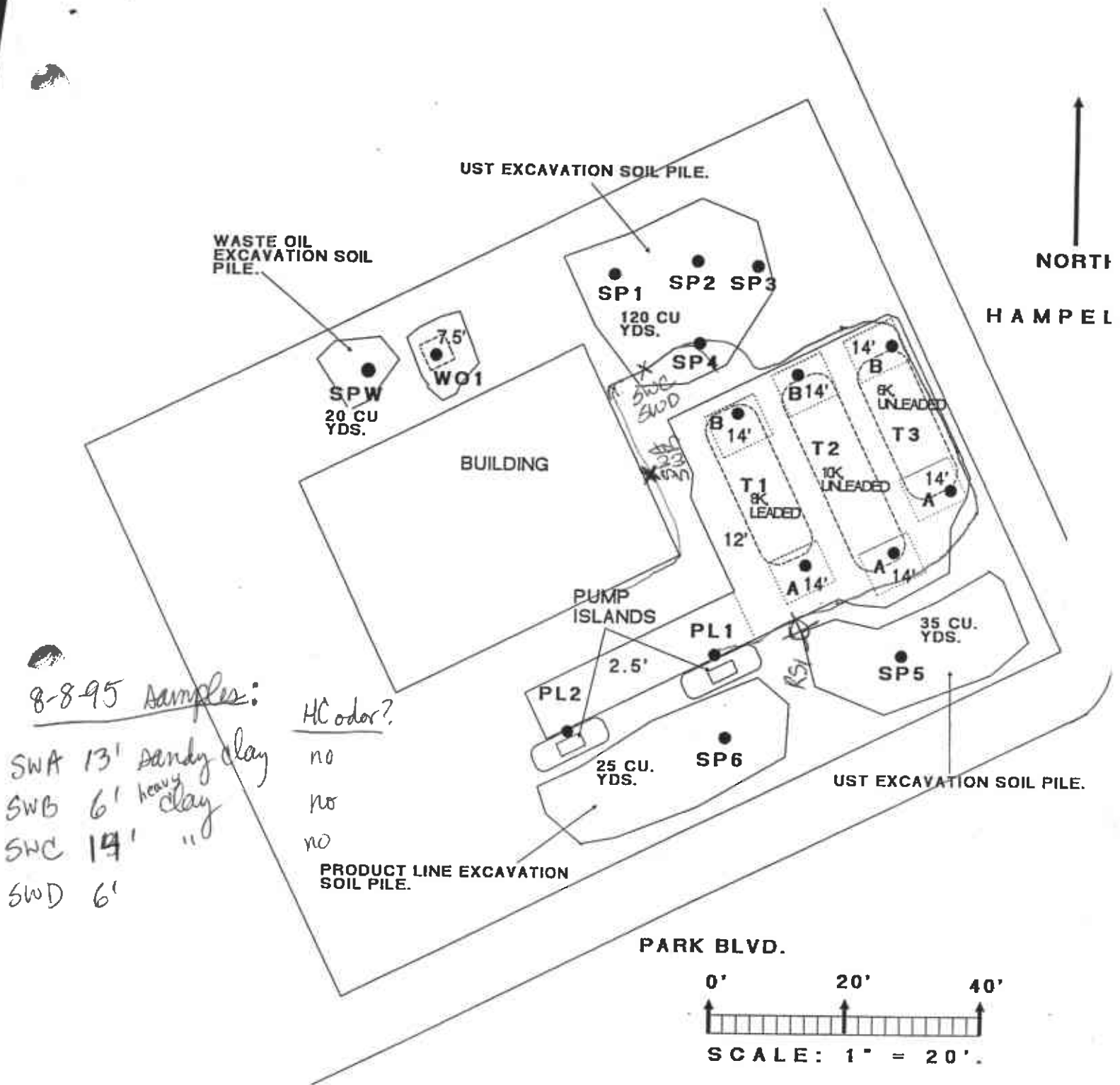
III. UNDERGROUND TANKS (Title 23)

- | | |
|---|---|
| General | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose
Semi-annual groundwater
One time sols |
| | 3) Daily Vadose
One time sols
Annual tank test |
| | 4) Monthly Gndwater
One time sols |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank test |
| | 8) Annual Tank Testing
Daily Inventory |
| | 9) Other _____ |
| New Tanks | <input type="checkbox"/> 7. Precs Tank Test 2643
Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing 2646 |
| | <input type="checkbox"/> 10. Ground Water. 2647 |
| | <input type="checkbox"/> 11. Monitor Plan 2632 |
| <input type="checkbox"/> 12. Access. Secure 2634 | |
| <input type="checkbox"/> 13. Plans Submit 2711
Date: _____ | |
| <input type="checkbox"/> 14. As Built 2635
Date: _____ | |

Contact: John Rutherford
 Title: Site Supervisor
 Signature: [Signature]

Inspector: Jennifer Eberle
 Signature: [Signature]

II, III



8-8-95 samples:

SWA 13' sandy clay
 SWB 6' heavy clay
 SWC 14' "
 SWD 6'

HC odor?

no
 no
 no

EXPLANATION:

- 2.5' 7.5'
12' 14' EXCAVATION AND/OR SAMPLE DEPTH BELOW SURFACE.
- T 1 REMOVED TANK DESIGNATION.
- SAMPLE POINT AND ID #.
- A 14'

DESERT PETROLEUM STATION #793
 4035 PARK BLVD..
 OAKLAND, CALIFORNIA 94602

FIGURE 1
UST AND PRODUCT LINE REMOVAL
SAMPLING LOCATIONS
JUNE 23, 1994

61-0170

AUG 30 1995

KG

QUALITY CONTROL BOARD

City Council Public Works Committee
City of Oakland
City Hall
Oakland, CA 94612

7 August 1995

Dear Sirs:

As a member and participant in the Glenview Neighborhood Association and an Elder in the Park Blvd. Presbyterian Church, I would like to follow up on the article printed in the Montclairian newspaper (attached) on July 21st.

The church has, for many years, been trying to negotiate an acceptable solution with Desert Petroleum, owner of the abandoned lot on the corner of Park Blvd. and Hampel St. across from the church. The lot, along with an abandoned building, a large pit, a pile of dirt, all covered by weeds and encircled by a cheap chain link fence, is an embarrassment to the neighborhood -- an eyesore on a major thoroughfare in an otherwise lovely Glenview neighborhood. The church has offered to Desert Petroleum to use or lease the lot with the condition that we would beautify and maintain the property until they had another disposition for it. The church would like to use it on Sunday mornings; other plans were suggested for mid-week use: 1) parking for Glenview merchants; 2) Park-n-Ride lot for San Francisco commuters; 3) parking for Glenview customers; 4) playground for a proposed daycare facility at our church. Whatever the use, the Park Blvd. Church was committed to enhancing and maintaining the property with flowers and landscaping for the beauty of the neighborhood.

Desert Petroleum has rebuffed all the church's advances to improve the looks, if not the use, of this property claiming insurance issues and interference with clean-up efforts. Five years ago that might have been realistic, but now Desert Petroleum is bankrupt and no clean up is being done.

As a member of the ruling board of the church, I would like to offer to work with the City, Desert Petroleum, Glenview Neighborhood Association, the Alameda County Water Resources Board and other interested parties to find a positive solution to a situation that has been negative for all of the above parties for many, many years. I am an engineer by training and will work with another church member, a certified environmental engineer, if that will help speed the resolution of this issue. We would like to be of help in any way we can.

There is the chance that you are not the proper City agency to be handling this issue and I would appreciate your forwarding this letter on to the appropriate City office. I may be reached at work (415) 634-7545 during the day or at my home-based business, Technology Solutions, (510) 531-2201.

Thank you for your consideration of the neighborhood in dealing with this issue.

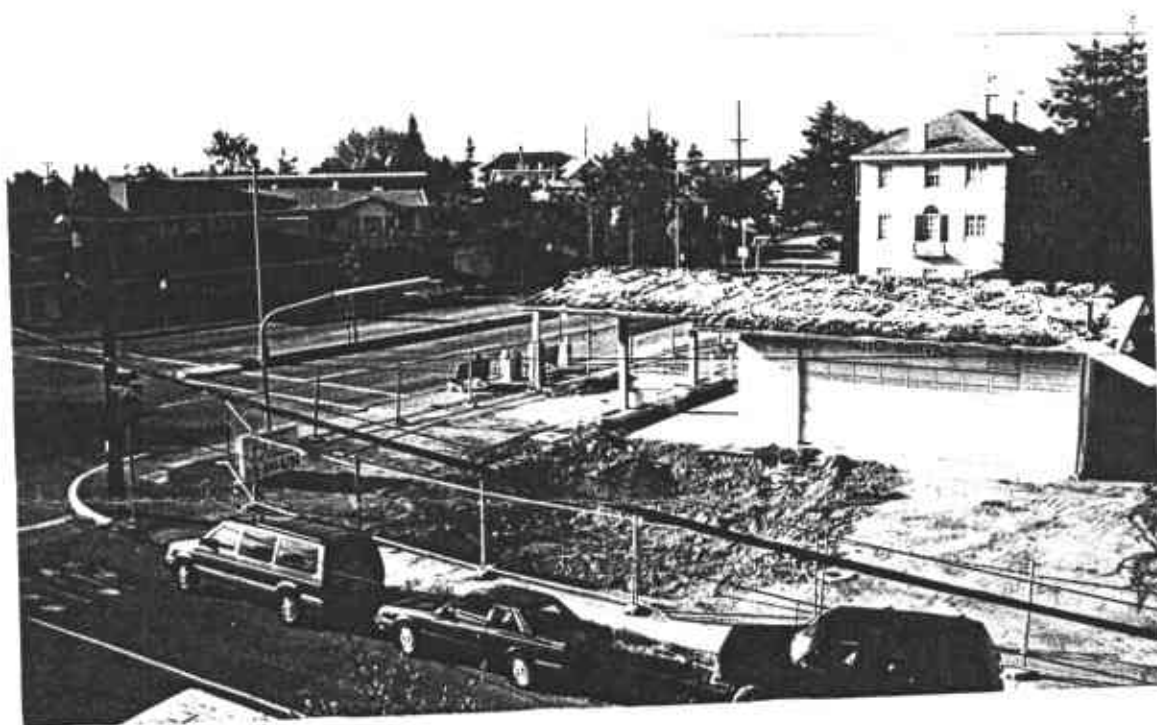
Sincerely,



Jon Andresen

cc: Glenview Neighborhood Association
~~Alameda County Water Resources Board~~

→ Water Quality Control Board



Glenview advances toward parking relief

By Matthew Devney
Montclairton correspondent

Residents and city officials may be making headway in efforts to improve the parking situation in the Glenview district may be making headway.

"It was bad, but it's getting better," said Doug Brown, who operates a florist shop there.

Concerned citizens and Public Works staff met earlier this year to decide upon a course of action to remedy a parking situation which one resident called "awful."

Since then, two more metered parking spaces have been added, one on Wellington and one on Glenfield. Also, a pair of two-hour

parking meters have been converted to so-called "green" parking meters, allowing only half-hour parking.

The city also has plans to convert a vacant gas station at the intersection of Park and Hampel to a parking lot. Many residents, however, believe the lot would be too far away to make a difference.

Some concerned citizens are lobbying for a plan to buy land near the center of Glenview, demolish any buildings on the property and build a parking lot. The City Council Public Works Committee, however, believes the proposal too costly a solution for Glenview — a neighborhood of mostly moderate- to high-income single-family homes.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

July 27, 1995
STID 1248

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

This letter is to document the agreement that we made during the fuel tank removal in June 1994. You were allowed to backfill the tank excavation with the stockpiled soils on the day of the tank removal due to a) lack of funds for offhauling, b) site safety, and c) the need to restore the site visually and aesthetically. However, we agreed to remediate this soil if it were later found to be contaminated. Maximum concentrations of 200 ppm TPH-g, 0.011 ppm benzene, 0.46 ppm toluene, 0.47 ppm ethylbenzene, and 4.9 ppm xylenes were subsequently detected in these backfilled soils. In addition, the stockpiled soils from the waste oil tank removal were apparently backfilled, as per a telecon with George Converse of WEGE today. These soils contained 1100 ppm O&G and 0.009 ppm benzene.

You have indicated your willingness to remediate these contaminated backfilled soils by excavation, as per our telecon today. This office agrees with this approach. Please contact me at least 2 business days in advance by telephone prior to field work.

We also discussed the need for further investigation in the vicinity of the west portion of the site. It appears that this area has not been fully characterized. This is the area where the piping leak was initially detected in November 1989. It is possible that "residual" soil contamination exists in this area, and is contributing to the groundwater contamination plume. **The Corrective Action Plan, previously requested in my letter dated 6/5/95, and due on October 20, 1995 (with the extension), should also address this issue.**

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

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Eberle".

Jennifer Eberle
Hazardous Materials Specialist

July 27, 1995
STID 1248
John Rutherford
page 2 of 2

cc: Kevin Graves, RWQCB
Rick Pilat, Remediation Service, Intl, 2060 Knoll Dr., Suite 200, Ventura CA 93003
Cheryl Gordon, SWRCB, UST CleanUp Fund
George Converse, WEGE, 1386 E. Beamer St., Woodland CA 95776
Tom Peacock/file

je.1248-A

July 20, 1995

STID 1176

Ms. Jennifer Eberle
Alameda County CC4580
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

RE: 4035 Park Blvd., Oakland CA 94602

Dear Ms. Eberle:

This letter will confirm my verbal request for a 90-day extension of time for submittal of the corrective action plan for the aforementioned site.

RSI has already spent considerable time in the evaluation of remedial alternatives, but the most important aspects (total costs and a realistic time frame for closure) for each of the alternatives require my further evaluation. RSI has been and is currently soliciting proposals from various remedial sources, many of which have little or no established track record on US sites because of the emerging nature of the products and/or processes. Thus, a more extensive feasibility study appears to be warranted, both for compliance with the State guidelines as well as those of the Tri-Regional Board.

I will make every effort to complete the CAP as soon as possible, and I certainly appreciate your understanding in allowing additional time for me to complete the work in a responsible and cost-effective manner.

If you have any questions, please contact me at (805) 644-5892

Sincerely,



Richard W. Pilat
Program Director



June 5, 1995
STID 1248

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

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: Desert Petroleum site #793, 4035 Park Blvd., Oakland CA 94602

Dear Mr. Rutherford,

Since my last letter to you dated 4/8/94, the following documents have been received in this office:

- 1) "Groundwater Monitoring Report," prepared by RSI, dated 4/15/94
- 2) Underground Tank Closure Plan, approved by this office on 5/12/94
- 3) "Waste Oil and Fuel USTs and Product Line Removal Sample Report," prepared by Western Geo-Engineers, dated 7/23/94 (two copies)
- 4) "Groundwater Monitoring Report," prepared by RSI, dated 8/5/94
- 5) "Groundwater Monitoring Report," prepared by RSI, dated 10/7/94
- 6) "Quarterly Report of March 12, 1995 Groundwater Sampling and Water Quality Monitoring," prepared by RSI, dated 3/31/95

In addition, I was present onsite during tank removal activities conducted on 6/23/94. A field report is also included in the file.

This letter also serves to document our meeting on 5/18/95. Attendees included Rick Pilat of RSI, Kevin Graves of the RWQCB, yourself, and myself. We discussed the need for remediation due to the significant concentrations of groundwater contaminants. Various remediation options were discussed. **You are therefore requested to submit a remediation workplan (aka Corrective Action Plan) within 45 days, or by July 20, 1995.**

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

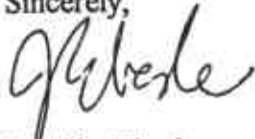
June 5, 1995
STID 1248
John Rutherford
page 2 of 2

During the 5/18/95 meeting, you agreed to conduct further delineation of the groundwater plume in the vicinity of well RS-7 on Brighton Ave. This is the farthest downgradient monitoring well point, and significant concentrations of contaminants continue to appear. **The workplan or CAP should also address this issue.** We also discussed the need to add MTBE analysis along with the BTEX analysis in future groundwater sampling.

I have discussed the status of this case with Cheryl Gordon of the SWRCB UST CleanUp Fund today. I indicated that this case appears to be "in compliance," and this status has been noted in the SWRCB office. I understand that your Letter of Commitment (LOC) should be issued after 7/15/95.

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

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Kevin Graves, RWQCB
Rick Pilat, Remediation Service, Intl, 2060 Knoll Dr., Suite 200, Ventura CA 93003
Cheryl Gordon, SWRCB, UST CleanUp Fund
Mee Ling Tung/file

je.1248

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Desert Petroleum Today's Date 6/23/94

Site Address 4035 Park Blvd.
 City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER 8K UST
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Removal of 10K UST

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:
 10:00 arrived onsite
 10:05 Removal of 8K steel regular gasoline UST: tar-wrapped, no obvious holes
 10:25 Larry James of OFD arrived.
 10:30 Removal of 10K steel UL gas UST: tar-wrapped, these 2 USTs hauled by H+H under manifest # 92218289. Rinsate transported by Manley under manifest # 92297981. It's ~12' bgs to bottom of USTs. There is a small amt of water below USTs, but it is probably not gw, based on our digging below this + finding dry soil, w/ no water leaching in.
 11:15 began sampling soil under tanks T1 + T2; see attached map. T1 samples will be analyzed for total lead. These 4 samples were taken ~14' bgs in clay w/ gravel, brown, no odor. "B" samples are from fill end. This assumed "clean" brown clay layer is overlain by a thin layer of stained, odorous (HC) soil.

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Rsk Assessment 25534(d)
- 16. Persons Responsible 25534(a)
- 17. Certification 25534(m)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General**
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks**
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Groundwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/groundwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

- 7. Prets Tank Test Date: 2643
- 8. Inventory Rec. 2644
- 9. Soil Testing . 2646
- 10. Ground Water. 2647

- New Tanks**
- 11. Monitor Plan 2632
 - 12. Access. Secure 2634
 - 13. Plans Submit Date: 2711
 - 14. As Built Date: 2635

Rev #/## 11:47 left site

Contact: _____
 Title: Western Geog-Engineers
 Signature: [Signature]

Inspector: Jennifer Eberke
 Signature: [Signature]

II, III

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Desert Petroleum Today's Date 6/23/94

Site Address 4035 Park Blvd

City Oak Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 - II. Business Plans, Acute Hazardous Materials
 - III. Underground Tanks
- 6K gasoline removal of 200 gal w.o. UST*

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OHSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25536

III. UNDERGROUND TANKS (Title 23)

- General**
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks**
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Groundwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/groundwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

- 7. Precs Tank Test Date: _____ 2643
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647

- New Tanks**
- 11. Monitor Plan 2632
 - 12. Access. Secure 2634
 - 13. Plans Submit 2711
 - Date: _____
 - 14. As Built 2635
 - Date: _____

Comments:
 4:05 arrived onsite
 8K Super UL gas UST + waste oil UST have been removed already.
 4:10 began sampling under T3 @ ~2' below the UST, at ~1/4' bgs. Soil samples have no odor, are clayey w/gravel, + brownish.
 4:30 Sampled w.o. pit at ~7 1/2' bgs. (Bottom of no UST was ~6' bgs). (WO-1). Soil in pit looks clean, as did sample WO-1: brown, silty clay.
 4:50 Sampled dispensers/piping connection at ~2' bgs.
 5:00 W.O. UST is rusty but has no obvious holes. 5:10 Stockpile samples taken.
 The SP from fuel USTs is being back-filled bec. a) RP has no \$ to offhaul or overex, b) safety hazard, + c) need to restore site visually + esthetically.
 The 2 USTs will be offhauled tomorrow, by Manley + Sons.
 left site

5.25

II, III

Contact: _____

Title: _____

Signature: 

Inspector: _____

Signature: 



6-23-94 Desert Petro

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
80 SWAN WAY, ROOM 200
OAKLAND, CA 94621
PHONE NO. 510/271-4320

gr

J. Eberte

See changes in red

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH
429 - 77th Street, Third Floor
Oakland, CA 94612
Telephone (415) 874-7237

These plans have been reviewed and found to be acceptable and meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to insure compliance with State and local laws. The original approval herein is now required for issuance of any required building permits for construction.

A copy of these original plans must be on file and available to all contractors and consultation involved with the removal.

All moving or alterations of these plans and specifications must be submitted to this Department and to the fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 48 hours prior to the following required inspections:

- Removal of Tank and Piping
- Sampling
- Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable laws and codes.

THIS IS A PRELIMINARY REVIEW AND NOT A GUARANTEE OF THE ACCURACY OF THE DATA.

J. Eberte 5-12-94

UNDERGROUND TANK CLOSURE PLAN

*** Complete according to attached instructions ***

1. Business Name Desert Petroleum Inc. #793
Business Owner Desert Petroleum Inc.
 2. Site Address 4035 Park Blvd.
City Oakland Zip 94602 Phone none
 3. Mailing Address P.O. Box 1601
City Oxnard Zip 93035 Phone 805/644-6784
 4. Land Owner Desert Petroleum Inc.
Address P.O. Box 1601 Oxnard City, State CA Zip 93035
 5. Generator name under which tank will be manifested _____
Desert Petroleum Inc.
- EPA I.D. No. under which tank will be manifested CAL 00000 5069

6. Contractor Newland Ex, Corp. DBA Remediation Service Int'l. *checked it*
Corp. (exp - 3-31-95) 5-9-94
Address 2060 Knoll Drive
City Ventura, CA Phone 805/644-6784
License Type* A Gen. Engineering ID# 615877 *current + active*
also Hazard Waste Cert. ✓

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board. Indicate that the certificate has been received, in addition, to holding the appropriate contractors license type.

7. Consultant Western Geo-Engineers *George Converse*
Address 1386 E. Beamer St.
City Woodland, CA Phone 916/662-4541

8. Contact Person for Investigation
Name John Rutherford Title Dir. Environmental Affairs
Phone 805/644-6784

9. Number of tanks being closed under this plan 4
Length of piping being removed under this plan 40'
Total number of tanks at facility 4

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

** Underground tanks are hazardous waste and must be handled **
as hazardous waste

a) Product/Residual Sludge/Rinsate Transporter *N/A*
Name Erickson Inc. EPA I.D. No. CAD 009466392
Hauler License No. 00019 License Exp. Date N/A
Address 255 Park Blvd.
City Richmond State CA Zip 94801

b) Product/Residual Sludge/Rinsate Disposal Site *N/A*
Name Erickson Inc. EPA I.D. No. CAD 009466392
Address 255 Park Blvd.
City Richmond State CA Zip 94801

c) Tank and Piping Transporter

Name Erickson Inc. EPA I.D. No. CAD 009466392
Hauler License No. 00019 License Exp. Date N/A
Address 255 Park Blvd.
City Richmond State CA Zip 94801

d) Tank and Piping Disposal Site

Name Erickson Inc. EPA I.D. No. CAD 009466392
Address 255 Park Blvd.
City Richmond State CA Zip 94801

Manley + Sons Trucking Inc., CA# 0000 27769 3-31-95
11. Experienced Sample Collector *9340 Barber Rd., Sacto*

Name Rick Pilat
Company Remediation Service Int'l
Address 2060 Knoll Drive
City Ventura State CA Zip 93003 Phone 805/644-6784

12. Laboratory

Name Coast to Coast Analytical Services
Address 4765 Calle Quetzal
City Camarillo State CA Zip 93012
State Certification No. 3687919-5

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

If yes, describe. Site is under remediation and assessment at present.

14. Describe methods to be used for rendering tank inert

Inert with dry ice (^{10¹⁵} lbs per 1000 gallon capacity) two hours prior to work

Meter verification under agency direction prior to removal. *clarify*

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

tank	Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
	Capacity	Use History (see instructions)		
3	8,000	A-Installation unknown B-Product-Gasoline 1974 reg-UL	Soil	A-Approx. 10' two (2) feet below UST, into native soil-bottom and side walls.
2	8,000	A-Installation-Unknown B-Product-Gasoline 1966 premium UL	Soil	
1	10,000 ✓	A-Installation-1966 B-Product-Gasoline	Soil	B-Other samples as directed by Agency.
4	280	A-Installation-Unknown B-Product-Waste Oil unk. (Tanks last used 12/7/89)	Soil	

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.

Excavated/Stockpiled Soil	
Stockpiled Soil Volume (Estimated)	Sampling Plan
100 cubic yards	4-pt. composite 1 st sample per 50 cubic yards for the landfill, or 1 per 20 yd ³ for reuse.

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

16. Chemical methods and associated detection limits to be used for analyzing samples

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
gasoline USTs TPH-Gasoline Total lead	GCFID	5030 AH	1.0 PPM
	GCFID	3550	1.0 PPM
TPH-Diesel	GCFID		0.005 PPM
BTXE	GCFID	8260	
Oil & Grease	D & F	8010 5520	50.0
VOC;s	waste oil UST	8270 8010	
Semi VOC's		AA 8270	
5 metal		AH	

17. Submit Site Health and Safety Plan (See Instructions)

18. Submit Worker's Compensation Certificate copy

Name of Insurer American Home Assurance #6122

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

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 health and safety. 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.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of Contractor

Name (please type) Michael L. Joy W/RSI

Signature [Handwritten Signature]

Date 3-29-94

Signature of Site Owner or Operator

Name (please type) John Rutherford

Signature [Handwritten Signature]

Date 3-29-94

Site Health and Safety Plan

The following Health and Safety Plan has been developed to protect and ensure the safety of individuals working at the job site located at 4035 Park Blvd., Oakland, CA 94602.

1. Facility/Job Site

The facility is a retail gasoline service station. The job site work consists of excavation, compaction, and sampling of soils on site.

2. Health and Safety Officer

Mr. John Rutherford is the Project Manager and Safety Officer - 805-644-6784. The designated safety officer in his absence will be the field supervisor on site. The safety officer has full authority to operate, correct any problems, or shut down the job activities if required, in order to maintain safety.

3. Safety Briefings

All on-site employees and contractors will be briefed on a daily basis prior to beginning work concerning any safety or health hazards. This briefing will be conducted by the on-site supervisor (safety officer).

4. Personal Protection Equipment

- a. This site is being treated as a Class D level site.
- b. Personnel will wear safety glasses when working in the area.
- c. Organic half mask and respirators will be available and are to be used should vapors become noticeable.
- d. Nitrile gloves will be worn during work when a potential for direct contact with hazardous chemicals exists.
- d. The on-site safety officer will designate hard hat areas within the work zone of the site.

5. Confined Space Procedures

No confined space entry will be allowed.

6. Site Security

The work zone will be restricted to authorized personnel and selected subcontractors. All stockpiled soil and equipment will remain inside the areas of the work zone. Security and warning will be done using barricades, fencing and caution tape as needed.

7. Job Hazard Analysis

Petroleum hydrocarbons are the only known chemical hazard that may be encountered. These include:

- a. Total Petroleum Hydrocarbons
- b. Benzene
- c. Ethyl Benzene
- d. Toluene
- e. Xylenes

Chemical concentrations will vary but are not expected to exceed those found at a normal gasoline facility, ACGIH Gasoline TLV 300 ppm, STEL 500 ppm. If dermal contact occurs, the affected area is to be flushed with water. Should vapors or fumes be inhaled, the person will be removed from the work area.

8. Spill Containment/Emergency

In a small spill situation, the spill will be absorbed with sand or any other available and appropriate material. The disposal will depend on the concentration of the contaminant. In the case of a large spill or fire, the Fire Department will be called. On-site personnel will be used as first responders under supervision of the site safety officer.

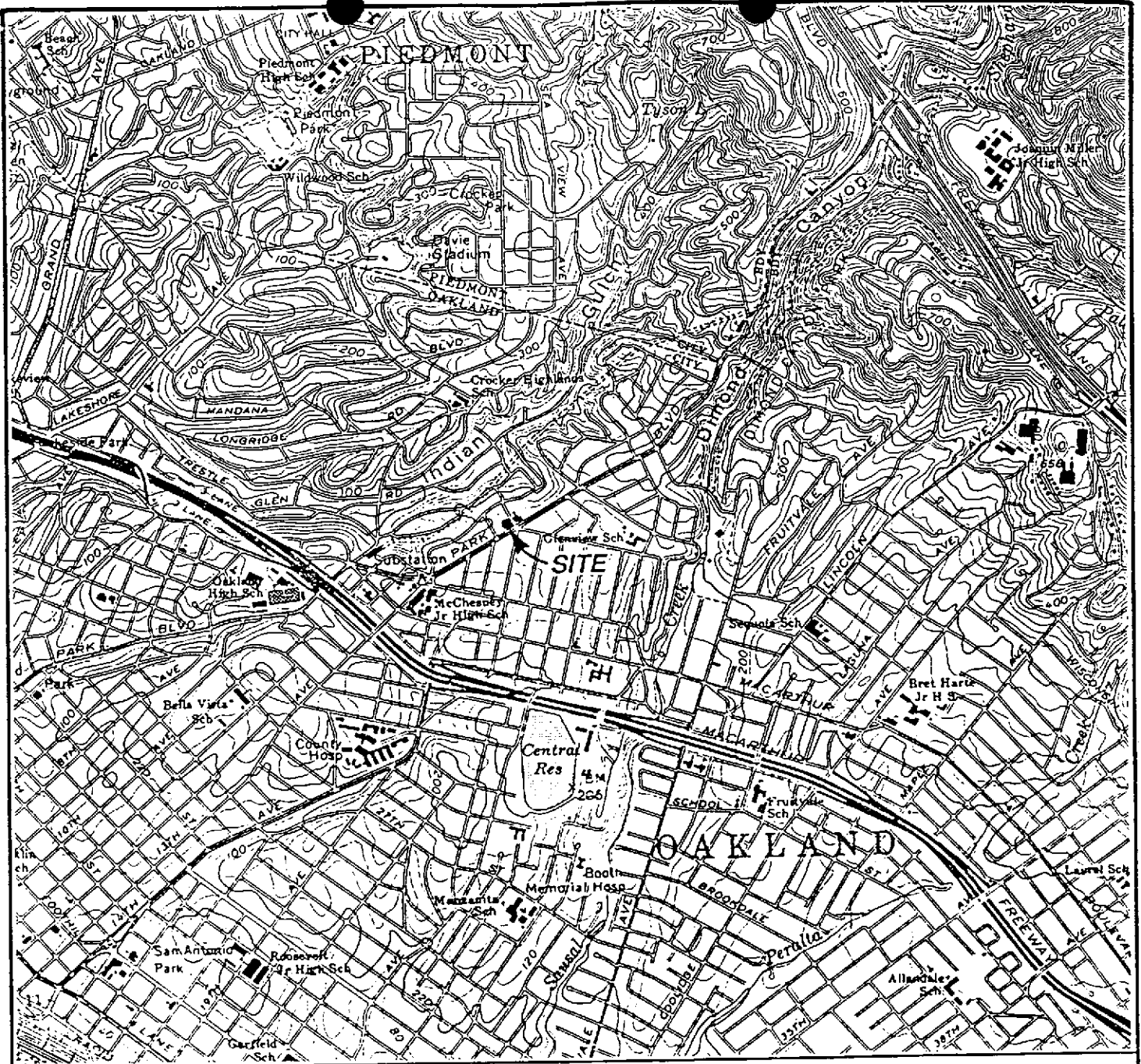
Emergency Response Numbers:

Paramedics: 911
Fire Department: 911
Hospital: 510/534-8055

Telephone service is available at the work site. The nearest hospital facility is Highland General Hospital, located at 1411 E. 31st. Street, Oakland.

9. Training Requirements

All employees, contractors and subcontractors working in hazardous materials/waste operations on site are trained under 29 CFR 1910.120 Regulations and other appropriate OSHA training as applicable to their job function.



A portion of the U.S.G.S. "Oakland East, California" 7 1/2' quadrangle

LOCATION MAP
DESERT PETROLEUM STATION NO. 793
OAKLAND, CALIFORNIA
 Prepared for
DESERT PETROLEUM
VENTURA, CALIFORNIA

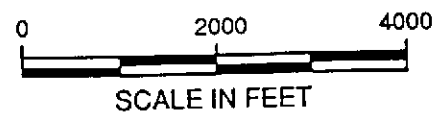


FIGURE 1

State of California
Contractors State License Board

Pursuant to Chapter 9 of Division 3 of the Business and Professions Code
and the Rules and Regulations of the Contractors State License Board,
the Registrar of Contractors does hereby issue this license to:

REMEDICATION SERVICE INT'L
* NEWLANDEX CORPORATION



to engage in the business or act in the capacity of a contractor
in the following classification(s):

A - General Engineering Contractor

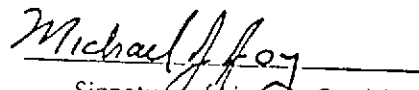


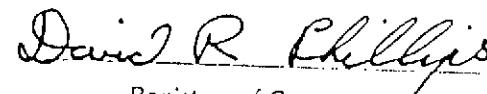
Witness my hand and seal this day,

March 28, 1991

Issued March 23, 1991


Signature of Licensee


Signature of License Qualifier


Registrar of Contractors

615877
License Number

This license is the property of the Registrar of Contractors, is not
transferable, and shall be returned to the Registrar upon demand
when suspended, revoked, or invalidated for any reason. It becomes
void if not renewed.

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY CONTRACTORS STATE LICENSE BOARD

DEPARTMENT OF
**Consumer
Affairs**

Building Quality



HAZARDOUS SUBSTANCES REMOVAL AND REMEDIAL ACTIONS CERTIFICATION

Pursuant to the provisions of Section 7058.7 of the Business and Professions Code, the Registrar of Contractors does hereby certify that the following qualifying person has successfully completed the hazardous substances removal and remedial actions examination.



Qualifier: MICHAEL JOHN JOY

License No.: 615877

Namestyle: NEWLANDEX CORP. * REMEDIATION SERVICE INT'L.

WITNESS my hand and official seal this
23RD day of MARCH, 1991
Dennis R. Phillips
Registrar of Contractors

131L-36 (7/88)

This certification is the property of the Registrar of Contractors, is not transferable, and shall be returned to the Registrar upon demand when suspended, revoked, or invalidated for any reason.

A3809



State of California
CONTRACTORS STATE LICENSE BOARD



License Number

615877

Entity

CORP

Business Name

NEIL ANDRY CORPORATION DBA
MEDIATION SERVICES INTL

Classification

Expiration Date

03/31/95

ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)
6/28/93

PRODUCER

ANDREINI AND COMPANY
20 WEST 20TH AVENUE
SAN MATEO, CA. 94403
(415) 573 - 1111

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.

COMPANIES AFFORDING COVERAGE

COMPANY A	PLANET INSURANCE COMPANY
COMPANY B	SUTTER INSURANCE COMPANY
COMPANY C	AMERICAN HOME ASSURANCE COMPANY
COMPANY D	

INSURED

NEWLANDEX CORPORATION
DBA: RSI
P.O. BOX 1601
OXNARD, CA 93032-1601

COVERAGES

THIS IS TO CERTIFY THAT THE 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.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> OWNERS' & CONT PROT	NGB2509893-01	10/20/93	10/01/94	GENERAL AGGREGATE \$1,000,000
	PRODUCTS-COMP/OP AGG \$1,000,000				
					PERSONAL & ADV INJURY \$1,000,000
					EACH OCCURRENCE \$1,000,000
					FIRE DAMAGE (Any one fire) \$ 50,000
					MED EXP (Any one person) \$ 5,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	AL39132	10/01/93	10/01/94	COMBINED SINGLE LIMIT \$1,000,000
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
					AGGREGATE \$
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$
					AGGREGATE \$
					\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL	WC5817628	1/01/93	1/01/94	<input checked="" type="checkbox"/> STATUTORY LIMITS \$
					EACH ACCIDENT \$1,000,000
					DISEASE - POLICY LIMIT \$1,000,000
					DISEASE - EACH EMPLOYEE \$1,000,000
A	POLLUTION & PROFESSIONAL LIABILITY	NTF2509536-01	10/20/93	10/01/94	\$1,000,000 PER CLAIM \$1,000,000 AGGREGATE CLAIMS MADE FORM \$25,000 S.I.R.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

*EXCEPT WITH RESPECT TO NON-PAYMENT, WHICH IS 10 DAYS.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 830 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

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

1/31/1994

PRODUCER

Andreini & Company
220 W 20th Ave.
San Mateo, CA 94403
(415) 573-1111

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COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A** AMERICAN HOME ASSURANCE CO.
 COMPANY LETTER **B**
 COMPANY LETTER **C**
 COMPANY LETTER **D**
 COMPANY LETTER **E**

INSURED

NEWLANDEX CORPORATION
DBA: REMEDIATION SERVICE INT'L
P.O. BOX 1601
OXNARD, CA 93032-1601

COVERAGES

THIS IS TO CERTIFY THAT THE 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.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR. <input type="checkbox"/> OWNERS & CONTRACTORS PROT.				GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG. \$ PERSONAL & ADV. INJURY \$ EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY				COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE \$ AGGREGATE \$
A	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	WC5819166	01/01/94	01/01/95	<input checked="" type="checkbox"/> STATUTORY LIMITS EACH ACCIDENT \$ 1,000,000 DISEASE - POLICY LIMIT \$ 1,000,000 DISEASE - EACH EMPLOYEE \$ 1,000,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

30 DAYS CANCELLATION EXCEPT WITH RESPECT TO NON-PAY, WHICH IS 10 DAYS.

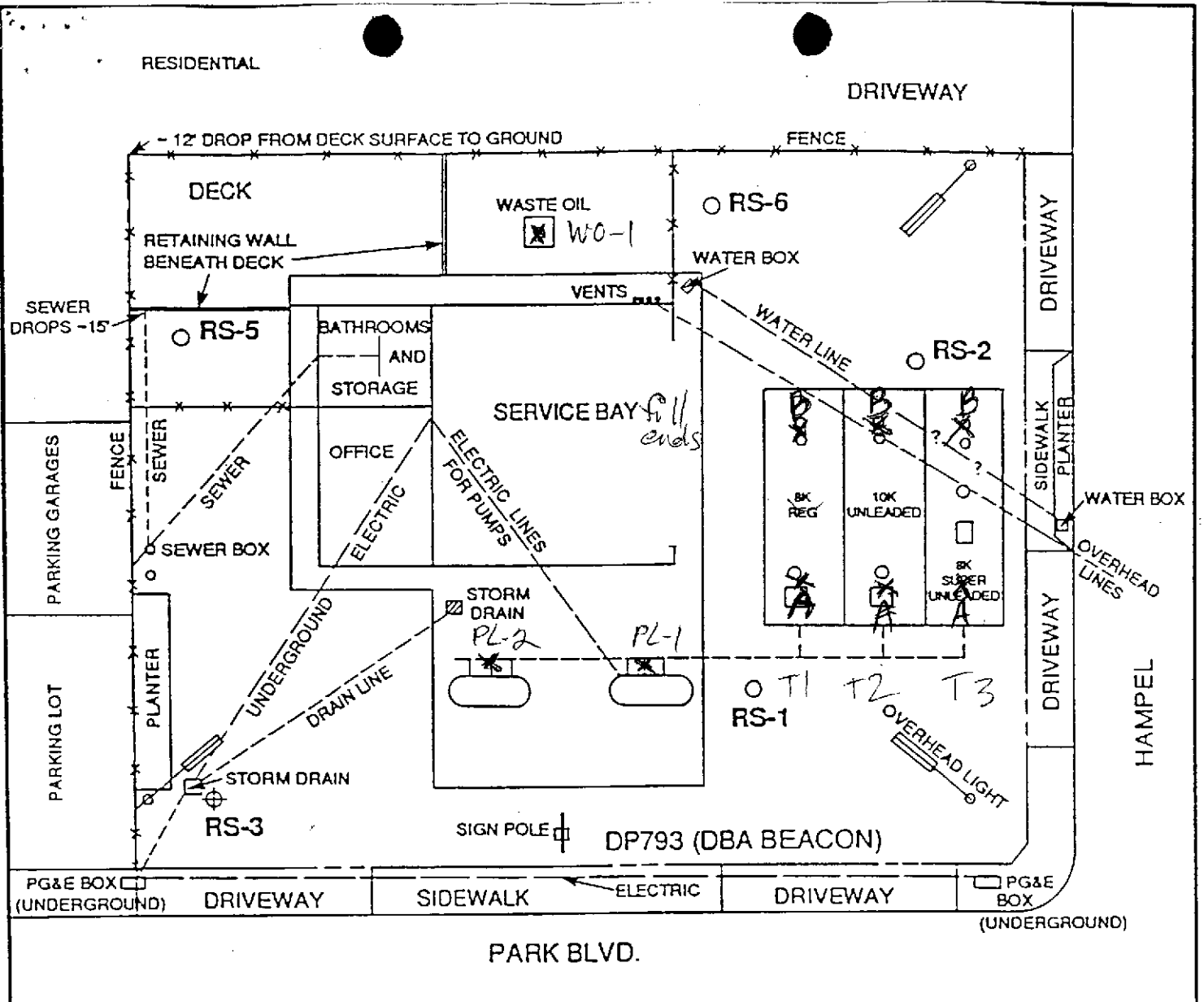
CERTIFICATE HOLDER

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.

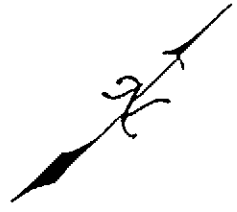
AUTHORIZED REPRESENTATIVE

Michelle L. Smith



PLOT PLAN
DESERT PETROLEUM STATION NO. 793
OAKLAND, CALIFORNIA
 Prepared for
DESERT PETROLEUM
VENTURA, CALIFORNIA

JR 805-645-
 4251
 pager



EXPLANATION

- RS-4 ⊕ RSI Boring (12/89)
- RS-6 ○ RSI Monitoring Well (12/89)

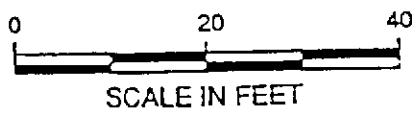


FIGURE 3

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

April 11, 1994

Gary Grimm, Board Legal Counsel
California Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster St., Suite 500
Oakland, CA 94612

Re: Desert Petroleum Sites in Alameda County

Dear Gary Grimm:

This letter is written pursuant to your memorandum dated March 23, 1994 concerning the Chapter 11, Petition in Bankruptcy, of Desert Petroleum. The following sites are overseen by this agency:

2844 Mountain Blvd. Oakland, CA 94602 (STID# 851)	Waste oil tank being removed and investigation is being undertaken
4035 Park Blvd. Oakland, CA 94602 (STID# 1248)	Investigation is being undertaken and plan is being put together to remove the tanks.
2008 1st St. Livermore, CA 94550 (STID# 1689)	Monitoring well proposal has been submitted
15201 Washington Ave. San Leandro, CA 94578 (STID# 1176)	A recent Dec. 93 monitoring report has been submitted, for last 3 quarters.

Your request was for 5 types of information. Name and location is above. Brief status is above. Brief description of necessary investigation is as follows. The two sites with tanks in the ground must have the tanks removed. Upon removal the sites must be investigated for contamination. The contamination, if found, must be delineated and a plan to remediate the site formulated. All sites must monitor contamination levels and remediate soil and/or groundwater until the sites are clean.

This office does not keep track of the cost of any of these activities. The Underground Storage Tank Clean-up Fund is better suited to this task. It is not known where any of these sites

Gary Grimm
RWQCB (Desert Petroleum)
April 11, 1994
Page 2 of 2

are on any LUST list. I hope this information helps you with your work.

If you have any questions please call this office.

Sincerely,



Thomas F. Peacock, Supervising HMS
Hazardous Material Division

cc: Edgar Howell, Chief - files
Mike Harper, SWRCB
Larry Blazer, Alameda County District Attorney's Office
Lester Feldman, RWQCB
William R. Attwater, Chief Counsel, SWRCB, 901 P St.,
Sacramento, CA 95814

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

April 8, 1994
STID 1248

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

John Rutherford
Director, Environmental Affairs
Desert Petroleum
PO Box 1601
Oxnard CA 93032

RE: former Desert Petroleum Service Station #793, 4035 Park
Blvd., Oakland CA 94602

Dear Mr. Rutherford,

This letter serves to document our meeting on 3/16/94, in which Alameda County Assistant District Attorney Gil Jensen was also in attendance. Tom Peacock of this office was also in attendance, although briefly.

During this meeting, the site history was discussed. We agreed to resample the wells, and to submit a UST closure plan. This would help get DP back into compliance vis-a-vis the UST reimbursement fund. We then reviewed our files and found that we are missing the Resna report on the soil borings done on the adjacent property. You agreed to supply us with this report.

As you know, the wells were sampled on 4/7/94. At that time, you indicated that you could not locate the Resna report. I left a message for Greg Stahl of Resna on 4/7/94 regarding this report.

I must continue to impress upon you this office's concern for remediation of this site. **Please submit the results of the 4/7/94 groundwater sampling immediately upon receipt by you.** While we understand that the State Attorney General's Office is considering a statewide action, that action appears to be subject to review. Your forthright attention to the Desert Petroleum sites in Alameda County could be the basis for this office not participating in that statewide action.

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

Sincerely,

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

Jennifer Eberle
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County Assistant District Attorney
Tom Peacock, Alameda County Haz Mat
Ed Howell/file

je

white -env. health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Desert Petroleum Today Date 4/7/94

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address 4035 Park Blvd
 City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Sampling

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

9:00 arrived on site
 Comments: #4032
 Went to Brighton Av. storm drain + the manhole w/OVM; got N.D. Opened RS-7 and found no free product (FP).
 9:30 Went to RS-5. The well seal is not intact, + the locking traffic box is not watertight. No FP. 9:35 went to RS-1. No FP. 9:40 went to RS-6. Got 173ppm on OVM, then it went dead. Used H/Way + got N.D. No FP. 10:15 went to RS-7 to bail. Water has an organic odor, similar to sewage. Slight sheen on water in the drum. Gasoline odor. 10:50 collected 4 UOAs from RS-7. Purge water will be drummed, characterized + properly disposed.
 11:10 left site

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N) _____
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) _____
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|-------------------------------|--|
| General | ___ 1. Permit Application 25284 (H&S) |
| | ___ 2. Pipeline Leak Detection 25292 (H&S) |
| | ___ 3. Records Maintenance 2712 |
| | ___ 4. Release Report 2651 |
| | ___ 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | ___ 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose |
| | Semi-annual groundwater |
| | One time soils |
| | 3) Daily Vadose |
| | One time soils |
| | Annual tank test |
| | 4) Monthly Gndwater |
| | One time soils |
| 5) Daily Inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| Vadose/gndwater mon. | |
| 6) Daily Inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| 7) Weekly Tank Gauge | |
| Annual tank test | |
| 8) Annual Tank Testing | |
| Daily inventory | |
| 9) Other _____ | |
| New Tanks | ___ 7. Precls Tank Test 2643 |
| | Date: _____ |
| | ___ 8. Inventory Rec. 2644 |
| | ___ 9. Soil Testing . 2646 |
| ___ 10. Ground Water. 2647 | |
| ___ 11. Monitor Plan 2632 | |
| ___ 12. Access. Secure 2634 | |
| ___ 13. Plans Submit 2711 | |
| Date: _____ | |
| ___ 14. As Built 2635 | |
| Date: _____ | |



RICHARD W. PILAT
 Senior Engineer
 Program Director

2060 KNOLL DR., SUITE 200
 VENTURA, CA 93003

(805) 644-5892
 FAX (805) 654-0720

Rev 6/88

Contact: _____

Title: _____

Signature: [Signature]

Inspector: Jennifer Eberte

Signature: [Signature]

desert petroleum inc.

ALCO
HAZMAT

94 APR -1 AM 11:58

John Rutherford
Director
Environmental Affairs

March 30, 1994

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way, Rm #200
Oakland, CA 94621

RE: Application to Remove Storage Tanks
Desert Petroleum #793
4035 Park Blvd., Oakland, CA

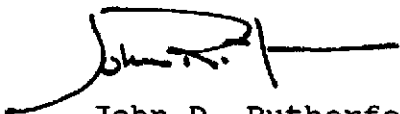
Dear Ms. Eberle:

Enclosed are the applications to remove the abandoned UST's at the referenced Desert location.

In our meeting we discussed starting the application process and also doing a monitoring round at the site. We have scheduled monitoring and inspection to be done during the first week in April. A formal report will be submitted upon receiving the Analytical results.

You indicated that you would forward a summary of the meeting of March 16, 1994 and I would appreciate a copy at your convenience.

Very truly yours,



John D. Rutherford

enclosures

cc: W. E. Thompson
L. Carpiac, Esq.
Doug Wilson, SWRCB

JE rec'd 4-7-94 JE

Memorandum

ALCO
HAZMAT

To : RWQCB Executive Officers
94 APR -4 PM 1:37

Date: March 23, 1994

[Handwritten signature]

William R. Attwater
Chief Counsel

From : **OFFICE OF THE CHIEF COUNSEL**
Gary Grimm
STATE WATER RESOURCES CONTROL BOARD
901 P Street Sacramento, CA 95814
Mail Code G-8

Post-It™ brand fax transmittal memo 7671		# of pages » 1
To	<i>J. Grimm</i>	From <i>D. [unclear]</i>
Co.	<i>SR2</i>	Co. <i>SWRCB</i>
Dept.		Phone #
Fax #		Fax #

Subject: DESERT PETROLEUM, INC.: CHAPTER 11, PETITION IN BANKRUPTCY

Desert Petroleum filed a voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code in 1992. As the San Francisco Bay Regional Board has several Desert Petroleum sites in their region requiring soil and ground water remediation, they have requested the Attorney General to pursue claims. It further appears that there are numerous sites throughout the State that may be affected by this bankruptcy. Thus, the SWRCB has requested the Attorney General's Office to represent the SWRCB and all the RWQCBs in this matter.

In view of the above, please provide a list of Desert Petroleum sites in your region where soil, ground water, or surface water investigation or remediation is or may be necessary. Your list should include the following information for each site:

1. Name and location of the site.
2. Brief status of RWQCB regulation of the site.
3. Brief description of necessary investigation and remediation.
4. General estimate of cost of investigation and remediation.
5. Where the site is on the LUST list.

The contact person in this case is Gary Grimm (510) 286-0889 on behalf of the Office of the Chief Counsel. Please send this information directly to him at the San Francisco Bay Regional Board office within two weeks of the date of this letter. Remediation of sites may be barred by the bankruptcy proceedings unless*appropriately pursued by the Attorney General.

cc: William Abbey
Deputy Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

State of California
California Regional Water Quality
Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612



he's actually on SB counsel

Gary J. Grimm
Board Legal Counsel

(510) 286-0889
FAX (510) 286-1380

MODE = TRANSMISSION

START=FEB-07 11:43

END=FEB-07 11:46

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
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-ALCO HAZMAT



Certified Mailer # P 418 724 667

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

September 15, 1993

Mr. John Rutherford
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032

Re: Desert Petroleum
4035 Park Boulevard
Oakland, CA 94602

NOTICE OF VIOLATION

On August 11, 1993 an inspection of your above listed property revealed that there were several small containers of antifreeze, brake fluid, gear oil, motor oil, waste oil, grease, gasoline, car batteries and two 55 gallon drums of contaminated carbon filters from an unused soil remediation system abandoned by a previous tenant. These must all be properly recycled or disposed of as hazardous waste by a licensed hazardous waste hauler with copies of the manifests submitted to this office within 30 days of the receipt of this letter as per Section 66262.40 of Title 22 of the California Code of Regulations.

Please note that any person who disposes or causes the disposal of any hazardous waste at a point not authorized is liable for a civil penalty of not less than one thousand dollars (\$1000) per violation per day.

In addition, the inspection also revealed the presence of four underground petroleum storage tanks that have not been used for at least two years.

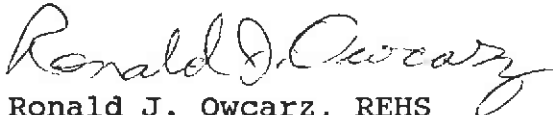
In accordance with the California Code of Regulations, Title 23, Chapter 3, Subchapter 16, Article 7, Section 2670, you are now required to submit an underground tank closure plan to this department within 30 days of the receipt of this letter. I have enclosed a copy of this form along with the state permit A and B forms along with a form letter that outlines the underground tank removal process in Alameda County.

Mr. John Rutherford
September 15, 1993
page 2 of 2

Please note that Section 25298 of the California Health and Safety Code states that any owner or operator of an underground storage tank is liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5000) per day for failing to properly close an underground tank.

If you have any questions on this matter, please contact me at (510) 271-4320.

Sincerely,



Ronald J. Owcarz, REHS
Hazardous Materials Specialist

Enclosures

cc: Gil Jensen, Alameda County District Attorney's Office
Jennifer Eberle, Alameda County Hazardous Materials LOP
Paul Giardina, DTSC
Rich Hiett, RWQCB
Ariu Levi - file

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAEL A. SHAHID, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
USEPA Local Oversight Program
80 Swan Way, Room 200
Oakland, CA 94612
(510) 771-7339

July 28, 1993

Steven R. Ritchie
Executive Officer
California Regional Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Re: Referral of Desert Petroleum sites to Regional Board

Dear Mr. Ritchie:

Several Local Oversight Program sites within Alameda County are owned by Desert Petroleum, Inc. These include:

2844 Mountain Boulevard
Oakland, CA 94602
(Site ID No. 851)

JE

4035 Park Boulevard
Oakland, CA 94602
(Site ID No. 1248)

JE

2008 1st Street
Livermore, CA 94550
(Site ID No. 1689)

15201 Washington Avenue
San Leandro, CA 94578
(Site ID No. 1176)

We have been informed by Desert Petroleum that the corporation is currently in Chapter 11 bankruptcy, and that therefore they cannot release funds to conduct investigations of known releases or the appropriate followup remediation at these sites. A copy of this filing is attached.

Larry Blazer of our District Attorney's Office has checked into the bankruptcy and learned that it is pending in Los Angeles (Case number LA 92-14240-RR; a copy of the notice of filing is attached). He has also learned that a number of other counties are having trouble with Desert Petroleum sites (including Orange, Ventura and Santa Barbara). Mr. Blazer has checked with Mark

July 28, 1993
Page 2 of 2
Steven Ritchie, RWQCB

Urban, a Deputy Attorney General with the Natural Resources Division in Sacramento. Urban told him that if his Division gets a referral of these cases from the Water Board, the AG can appear in the bankruptcy proceeding, file the appropriate claims and coordinate a comprehensive statewide approach to the problem. Although Urban himself may not get the case, he has substantial experience in dealing with multi-county (or multi-state) underground storage tank problems in bankruptcy. (He worked on the recent Circle-K settlement, as well as Thrifty Oil).

In recent discussions with both Gary Grimm and Lester Feldman, they have agreed that this strategy, given the scope of the problem, would be worth a try.

Therefore, please accept this letter as a formal referral of these LOP sites back to the Regional Board.

If you have any questions, please call me or Larry Blazer (569-9281).

Very truly yours,



Thomas F. Peacock
Supervising Hazardous Materials Specialist

cc: Sandra Malos, State Water Resources Control Board
Lester Feldman, Regional Water Quality Control Board
Gary Grimm, Regional Water Quality Control Board
Larry Blazer, Alameda County District Attorney's Office
Edgar B. Howell - Chief, Files
Attachments

Welcoming a new police chief: Page 7

THE

MONTCLARION

Weekend Edition

Oakland's Locally Owned Community Newspaper

Friday, July 2, 1993

No. 85

50¢

Tax included

Barrels removed from gas station

By Charles Levin
The Montclarion

Approximately 16 barrels and some of their contents — contaminated soil and water — were removed from a deserted Glenview neighborhood gas station Wednesday, the latest episode in the stalled environmental cleanup of the former J&M Service Station on Park Boulevard.

Remediation Services International (RSI), an Oxnard-based environmental clean-up company, moved the barrels to the Glenview

neighborhood site on June 16.

Responding to an anonymous neighborhood complaint, county hazardous materials specialists tested the soil and water, and found them to have detectable levels of oil and grease.

According to county specialist Jennifer Eberle, RSI dumped soil on the ground and water in a trench used for fuel piping.

RSI officials claim they had permission from Desert Petroleum, owners of the site, to store the containers there and that the contents were clean.

"If we had any reason to believe there was any contamination in the soil, they wouldn't have been left there," said Mike Orman, RSI's chief administrative officer, speaking Tuesday.

However, Eberle said water samples taken from the trench used for fuel piping indicated signs of oil and grease, normally associated with waste oil tanks. Soil samples taken from the ground also indicated the same detectable levels, she said.

The contents came from a deserted Goodyear Tire center site at

2025 Telegraph Ave., where Orman said RSI had been conducting tests on the soil and water.

RSI dumped some of the contents so the barrels could be reused, he said.

Desert Petroleum officials said they knew RSI would be storing the barrels there, and had insisted the contents were clean.

After being notified by the county on Tuesday of the content, they began to remove the barrels and spilled soil immediately, said Eberle.

See BARRELS on page 8



Jeff Lindquist/Montclarion

Desert Petroleum, which owns the station, is bankrupt.

Barrels...

Continued from front page

All of the spilled soil is being removed, but taking out the water may be more time-consuming, requiring discussions with Desert Petroleum and their attorney, she said.

"It looks like this is being handled properly," said Eberle, who added that she received a letter from RSI dated June 22 that said there were 16 barrels total, 10 with soil and six with water. She could not

confirm whether these barrels were full or not.

However, she said she counted 19 barrels in addition to the 16 that were there prior to this incident.

"(RSI) offered me the free barrels," said John Rutherford, Desert Petroleum's director of environmental affairs. "They had no place for them."

RSI had been conducting a cleanup on the Glenview site for Desert Petroleum. That ended in February 1992 when Desert Petroleum filed for Chapter 11, stalling cleanup indefinitely.

Cleanup had originally begun

there in November 1989 after the county notified Desert Petroleum of an unauthorized leak.

Desert Petroleum wants to sell the gas station site for \$375,000, but county officials proclaim the situation a Catch-22: no one will buy it unless it's clean, and it won't get cleaned until the company successfully reorganizes.

The two companies share office space in Oxnard, a southern California coastal town near Ventura.

Eberle said she's hopeful that the recent events may break the deadlock on the Park Boulevard cleanup. ■

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ALLEN F. CAMP
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
WILLIAM B. SMITH
ANNETTE M. LERCEL
RAMON L. GUIZAR
BLAINE J. WANKE
GREGORY W. HERRING

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004
(805) 659-6800
TELECOPIER: (805) 659-6818

July 2, 1993

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way, Room 200
Oakland, California 94621

Re: STID 1248
4035 Park Blvd., Oakland, California

Dear Ms. Eberle:

As a follow-up to our last conversation and correspondence, I have received from Mr. Matt Haley, counsel for Messrs. Golpad and Karimabadi, confirmation that the lease has been terminated and, therefore, we are free to provide access to the service station premises for your further inspection of the contents inside the building.

Accordingly, please contact Mr. Matt Haley to arrange to have a representative of the tenants at the site for this inspection, and on Desert Petroleum's behalf, the coordination will be handled through Mr. John Rutherford.

I expect from the information that has been provided to you, that Messrs. Golpad and Karimabadi will also be listed as RP's with respect to this site and that any further directives, particularly those relating to the material inside the building, will be forwarded to them as well.

Ms. Jennifer Eberle
July 2, 1993
Page 2

If you have any questions or comments, please do not hesitate to call me. In the meanwhile, Mr. John Rutherford will await your call to coordinate the inspection, subject to sufficient advance notice.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By

Lou Carpiac (dlr)

Lou Carpiac

LC:dlr

cc: Desert Petroleum, Inc.
Attention: John D. Rutherford

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

P. 1

II, III

white -env.health
yellow -facility
pink -files

Site ID # _____ Site Name Desert Petroleum Today's Date 7/2/93

Site Address 4035 Park Blvd

City Oakland Zip 94607 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

10:15 Erickson is onsite to remove drums. Mark Spencer from RSI/RMS onsite to supervise. Liquid contents of drums were vacuummed out into Erickson's tank prior to my arrival. The following drums were loaded & removed:
 * 3 blue plastic, 2 black plastic, 2 blue metal, + 1 black metal (12 in total, all empty), + 10 black metal drums of soil.
 * The 2 blue metal drums marked "Wastates Carbon Inc." will remain, pending analytical work.
 * Manifest # 90792207 for "HW Liquid, NOS, ORM-E" destination is Gibson Pilot in Redwood City. Non-haz Waste Data Form used by Erickson for the soil cuttings; destination is Zanker Rd. landfill in San Jose. Form # 3032

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|--|---|
| General | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose |
| | Semi-annual groundwater |
| | One time soils |
| | 3) Daily Vadose |
| | One time soils |
| | Annual tank test |
| | 4) Monthly Groundwater |
| | One time soils |
| 5) Daily inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| Vadose/gndwater mon. | |
| 6) Daily inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| 7) Weekly Tank Gauge | |
| Annual tank tsg | |
| 8) Annual Tank Testing | |
| Daily inventory | |
| 9) Other _____ | |
| New Tanks | <input type="checkbox"/> 7. Precs Tank Test 2643 |
| | Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing . 2646 |
| <input type="checkbox"/> 10. Ground Water. 2647 | |
| <input type="checkbox"/> 11. Monitor Plan 2632 | |
| <input type="checkbox"/> 12. Access. Secure 2634 | |
| <input type="checkbox"/> 13. Plans Submit 2711 | |
| Date: _____ | |
| <input type="checkbox"/> 14. As Built 2635 | |
| Date: _____ | |

Contact: _____

Title: _____

Signature: [Signature]

Inspector: Jennifer Eberle

Signature: [Signature]

II, III

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

P. 1

II, III

Site ID # _____ Site Name Desert Petroleum Today's Date 7/2/93

Site Address 4035 Park Blvd

City Oakland Zip 94607 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

10:15 Ericson is onsite to remove drums. Mark Spencer from RSI/RMS onsite to supervise. Liquid contents of drums were vacuummed out into Erickson's tank prior to my arrival. The following drums were loaded & removed:
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II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Rtk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25534(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General**
- 1. Permit Application 25284 (H&S)
- 2. Pipeline Leak Detection 25292 (H&S)
- 3. Records Maintenance 2712
- 4. Release Report 2651
- 5. Closure Plans 2670
- 6. Method
- 1) Monthly Test
- 2) Daily Vadose
Semi-annual groundwater
One time soils
- 3) Daily Vadose
One time soils
Annual tank test
- 4) Monthly Gndwater
One time soils
- 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
- 6) Daily Inventory
Annual tank testing
Cont pipe leak det
- 7) Weekly Tank Gauge
Annual tank testing
- 8) Annual Tank Testing
Daily Inventory
- 9) Other _____
- 7. Precs Tank Test 2643
Date: _____
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647
- New Tanks**
- 11. Monitor Plan 2632
- 12. Access. Secure 2634
- 13. Plans Submit 2711
Date: _____
- 14. As Built 2635
Date: _____

Rev 6/88

Contact: _____

Title: _____

Signature: J. Mahajan
 for R.S.L.

Inspector: Jennifer Eberle

Signature: J. Eberle

II, III

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

p. 2

II, III

white -env.health
yellow -facility
pink -files

Site ID # _____ Site Name Desert Petroleum Today's Date 7/2/93

Site Address 4035 Park Blvd.

City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

The 500-gal AST of propane is on wheels, & has its own SE (special equipment) license plate so it can be hauled by a truck. Allied Propane Service onsite to off-haul the AST.

We found another black, empty, metal drum behind each tree on property line. MS will put it in the bldg.

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Sids. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(i)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Groundwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

- 7. Precs Tank Test Date: _____ 2643
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647

- New Tanks
- 11. Monitor Plan 2632
 - 12. Access. Secure 2634
 - 13. Plans Submit 2711 Date: _____
 - 14. As Built 2635 Date: _____

Rev 6/88

Contact: _____

Title: _____

Signature: [Signature]

Inspector: Jennifer Eberle

Signature: [Signature]

II, III

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

II, III

p.1

II.A BUSINESS PLANS (Title 19)

1. Immediate Reporting 2703

Site ID # _____ Site Name Desert Petroleum Today's Date 7.1.93

Site Address 4035 Park Blvd.

City Oakland Zip 94608 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Mark Spencer
 (408) 842-4614

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

1105 Hacienda Drive
 Gilroy, CA 95020

Pager (408) 683-1659
 Fax (408) 842-8551

Administration Code (CAC) or the Health & Safety Code (HS&C)

18. Exemption Request? (Y/N) 25536(b)
 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

General
 1. Permit Application 25284 (H&S)
 2. Pipeline Leak Detection 25292 (H&S)
 3. Records Maintenance 2712
 4. Release Report 2651
 5. Closure Plans 2670

Monitoring for Existing Tanks
 6. Method
 1) Monthly Test
 2) Daily Vadose Semi-annual groundwater One time soil
 3) Daily Vadose One time soil
 Annual tank test
 4) Monthly Groundwater One time soil
 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/groundwater mon.
 6) Daily Inventory Annual tank testing Cont pipe leak det
 7) Weekly Tank Gauge Annual tank testing
 8) Annual Tank Testing Daily Inventory
 9) Other _____

7. Precis Tank Test Date: 2643
 8. Inventory Rec. 2644
 9. Soil Testing 2646
 10. Ground Water 2647

New Tanks
 11. Monitor Plan 2632
 12. Access. Secure 2634
 13. Plans Submit 2711 Date: _____
 14. As Built 2635 Date: _____

Comments:

Met Mark Spencer from RSI onsite. Soil pile has been bedrummed into 10 drums (all but 1 are full) marked "Goodyear, 2 not marked bec. they include soil from trench). The other 9 empty drums were put inside the bldg yesterday, as were the empties from back of bldg (I counted ~~20~~ 20). All the empties are to be removed. The 20 drums from back were punctured. MS said one drum has gasoline, but it's labeled "xylene, flam." Other blue metal drum has 4-5" floating product. → Back of bldg: 2 blue metal drums labeled "Westates Carbon Inc." have carbon from the SAVE system, presumably. One black metal drum, unmarked, w/purge water, no floating product, MS said.

4 blue metal
 3 black metal
 2 blue plastic

Title: _____
 Signature: Mark Spencer
 For R.S.I.

Inspector: Jenn Eberte
 Signature: J Eberte

II, III

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

II, III

Site ID # _____ Site Name Desert Petroleum Today's Date 7/1/93

Site Address 4035 Park Blvd
 City Oakland Zip 94602 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

cont back of bldg.
 2 blue plastic drums of purge water
 + 2 black metal drums of same
 (no FP). 1 drum of old bailers,
 also to be disposed. 3 old pumps
 dispensers. Cylinders are gone.

All the drums* are to be removed
 tomorrow. MS got a lock for the fence.
 We're waiting for Allied Propane to
 remove ASTs, but they hadn't left
 their office as of 4:50pm. They'll be
 here tomorrow 10am, as will Erickson
 to remove the drums.

Mark Spencer, is actually w/RMS of
 Gilroy, + he's subcontracting to
 RSI. He said Suburban Propane
 picked up 5 cylinders yesterday.

*except 9 empties in bldg.

II, III

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OnSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(i)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Gndwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

- 7. Precs Tank Test Date: _____ 2643
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647

- New Tanks
- 11. Monitor Plan 2632
 - 12. Access. Secure 2634
 - 13. Plans Submit Date: _____ 2711
 - 14. As Built Date: _____ 2635

Rev 6/88

Contact: _____

Title: _____

Signature: Mark Spencer
 for R.S.I.

Inspector: Jenn Eberke

Signature: J Eberke

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF
 ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

II, III

Site ID # _____ Site Name Desert Petroleum Today's Date 7, 1, 93

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
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- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address 4035 Park Blvd
 City Oakland Zip 94608 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
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- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
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III. UNDERGROUND TANKS (Title 23)

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- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
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 - One time soils
 - 3) Daily Vadose
 - One time soils
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 - 5) Daily Inventory
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 - Cont pipe leak det
 - Vadose/gndwater mon.
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 - 7) Weekly Tank Gauge
 - Annual tank test
 - 8) Annual Tank Testing
 - Daily Inventory
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- ___ 7. Precs Tank Test 2643
 - Date: _____
- ___ 8. Inventory Rec. 2644
- ___ 9. Soil Testing 2646
- ___ 10. Ground Water 2647

- New Tanks
- ___ 11. Monitor Plan 2632
 - ___ 12. Access. Secure 2634
 - ___ 13. Plans Submit 2711
 - Date: _____
 - ___ 14. As Built 2635
 - Date: _____

Comments:

Met Mark Spencer for RSI onsite.
 Soil pile has been bedrummed
 into 10 drums (all but 1 are full)
 (8 marked "Goodyear, 2 not marked bec.
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 other 9 empty drums were put
 inside the bldg yesterday, as were
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 counted ~~20~~ 20). All the ~~09~~ empties are
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 back were punctured. MS said one
 drum has gasoline, but it's labeled
 "xylene, flam." Other blue metal drum
 has 4-5" floating product.
 back of bldg: 2 blue metal drums
 labeled "Westates Carbon Inc." have
 carbon from the SHVE system, presum-
 ably. One black metal drum, un-
 marked, 1 yprge water, no floating
 product, MS said.

II, III

Contact: _____

Title: _____

Signature: Mark Spencer

Inspector: Jenn Eberte

Signature: J Eberte

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form *p. 2*

II, III

Site ID # _____ Site Name Dexet Petroleum Today's Date 7/1/93

Site Address 4035 Park Blvd

City Oakland Zip 94607 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans. Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

*ent back of bldg.
 2 blue plastic drums of surge water
 & 2 black metal drums of same
 (no FP). 1 drum of old trailers,
 also to be disposed. 3 old ~~drums~~
 dispensers. Cylinders are gone.*

*All the drums are to be removed
 tomorrow. MS got a lock for the fence.
 We're waiting for Allied propane to
 remove ASTO but they hadn't left
 their office as of 4:50pm. They'll be
 here tomorrow 10am, as will Erickson
 to remove the drums.*

*Mark Spencer, is actually w/RMS of
 Gilroy, & he's subcontracting to
 NSI. He said suburban propane
 picked up 5 cylinders yesterday.*

**except 9 empties in bldg.*

II, III

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. Offsite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

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- 1. Permit Application 25284 (H&S)
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 - One time soils
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 - 4) Monthly Groundwater
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 - Cont pipe leak det
 - Vadose/gndwater mon.
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 - Cont pipe leak det
 - 7) Weekly Tank Gauge
 - Annual tank tising
 - 8) Annual Tank Testing
 - Daily Inventory
 - 9) Other _____

- 7. Precs Tank Test 2643
 - Date: _____
- 8. Inventory Rec. 2644
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- 10. Ground Water. 2647

- New Tanks
- 11. Monitor Plan 2632
 - 12. Access. Secure 2634
 - 13. Plans Submit 2711
 - Date: _____
 - 14. As Built 2635
 - Date: _____

Rev 6/88

Contact: _____

Title: _____

Signature: *Mark Spenn*
 for R.S.I.

Inspector: *Jean Eberle*

Signature: *J Eberle*

Alameda County Health Care Service Agency
 Department of Environmental Health
 Environmental Health Laboratory

ANALYTICAL REQUEST

Certification No. 1816

Laboratory No. 93-102-(1,2)

SOIL IN DRUMS

Sample Identification: Desert Petroleum (From Goodyear), 4035 Park Blvd., Oakland, CA

Analysis Requested By: Thomas Peacock

Date Collected: 6/18/93

Collected By: Thomas Peacock

Date Received By: 6/18/93

Received By: N. Leung

Analysis Requested: TOG, Lead, TPH-diesel.

Background Information: 2 soil samples from the above location.

ANALYTICAL RESULTS

Parameter	where they poured water (leach)	Observation or Results
Sample#	161893TP	soil pile 261893TP
Laboratory#	93-102-1	93-102-2
Total Oil & Grease (Soxhlet Extraction)	0.14% = 1,400 ppm	0.06% = 600 ppm
Lead Content (Method 7420)	46ppm (TTLC)	12ppm (TTLC)
TPH-diesel	56ppm	95ppm

Conclusions: may have haz waste levels of TOG (>1000 ppm) if it's pos. for tox, flam, react., corr. Tox ~~and~~ be the only possibility.

Date Analysis Completed: 6/22/93

Chemist: N. Leung/D. Wong

Approved: TS

Distribution: Thomas Peacock, Rafat Shahid, Bill Reynolds.

LAE # 93-102

Post-It™ brand fax transmittal memo 7671 # of pages 2

To <u>John Rutherford</u>	From <u>J. Eberle</u>
Co.	Co. <u>Alameda Co</u>
Dept.	Phone #
Fax #	Fax #

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DIVISION OF HAZARDOUS MATERIALS
 80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 (415) 271-4320

LABORATORY SERVICE REQUEST

SITENAME Desert Petroleum (From 6000 car)
 ADDRESS 4035 Park Blvd.
 SAMPLE SUBMITTED TO: E.H. Lab
 DATE SUBMITTED 6-18-93
 SEND INVOICE TO: HazMat

SEND ANALYTICAL REPORT TO ABOVE OR:

ATTN:

___ RUSH = ABOUT 1 WEEK TURNAROUND
 ___ ROUTINE = ABOUT 2 WEEKS TURNAROUND

SAMPLE NO.	DATE/TIME COLLECTED	TYPE OF MATERIAL (WATER, SOIL OR MATRIX)	VOLUME/WEIGHT	FIELD OBSERVATION	ANALYSIS REQUESTED
<u>261893</u>	<u>6-18-93</u>	<u>moist soil</u>	<u>pc</u>	<u>leach</u>	<u>TD&C lead, TPH diesel</u>
<u>261893</u>	<u>6-18-93</u>	<u>moist soil</u>	<u>pc</u>	<u>soil pile</u>	<u>TD&C lead, TPH diesel</u>

Chain of Custody:

1. <u>[Signature]</u>	<u>Sep Haz Mat Spec.</u>	<u>6-18-93</u>
	Title	Inclusive Dates
2. <u>[Signature]</u>	<u>CHEMIST</u>	<u>6/18/93</u>
	Title	Inclusive Dates
3. _____	Title	Inclusive Dates

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION
COMPLAINT FORM

COMPLAINT RECEIVED: _____ DATE: 6-18-93 TIME: 1:30
COMPLAINT RECEIVED BY: Tom
ADDRESS OF INCIDENT: 4035 Park Blvd.

STID 1248
NAME OF FACILITY: Desert Petroleum
CONTACT PERSON: Jennifer Eberle
FACILITY PHONE NUMBER: 205-644-6784
SUBJECT OF COMPLAINT: 20 drums of soil cuttings & well
purge water (contaminated w/ TOC) dumped at
North side (in trenches) Need photos of drums
& dumping area, samples of contaminated soil,
use PID, JE on another tank pull - need done
today ASAP, dumping done at 8-16-93, Dumping
from Goodyear site on Telegraph.
NAME OF COMPLAINANT: Tom PHONE: _____

ACTIONS TAKEN AND DATE(S)
Initial Contact Date: _____
ULIS Treat witness to dumping - 530-5371 wk.
@ Park Blvd. Presbyterian Church across the street
13 labeled drums from Goodyear - (Rusty soil) but
at least 2 of liquid dumped in trench.

DATE INVESTIGATION WAS COMPLETED: _____
APPLIED TIME IN HOURS: _____
NAME OF SPECIALIST: CS
SIGNATURE: _____

COMPLAINT FORM

*Two
copies*

DATE: 6/17/93

TIME: 3 pm

COMPLAINT RECEIVED BY: Ren OWCare

ADDRESS OF INCIDENT: 4035 Park Blvd
Oakland

NAME OF FACILITY: Desert Petroleum closed gas station

CONTACT PERSON: ?

FACILITY PHONE NUMBER: NA

SUBJECT OF COMPLAINT: Kevin Frite of Remediation Service
International Co of Oxnard (805) 644-5892 rented
truck and dumped several 55 gallon drums of soil
and water at site at 2 pm yesterday

NAME OF COMPLAINANT: Annette Bottia? PHONE: 530-5311

ACTIONS TAKEN AND DATE(S)

Date investigation was completed: _____

Date complainant contacted: _____

Name of Specialist: _____

Signature: _____

Applied Time: _____

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

January 25, 1993

Stid
1248

93 JAN 29 10 14 AM

Ms. Jennifer Eberle
Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way, Room 200
Oakland, CA 94621

Re: 4035 Park Blvd.
Oakland, CA 94602

Dear Ms. Eberle:

This letter is in response to your correspondence dated January 13, 1993. As previously advised, Desert Petroleum is in Chapter 11 Bankruptcy and we are, therefore, not in a position to meet the demands within the context of your letter.

The filing of a Chapter 11 Petition takes a number of matters out of the hands of the Debtor. Desert does not have the complete discretion to spend its limited resources without authorization from the courts.

To date, there have been a great number of issues without resolution involving the bankruptcy proceedings and the disbursement of funds for environmental matters. Desert does not have the freedom to respond to the demands of all agencies and parties outside of the Bankruptcy Court.


We of course would like to and intend to act in the most responsible manner possible concerning the matter of this property. Thus, we took steps to monitor and test the groundwater at the location which was documented in a report by our consultant on 12/4/92. We will continue to try to do as much as possible within the framework of the bankruptcy.

This location has been sent to the State Cleanup Fund and it has been conditionally accepted. If and when the time comes that they do fund this location, it will enable Desert to go forward with all possible speed.

Ms. Jennifer Eberle
January 25, 1993
Page 2

If you or agency's counsel have any questions regarding this matter,
please contact me or our attorney, Mr. Lou Carpiac, at (805)659-6800.

Very truly yours,



John D. Rutherford

JDR:jc

cc: W.E. Thompson
S. Richardson
L. Carpiac
R. Hiatt

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

January 13, 1993

STID 1248

John Rutherford
Desert Petroleum Inc.
PO Box 1601
Oxnard CA 93032

RE: 4035 Park Blvd.
Oakland CA 94602

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

Dear Mr. Rutherford,

We have received the "Ground Water Monitoring Report," prepared by Remediation Service, Int'l, dated 12/4/92. This report documents groundwater monitoring well sampling and air monitoring in the utility boxes, well casings and storm drains in the site vicinity in November 1992. Concentrations of contaminants in groundwater have generally decreased since the previous sampling (December 1991). However, significant concentrations remain in groundwater: up to 81,000 ppb Total Petroleum Hydrocarbons as gasoline (TPH-g), and up to 12,000 ppb benzene (both in RS-7). Significant concentrations have been detected in groundwater since December 1989. Therefore, we must request that you either prepare a groundwater remediation workplan or proceed with the groundwater remediation previously employed at the site (the SAVE system) **within 60 days or by March 13, 1993.**


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

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

John Rutherford
STID 1248
January 13, 1993
page 2 of 2

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

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Lou Carpiac, Ferguson, Case, Orr, Paterson & Cunningham
Attorneys at Law, 1050 South Kimball Rd., Ventura CA
93004
Steven Richardson, Remediation Service, Int'l, PO Box 1601,
Oxnard CA 93032
Rich Hiett, RWQCB
~~Ed Howell~~ File *SAH*

je

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ALLEN F. CAMP
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
CHRIS CAROL HAMER
WILLIAM B. SMITH
ANNETTE M. LERCEL
RAMON L. GUIZAR
BLAINE J. WANKE

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004
(805) 659-6800
TELECOPIER: (805) 659-6818

1248

January 8, 1993

Mr. Mark Thompson
Office of the Alameda County District Attorney
Consumer & Environmental Protection Division
7677 Oakport, Suite 400
Oakland, California 94621

Re: Desert Petroleum, Inc./Station No. 793
4035 Park Boulevard, Oakland, California 94602

Dear Mark:

In response to your call late last year, I promised that I would encourage Desert to perform further sampling in connection with the above-referenced site to determine whether the situation improved or grew worse since the previous sampling.

With Desert in Chapter 11, finding the funds to do this work was not easy. Nevertheless, Desert had the additional sampling done and I am pleased to inform you that, in the words of the RSI report, the "results of the vapor monitoring at the nearby utility boxes, storm drains and well casings show that organic vapor concentrations have dramatically decreased since the last sampling".

I am enclosing a copy of the report from RSI, dated December 4, 1992, which describes this additional sampling. A copy of the report is also being submitted to the Alameda County Environmental Health Department.

Mr. Mark Thompson
January 8, 1993
Page 2

If I can answer any questions, please do not hesitate to call me.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By



Lou Carpiac

LC:dlr
Enclosure

cc: Desert Petroleum, Inc.
Alameda County Environmental Health Division

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 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

DAVID O. LARSON
GREGORY DAVID BROWN
ROBERT J. LYMAN
SCOTT C. FINCH
RALPH A. ZAPPALA
PETER DIXON
SUSAN THOMAS FELDSTED
GARY R. SELVIN
ROBERT A. FORD

CLARK J. BURNHAM
GEORGE J. ZISER
ERIC R. HAAS
STEVEN M. MARDEN
MONICA DELL'OSSO
JEFFERY G. BAIREY
PATRICK K.M. MCCARTHY
M. WAYNE GOODROE
DAVID R. PINELLI

LAW OFFICES OF
LARSON & BURNHAM
A PROFESSIONAL CORPORATION
1901 HARRISON STREET, 11TH FLOOR
OAKLAND, CALIFORNIA 94612
TELEPHONE: (510) 444-6800

CHRISTOPHER L. AGUILAR
SHARON A. ARGUE
JULIE M. AZEVEDO
PAUL D. CALEO
VERA C. DE MARTINI
DONALD P. EICHHORN
RICHARD J. FINN
TIMOTHY J. FOGARTY
DOUGLAS S. FREE
CRAIG D. GUENTHER
MERLYN J. HERLUN
MICHAEL K. JOHNSON
ROBERT M. MALTZ
STEVEN A. NIELSEN
JAMES M. RATZER
JAMES J. ROSATI
WALTER C. RUNDIN
DONALD J. SMITH
ANJALI TALWAR
MICHAEL S. TREPPA
DAVID S. WEBSTER
DARRYL M. YEE

CARL H. ALLEN
CATHY L. ARIAS
JAYNE G. BENZ
CHRISTOPHER J. CONNELL
THOMAS M. DOWNEY
JEFFREY A. EVANS
SUSAN E. FIRTH
ROY A. FRANCO
JANE L. O'HARA GAMP
CECILIA M. HENN
JAMES F. HODGKINS
JOHN B. LAMBORN
NANCY K. McDONALD
SHERI L. PASSER
MICHAEL R. REYNOLDS
JACQUELINE E. ROTH
SUSAN E. SHAINHOLTZ
MARK J. SWEENEY
SHAWN A. TOLIVER
JOHN J. VERBER
JAMES L. WRAITH
BRADLEY M. ZAMCZYK

A.J. MOORE, JR. (1918-1984)

JAMES H. RIGGS (OF COUNSEL)*

POST OFFICE BOX 883923
SAN FRANCISCO, CALIFORNIA 94188-3923
TELEPHONE: (415) 677-9763

Please reply to:

POST OFFICE BOX 119
OAKLAND, CALIFORNIA 94604-9918
TELECOPIER NUMBER: (510) 835-6666

* Certified Specialist, Probate,
Estate Planning and Trust Law

February 12, 1992

Mr. Paul Smith
Alameda County Environmental Health Department
Hazardous Materials Division
80 Swan Way, Suite 200
Oakland, CA 94621

Re: Desert Petroleum v. Walton Engineering
Alameda County Superior Court Action No. 672656-2

Dear Mr. Smith:

This is in response to a telephone message you left with me on February 11, 1992.

As a follow-up to our February 4, 1992 letter, we acknowledge that the Alameda County Hazardous Materials Division charges \$71 per hour for a site search. Furthermore, because we have authorized Major Legal Copy Service to go to your office and copy your file, we want to cap the site search at \$71.

Please contact me with any questions.

Very truly yours,

LARSON & BURNHAM

Mark J. Sweeney

Mark J. Sweeney

MJS/dk

g:\ke11\data1\gqs.ltr

LAW OFFICES OF
LARSON & BURNHAM

A PROFESSIONAL CORPORATION
1901 HARRISON STREET, 11TH FLOOR
OAKLAND, CALIFORNIA 94612
TELEPHONE: (510) 444-6800

POST OFFICE BOX 883923
SAN FRANCISCO, CALIFORNIA 94188-3923
TELEPHONE: (415) 677-9763

Please reply to:
POST OFFICE BOX 119
OAKLAND, CALIFORNIA 94604-9918
TELECOPIER NUMBER: (510) 835-6666

February 4, 1992

DAVID O. LARSON
GREGORY DAVID BROWN
ROBERT J. LYMAN
SCOTT C. FINCH
RALPH A. ZAPPALA
PETER DIXON
SUSAN THOMAS FELDBTED
GARY R. SELVIN
ROBERT A. FORD

CLARK J. BURNHAM
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ERIC R. HAAS
STEVEN M. MARDEN
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PATRICK K.M. MCCARTHY
H. WAYNE GOODROE
DAVID R. PINELLI

A.J. MOORE, JR. (1918-1984)

JAMES H. RIGGS (OF COUNSEL)*

* Certified Specialist, Probate,
Estate Planning and Trust Law

CHRISTOPHER L. AGUILAR
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PAUL D. CALEO
VERA C. DE MARTINI
DONALD P. EICHHORN
RICHARD J. FINN
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DOUGLAS S. FREE
CRAIG D. GUENTHER
MERILYN J. HERLIN
MICHAEL K. JOHNSON
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SHAWN A. TOLIVER
JOHN J. VERBER
JAMES L. WRAITH
BRADLEY M. ZAMCZYK

Mr. Paul Smith
Alameda County Environmental Health Department
Hazardous Materials Division
80 Swan Way, Suite 200
Oakland, CA 94621

Re: Desert Petroleum v. Walton Engineering
Alameda County Superior Court Action No. 672656-2

Dear Mr. Smith:

This will confirm our January 28, 1992 telephone conversation.

We are counsel of record for D.I. Chadbourne, party to the above-referenced matter. We are interested in obtaining a copy of the file maintained by your department on the former Desert Petroleum site located at 4035 Park Boulevard, Oakland, California 94602. Accordingly, we have retained Major Legal Services to obtain a copy of all documents in your file for that site. Our understanding is that we are to have Major Legal contact you and arrange a convenient time for copying.

Thank you for your cooperation. Please contact me if you have any questions.

Very truly yours,

LARSON & BURNHAM

Mark J. Sweeney
Mark J. Sweeney

MJS/dk

g:\ke11\data\ghf.ltr

Deb Kinney

called & left message

*re: need acknowledgment of 9/1/hr
fee and also need cap.*

Jeff Smith

Gene Corillo

Louis Soudabed

left message 2/10/92

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Certified Mailer #

November 5, 1991

Mr. John Rutherford
Desert Petroleum Inc.
2060 Knoll Dr. Suite 100
Ventura, CA 93003

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

**Re: Former Desert Petroleum Station # 793, 4035 Park Blvd.,
Oakland, CA 94602**

Dear Mr. Rutherford,

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the latest quarterly report, dated October 15, 1991, prepared by Water Work Corporation.

The findings of the most recent ground water monitoring well sampling report (3 on site and 1 off site) conducted on September 13, 1991 indicate the presence of free product in 3 downgradient wells and concentrations as high as 4100 ppb of Total Petroleum Hydrocarbons as gasoline (TPHg) and 730 ppb of benzene, in groundwater from the upgradient well.

No free product thickness levels have been reported in any of the wells. No free product remediation has commenced. The VES has been idle since January 24, 1991. No groundwater remediation plan has been submitted. No plan to delineate the lateral and vertical extent of soil and groundwater contamination has been presented.

Desert Petroleum's failure to take assessment/ remediation measures as required by the LUFT Manual and Tri-Regional Recommendations is irresponsible and has almost certainly allowed the plume to migrate causing additional contamination. I am particularly troubled that I have received no response of my April 22, 1991 letter demanding a work plan to delineate contamination, address the groundwater problem and determine the cone of influence for each vapor extraction well.

Given the extent of contamination and the failure by Desert Petroleum to commence an aggressive assessment/ remediation effort, I have had no choice but to ask the District Attorney's Office to review this matter.

There are a number of things which must be done:

You are hereby directed to immediately evaluate and remove any free floating product from each well where present. Until a dedicated water treatment system is in place you are required to remove free product from each applicable well on a weekly basis. You are required to maintain a log of the amount of product removed and report these values in quarterly reports to this office. Within 14 days, submit a report indicating the levels of free product in each monitoring well.

Mr. John Rutherford
November 5, 1991
Page 2 of 3

You must also monitor any sewers, utility trenches and buildings in the area for the presence of (free product) and for gasoline vapors on a weekly basis. If any indication of free product or vapors are found this must be reported at once to us, the Regional Water Quality Control Board and the Oakland Fire Department. Records of this monitoring must be submitted to us with your normal progress reports, however the initial monitoring record(s) must be submitted within 14 days of the receipt of this letter.

You are required to specify in a Work Plan the proposed methodology for the delineation of the lateral and vertical extent of contamination originating from the above site. You are also required to specify a time line for the completion of the above. We expect that the definition of the contamination plume for both soil and groundwater will be to the non detect line for each. You are required to specify the anticipated date for the installation of a dedicated ground water treatment system to effectively deal with the ground water both on and off site.

You are also required to specify a timetable for the re-initiation of vapor extraction activities on site and for the installation and operation of the off site vapor extraction system approved in the April 22, 1991 correspondence from this office. You will also need to provide the methodology for determining the cone of influence for each vadose extraction well.

We require you inform this office in writing within 10 days of receipt of this letter the details of what must be an aggressive assessment /remediation effort at this location.

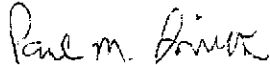
All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and to:

Eddy So
Regional Water Quality Control Board, San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, California 94612
(415) 464-1255

Mr. John Rutherford
November 5, 1991
page 3 of 3

Please feel free to contact me with any questions that you may have
at (510) 271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Michael Delgado, Water Work Corp.
Eddy So, RWQCB
Mark Thomson, Alameda County District Attorney's Office
Lou Carpiac, Esq.
Wendy Whittl, Remediation Service International

Certified Mailer #

October 31, 1991

Mr. John Rutherford
Desert Petroleum, Inc.
2060 Knoll Drive, Suite 100
Ventura, CA 93003

Re: Former Desert Petroleum Station #793, 4035 Park Blvd.,
Oakland, CA 94602

Dear Mr. Rutherford:

The Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the latest quarterly report, dated October 15, 1991, prepared by Water Work Corporation.

The findings of the most recent ground water monitoring well sampling report (3 on site and 1 off site) conducted on September 13, 1991 indicate the presence of free product in three downgradient wells and concentrations as high as 4100 ppb of Total Petroleum Hydrocarbons as gasoline (TPHg) and 730 ppb of benzene, in groundwater from the upgradient well.

No free product thickness levels have been reported in any of the wells. No free product remediation has commenced. The VES has been idle since January 24, 1991. No groundwater remediation plan has been submitted. No plan to delineate the lateral and vertical extent of soil and groundwater contamination has been presented.

Desert Petroleum's failure to take assessment/remediation measures as required by the LUFT Manual and Tri-Regional Recommendations is irresponsible and has almost certainly allowed the plume to migrate causing additional contamination. I am particularly troubled that I have received no response to my April 21, 1991 letter demanding a Workplan to delineate contamination, address the groundwater problem and determine the cone of influence for each vapor extraction well.

Given the extent of contamination and the failure by Desert Petroleum to commence an aggressive assessment/remediation effort, I have had no choice but to ask the District Attorney's Office to review this matter.

LAW OFFICES OF
LARSON & BURNHAM

A PROFESSIONAL CORPORATION
POST OFFICE BOX 119
OAKLAND, CALIFORNIA 94604
TELEPHONE: (510) 444-6800

1901 HARRISON STREET, 11TH FLOOR
OAKLAND, CALIFORNIA 94612
TELECOPIER NUMBER: (510) 835-6666

September 16, 1991

DAVID O. LARSON
GREGORY DAVID BROWN
ROBERT J. LYMAN
SCOTT C. FINCH
RALPH A. ZAPPALA
PETER DIXON
SUSAN THOMAS FELDBTED
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SHAWN A. TOLVER
JOHN J. VERBER
DARRYL M. YEE

Mr. Paul Smith
Alameda County Hazardous Materials Division
80 Swan Way, Suite 200
Oakland, CA 94621

Re: Desert Petroleum v. Walton Engineering, et al.
Alameda County Superior Court No. 672656-2

Dear Mr. Smith:

This is to confirm our telephone conversation of September 16, 1991 in which we canceled the meeting scheduled for September 19, 1991 at 2:00 p.m. and rescheduled for September 23, 1991 at 2:00 p.m. for Mr. Haas and Mr. Sweeney to come to your offices and view the file regarding the property located at 4035 Park Boulevard, Oakland 94602.

Thank you for your cooperation in this matter.

Very truly yours,

LARSON & BURNHAM

Deborah Kenney
Deborah Kenney
Secretary to Mark J. Sweeney

/dk

kell\data1\c4z.ltr

*Cancelled 9/19
2:50 as per Deb*

LAW OFFICES OF
LARSON & BURNHAM

A PROFESSIONAL CORPORATION
POST OFFICE BOX 119
OAKLAND, CALIFORNIA 94604
TELEPHONE: (510) 444-6800

91 SEP 11 11:25

1901 HARRISON STREET, 11TH FLOOR
OAKLAND, CALIFORNIA 94612
TELECOPIER NUMBER: (510) 835-6666

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MICHAEL R. REYNOLDS
JACQUELINE E. ROTH
SUSAN E. SHAINHOLTZ
MARK J. SWEENEY
SHAWN A. TOLIVER
JOHN J. VERBER
DARRYL M. YEE

September 10, 1991

Mr. Paul Smith
Alameda County Hazardous Materials Division
80 Swan Way, Suite 200
Oakland, CA 94621

Re: Desert Petroleum v. Walton Engineering, et al.
Alameda County Superior Court No. 672656-2

Dear Mr. Smith:

Pursuant to our telephone conversation of today, we hereby request an opportunity to meet with you and review your file regarding the mediation of property located at 4035 Park Boulevard, Oakland 94602. As we discussed, this office has been retained as counsel for D.I. Chadbourne in the captioned civil litigation.

Please give this your utmost attention as the litigation is ongoing. Thank you for your cooperation. Please contact me so that we can arrange a convenient time to meet.

Very truly yours,

LARSON & BURNHAM

Mark J. Sweeney
Mark J. Sweeney

MJS/dk

kell\data1\bxy.ltr

9/11/91 4:15 pm
De's Kenny,
left message to
schedule Appt + also
specify costing on
amount of funds
allowed for site search

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



April 22, 1991

Mr. John Rutherford
Desert Petroleum Inc.
P.O. Box 1601
Oxnard, CA 93032

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

**Re: Former Desert Petroleum Station # 793, 4035 Park Blvd.,
Oakland, CA**

Dear Mr. Rutherford,

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the workplan, dated January 25, 1991, proposing groundwater extraction at the above facility. A meeting at the site with Mr. Joseph Knight of Water Work Corp. helped to clarify some questions regarding past and future onsite activities.

The workplan is hereby approved however you are requested to continue to:

Develop a plan to completely delineate the lateral and vertical extent of soil and groundwater contamination

Develop a strategy to address the contamination to groundwater detected in groundwater monitoring well RS-7

Provide a methodology for determining the cone of influence for which each extraction well will collect vadose and aquifer contaminants

You are requested to provide to this office within 45 days of the receipt of this letter a workplan outlining the above requests. Please notify this office 72 hours prior to monitoring well installation and start up of the pump and treat system.

Should you have any questions regarding any of the above please feel free to contact me at (415) 271-4320.

Sincerely,

Paul M. Smith
Hazardous Materials Specialist

cc:

Joe Knight, Water Work Corp.
Lester Feldman, RWQCB
Gil Jensen, Alameda County District Attorney's Office of
Environmental and Consumer and Affairs
Wendy Whittl, Remediation Service International

hsh

RCL
REMEDIATION SERVICE, INT'L.

P.O. BOX 1601, OXNARD, CALIFORNIA 93032
(805) 644-5892 • FAX (805) 654-0720

July 2, 1990

CALIFORNIA REGIONAL WATER

JUL 05 1990

CERTIFIED RETURN
RECEIPT REQUESTED

QUALITY CONTROL BOARD

Mr. Steven Luquire
California Regional Water Quality
Control Board
San Francisco Bay Region
1800 Harrison, Suite 700
Oakland, CA 94612

01

Beacon

Dear Mr. Luquire:

The purpose of this letter is to determine whether or not you have ever received an application to treat gasoline contaminated soil and ground water using in situ bioremediation at the Desert Petroleum Station 793, dba Beacon, located at 4035 Park Blvd., Oakland. I have been unsuccessful in my attempts to reach you by phone, so I am writing to you instead.

Please let me know as soon as possible whether or not you have receive such an application. If you have received an application for this treatment method, I would like to know the status of the application. If you have not receive such an application, I would like to know the procedure for requesting the RWQCB review of a request to perform in situ bioremediation at this site.

I would greatly appreciate your response as soon as possible. Our client, Desert Petroleum, is anxious to comply with the requests of Alameda County Environmental Health. Thank you for your assistance in this matter.

Sincerely,

Rebecca Coleman-Roush
Director of Permitting

cc: John Rutherford
Desert Petroleum, Inc.

Arui Levi
Alameda County Environmental Health

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

June 18, 1990

Mr. Ariu Levi
Hazardous Materials Specialist
Hazardous Materials Program
Alameda County Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

RE: Desert Petroleum, Inc.
SS# 793, 4035 Park Blvd., Oakland, CA

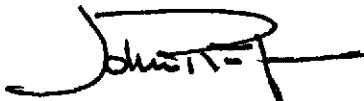
Dear Mr. Levi:

Enclosed are several items which you requested at our recent meeting.

- 1) Copy of the Authority to Construct-BAAQMD for remediation equipment.
- 2) A check in the amount of \$933.00 for program fees as discussed.
- 3) Copy of letter concerning Department of Health Services permitting.
- 4) Copy of Wastewater Discharge Permit-E.B.M.U.D.

The names of legal property owners on Brighton and Hampel Streets will be forwarded when available. We are going through a title company for title search.

Very truly yours,



John D. Rutherford

JDR:jc

enclosures

RSI
REMEDIATION SERVICE, INT'L.

P.O. BOX 1601, OXNARD, CALIFORNIA 93032
(805) 644-5892 • FAX (805) 654-0720

June 8, 1990

Mr. Arui Levi
Hazardous Material Specialist
Hazardous Materials Program
Alameda County Environmental Health
80 Swan Way, Room 200
Oakland, California 94621

**Re: Desert Petroleum
Station 793
4035 Park Avenue
Oakland, CA 94602**

Dear Mr. Levi:

The purpose of this letter is to advise you that the RSI S.A.V.E. System is under evaluation by the State of California Department of Health Services Alternative Technology Section (DHS-ATS). Our contact with the DHS-ATS is Tej Pahwa. His phone number is (916) 322-9224.

As you probably know, the DHS is in the process of rewriting the Title 22 Regulations, Sections 66371, 66372, 66392, and 66747. Until these regulations have been rewritten, and accepted, the DHS Permit Sections are not evaluating variance applications. If you have questions regarding the status of the regulations, please call the Permit Section of the Berkeley office of DHS. They can provide you with more information.

If you have any questions, please give me a call.

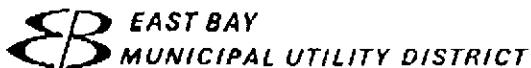
Sincerely,



Rebecca Coleman-Roush
Director of Marketing

RCR/sjd

cc: John D. Rutherford
Desert Petroleum, Inc.

WALTER J. BISHOP
MANAGER OF WASTEWATER

June 5, 1990

CERTIFIED MAIL
(Return Receipt Requested)
P 003 891 235Mr. John Rutherford
Environmental Manager
Desert Petroleum #793
P.O. Box 1601
Oxnard, CA 93032

Dear Mr. Rutherford:

Re: Wastewater Discharge Permit (Account No. 001-00011)

The subject Permit for the Desert Petroleum Company groundwater remediation project at 4035 Park Boulevard, Oakland, effective June 12, 1990, through June 11, 1991, is enclosed for your information and records.

Please note the following Terms and Conditions:

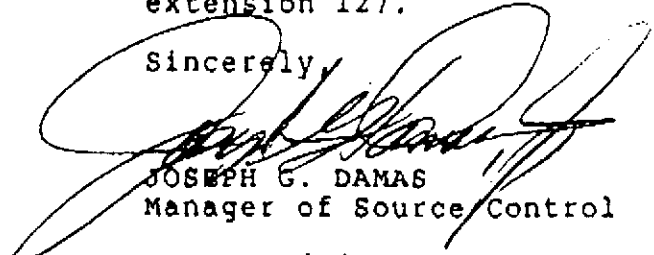
The District shall be notified one week prior to start up of the groundwater treatment unit. The District will conduct a site inspection before treatment may be initiated.

Desert Petroleum shall immediately discontinue the discharge of any treated wastewater that is known to be, or suspected of, violating wastewater discharge limitations. If the test results indicate a violation of any discharge limitation, the District shall be notified within 24 hours from the time the violation was discovered.

Desert Petroleum shall report to the Source Control Division any changes, either permanent or temporary, to the premise or operation that significantly affect either the volume or quality of wastewater discharged or deviate from the Terms and Conditions under which this Permit is granted.

If you have any questions regarding this matter, please contact John F. Griffin of the Source Control Division at 465-3700, extension 127.

Sincerely,


JOSEPH G. DAMAS
Manager of Source Control

JGD:JFG:drj

Enclosures

SC0.167_90



Wastewater Discharge Permit Application

PERMIT NUMBER
001-00010

APPLICANT BUSINESS NAME
Desert Petroleum #793 (dba Beacon)

ADDRESS OF PREMISE DISCHARGING WASTEWATER 4035 Park Blvd. STREET ADDRESS Oakland, CA CITY	94602 ZIP CODE	BUSINESS MAILING ADDRESS P.O. Box 1601 STREET ADDRESS Oxnard, CA CITY	93032 ZIP CODE
---	-------------------	---	-------------------

CHIEF EXECUTIVE OFFICER Dean Jensen NAME P.O. Box 1601 STREET ADDRESS	Vice President TITLE Oxnard, CA CITY	93032 ZIP CODE
---	---	-------------------

PERSON TO BE CONTACTED ABOUT THIS APPLICATION John Rutherford NAME Environmental Manager TITLE	805-644-5892 PHONE	PERSON TO BE CONTACTED IN EVENT OF EMERGENCY John Rutherford NAME 805-644-5892 DAY PHONE	805-647-0872 NIGHT PHONE
--	-----------------------	--	-----------------------------

- DOCUMENTATION TO BE RETURNED WITH THE PERMIT APPLICATION:
- | | |
|--|--|
| <input type="checkbox"/> PROCESS DESCRIPTION | <input type="checkbox"/> DESCRIPTION OF PRETREATMENT SYSTEM |
| <input type="checkbox"/> WATER BALANCE CALCULATIONS | <input type="checkbox"/> SELF-MONITORING METHOD |
| <input type="checkbox"/> WASTEWATER STRENGTH DATA BASE | <input type="checkbox"/> SPILL PREVENTION AND CONTAINMENT PLAN |
| <input type="checkbox"/> SCHEMATIC FLOW DIAGRAM | <input type="checkbox"/> A LIST OF ALL ENVIRONMENTAL PERMITS (e.g. Air, Hazardous Waste) |
| <input type="checkbox"/> BUILDING LAYOUT DIAGRAM | <input type="checkbox"/> OTHER _____ SPECIFY |

PROVISIONS

Applicant will comply with the District Wastewater Control Ordinance and all applicable rules and regulations.

Applicant will report to EBMUD, Wastewater Department any changes, permanent or temporary, to the premise or operations that significantly change the quality or volume of the wastewater discharge or deviation from the terms and conditions under which this permit is granted.

CERTIFICATION

I have personally examined and am familiar with the information submitted in this document and attachments. To the best of my knowledge the submitted information is true, accurate and complete.

TYPE OR PRINT

Name Dean Jensen SIGNATURE

Title Vice President DATE 12-29-89



Terms and Conditions Wastewater Discharge Permit

Desert Petroleum #793
Account No. 001-00011
Page No. 1

GENERAL CONDITIONS

This Wastewater Discharge Permit is issued for a specific operation and is not assignable to another user or transferable to any location. Sale of a business shall obligate the purchaser to seek prior written approval of the District for continued discharge to the sewerage system.

Desert Petroleum #793 shall retain for no less than three years following the date of expiration, this Permit, monitoring reports and other documents pertinent to this Permit.

Desert Petroleum #793 shall not increase the use of process water, or in any other way dilute the process discharge as a substitute for treatment, to achieve compliance. The District may impose mass limits where appropriate.

Desert Petroleum #793 shall immediately discontinue the discharge of any treated wastewater that is known to be, or suspected of, violating wastewater discharge limitations. This violation shall be reported, as would a bypass, as directed below.

Desert Petroleum #793 shall not bypass (divert wastestreams from the pretreatment system). Violation of this Permit condition requires that a verbal report shall be made to the District within 24 hours from the time Desert Petroleum becomes aware of a bypass. A written report shall be submitted within 5 working days.



Terms and Conditions Wastewater Discharge Permit

Desert Petroleum #793
Account No. 001-00011
Page No. 2

COMPLIANCE REPORTING CONDITIONS

Desert Petroleum #793 shall notify the District one week prior to start up. The District will conduct a site inspection before treatment may be initiated.

Desert Petroleum #793 shall collect samples from the treatment system influent, intermediate and effluent locations 2 hours after system start up; each day during the first week; every other day during the second week; thereafter per the schedule in the "Self-Monitoring Reporting Requirements" section of this Permit. These initial samples are to be analyzed for BTEX and organic lead and the sample results shall be available 24 hours after sample collection.

Desert Petroleum #793 shall submit quarterly reports that include the following data from the prior three month period, due September 7, 1990, December 7, 1990, March 7, 1991, and June 7, 1991.

- o A summary of the EPA 602 and 7421 analyses for samples collected from the influent, intermediate and final effluent sample points of the treatment unit;
- o The estimated date that carbon breakthrough will occur using current loading data;
- o The volume of groundwater treated;
- o Comments regarding any changes to or maintenance of the treatment unit that may have occurred.



Terms and Conditions Wastewater Discharge Permit

Desert Petroleum #793
Account No. 001-00011
Page No. 3

WASTEWATER DISCHARGE LIMITATIONS

REGULATED PARAMETER	DAILY MAXIMUM, mg/L
Arsenic	2.0
Cadmium	1.0
Chlorinated Hydrocarbons (Total Identifiable)	0.5
Chromium	2.0
Copper	5.0
Cyanide	5.0
Iron	100
Mercury	0.05
Nickel	5.0
Oil and Grease	100
Phenolic compounds	100
Silver	1.0
Zinc	5.0
pH (not less than)	5.5 S.U.
Temperature	150°F
* Benzene	0.003
* Toluene	0.022
* Ethylbenzene	0.003
* Xylenes	0.023

* These limits reflect recent influent levels at the EBMUD treatment plant.



Terms and Conditions Wastewater Discharge Permit

Desert Petroleum #793
Account No. 001-00011
Page No. 4

SELF-MONITORING REPORTING REQUIREMENTS

Desert Petroleum #793 shall obtain representative samples of the wastewater discharge. Sampling shall be performed according to the frequency and method outlined below. A signed report shall be submitted to EBMUD within 30 days following the date of sampling which includes the results of the sampling. The Self-Monitoring Report shall include the date, time, laboratory results, chain-of-custody and the processes in operation at the time of sampling.

IF THE TEST RESULTS INDICATE A VIOLATION OF ANY DISCHARGE LIMITATION, THE DISTRICT SHALL BE NOTIFIED WITHIN 24 HOURS FROM THE TIME THE VIOLATION WAS DISCOVERED. A REPEAT ANALYSIS MAY BE REQUIRED.

A written statement indicating the cause of the violation and the timing for corrective action(s) necessary to prevent recurrence shall be submitted with the test results. A Violation Follow-up Fee will be assessed for test results exceeding discharge limitations.

SAMPLING LOCATION:

Samples are to be collected from sampling locations representing the influent (3), intermediate (2), and final effluent (1) of the carbon treatment system.

SAMPLING FREQUENCY:

- o See page 2 for the initial sampling frequency;
- o Beginning week three, samples shall be collected once per two weeks;
- o When carbon breakthrough is calculated to occur within one month, sampling shall be increased to weekly at sample tap (2), and these sample results are to be available within 48 hours.

SAMPLING METHOD:

All samples must be obtained using containers, collection methods, preservation techniques, holding times and analytical methods as specified in EPA SW-846.



Terms and Conditions Wastewater Discharge Permit

Desert Petroleum #793
Account No. 001-00011
Page No. 5

MONITORING and TESTING CHARGES

Total EBMUD Inspections Per Year 6 @ \$415.00 each = \$ 2,490.00 / year

Total Analyses Per Year:

Parameter	Tests per year	Charge per test	Total Charge per year
EPA 624	6	\$330.50	1,983.00
EPA 625	1	\$608.12	608.12
Metals	6	\$59.49	356.94
Metals digestion	6	\$35.69	214.14

Monitoring and Testing Charge = \$ 5,652.20 / year

= \$ 471.02 / month



Terms and Conditions Wastewater Discharge Permit

Desert Petroleum #793
Account No. 001-00011
Page No. 6

FEES AND WASTEWATER CHARGES

The following fees and charges are due when billed by the District:

Permit Fee	\$ 1,800.00
Monthly Monitoring Charges	\$ 471.02

WASTEWATER DISPOSAL SERVICE CHARGE

Wastewater strength is similar to other groundwater remediation projects treating with carbon. All wastewater discharged will be charged for treatment and disposal service at the unit rate of 24¢/Ccf. The capacity fee is based on TSS = 2 mg/l, CODF = 15 mg/l and 880 Ccf/month. 1/36 of the capacity charge will be due each month.

This Permit may be amended to include changes to rates and charges which may be established by the District during the term of this Permit.

AVERAGE WASTEWATER DISCHARGE*



LAST 12 MONTHS	PRECEDING 12-24 MONTHS
NA	NA

*Gallons per calendar day.

AUTHORIZATION

The above named Applicant is hereby authorized to discharge wastewater to the community sewer, subject to said Applicant's compliance with the EBMUD Wastewater Control Ordinance, compliance conditions, reporting requirements and billing conditions.

Effective Date: June 12, 1990

Expiration Date: June 11, 1991

Walter J. Becking 6/13/90
MANAGER, WASTEWATER DEPARTMENT DATE

SD-30.2 • 8/86

Gerald L. Starrett
P.O. Box 1197
Hanalei, Kauai 96714
(808) 828-1105

5-5-90

Dear Mr. Levi:

RE: 4003 Park Blvd., Oakland Ca 95602
4006 Brighton Ave. Oakland CA 95602

I have spoken with Barney Chan twice since 3-30-90 with no response so I thank you for interrupting your meeting to speak with me.

I am offended as your attitude seems hostile and unhelpful. I did not cause the problem of the gasoline leak.

I am especially offended that your department has never contacted me about the gasoline leak from the service station at 4035 Park Blvd., Oakland. Leaving notification up to the employee of the property owner who caused the leak seems a little to me like asking the prisoner to lock up the jail at night.

You told me to have my attorney to contact you. I have no attorney do I need one?

Is yours the agency I am to work with to clean up this problem? If not my apologies, please let me know who I should work with.

This is my first exposure to this sort of thing, however I do not intend to sit back and do nothing while my property is destroyed.

Will you please send me a copy of the report and what plans have been made to clean up the area and what damage and correction is scheduled for my property. Or who do I go to for help.

I sincerely want to have an open and friendly conclusion to this very serious problem.

I did not contact you to criticize you. I called you for help and information which for months has been nil.

I think we are working toward the same goal. Aren't we.


Regards

7/25/90 TALKED TO HIM & EXPLAINED.



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ALAMEDA COUNTY
Edward R. Campbell
Shirley J. Campbell
(Chairperson)
Chuck Corica
Frank H. Ogawa

April 27, 1990

CONTRA COSTA COUNTY
Paul L. Cooper
(Secretary)
Sunne Wright McPeak
Tom Powers

John Rutherford
Desert Petroleum Station 793
P.O. Box 1601
Oxnard, CA 93032

MARIN COUNTY
Al Aramburu

NAPA COUNTY
Bob White

Application Number: 4543
Equipment Location:
4035 Park Blvd.
Oakland, CA 94602

SAN FRANCISCO COUNTY
Harry G. Britt
Jim Gonzalez

SAN MATEO COUNTY
Gus J. Nicolopoulos
Anna Eshoo

SANTA CLARA COUNTY
Martha Clevenger
Rod Diridon
Roberta H. Hughan
Susanne Wilson

SOLANO COUNTY
Osby Davis
(Vice Chairperson)

SONOMA COUNTY
Jim Harberson
Patricia Hillgoss

Gentlemen:

This is your Authority to Construct the following:

S-1 Spray Aeration Vacuum Extraction System for Soil and Groundwater Remediation, RSI Vacuum Pump and Spray Aerator System abated by A-1, Internal Combustion Engine 174 MBtu/hr with Catalytic Converter, FORD LSG-423P Industrial Engine Lima Series Gas and Power Unit 4 cylinder 2.3 liter 63 hp with CAR SOUND EXHAUST SYSTEMS Catalytic Converter Model CEN 703

Operation of this equipment will be subject to the following specific conditions:

1. This equipment shall be used only for the removal of volatile organic compounds (VOCs) from gasoline contaminated soils and groundwater from this site.
2. The emissions of VOCs shall be abated at all times by A-1, Internal Combustion Engine 174 MBtu/hr with Catalytic Converter, Ford LSG-423P Industrial Engine Lima Series Gas and Power Unit, 4 cylinder 2.3 liter with Car Sound Exhaust Catalytic Converter Model CEN 703.
3. In no event shall S-1 exceed a recovery rate of 10 gallons per minute of groundwater.
4. This equipment shall not emit into the atmosphere more than 0.015 pounds of benzene per day.
5. To determine compliance with Condition 4, the operator of this equipment shall:
 - a. Analyze exhaust gas to determine the concentration of benzene present for each of the first three days of operation. Thereafter, the exhaust gas shall be analyzed to determine the concentrations of benzene once every two weeks. The method of analysis has to be

- approved by the District Technical Division and the Permit Services Division has to be notified 3 days before the tests are run.
- b. Calculate the benzene emission rate in pounds per day based on the exhaust gas analysis and the operating exhaust flow rate. The soil vapor flow rate shall be decreased, if necessary, to demonstrate compliance with Condition 4.
 - c. Submit to the District the test results and emissions calculations for the first three days of operation within one month of start-up.
6. The following records shall be kept and made available for District inspection for a period of 12 months following the date on which the record was made.
- a. days of operation
 - b. exhaust flow rate
 - c. exhaust sampling date
 - d. analysis results
 - e. calculated emissions of benzene in pounds per day.
 - f. contaminated groundwater flow rate into S-1.
7. The District shall be notified of closure of S-1 within 2 weeks after closure.

Notification

Please notify the District by letter at least **three days** before the initial operation of the equipment is to take place so that we may observe the equipment in operation and verify conformance with the Authority to Construct. Operation includes any **start-up** of the source for testing or other purposes. Operation of equipment without prior written notification to the District or beyond the start-up period without a Permit to Operate may result in enforcement action.

Start-Up Period

After receipt of the start-up letter required above, this Authority to Construct authorizes operation during the start-up period from the date of initial operation noted in your start-up letter until the Permit to Operate is issued, up to a maximum of 60 days. **All conditions (specific or implied) of the Authority to Construct are in effect during the start-up period.**

Fees

District Regulation 3 requires a fee for each new Permit to Operate. You will be invoiced upon receipt of your start-up letter. No permits will be issued until all outstanding fees are paid.

Desert Petroleum Station 793
Application Number: 4543
April 27, 1990
Page 3

Implied Conditions

In the absence of specific permit conditions to the contrary, the throughputs, fuel and material consumptions, capacities, and hours of operation described in your permit application will be considered maximum allowable limits. A new permit will be required before any increase in these parameters, or change in raw material handled, may be made.

Expiration

In accordance with Regulation 2-1-407, this Authority to Construct expires two years from the date of issuance unless substantial use of the authority has begun.

Correspondence

Please include your application number with any correspondence with the District regarding this matter. If you have any questions on this matter, please call **Barry Young**, Air Quality Engineer at (415)771-6000, extension 183.

Very truly yours,

Milton Feldstein
Air Pollution Control Officer

by John G. Swanson
Permit Services Division

JAS:BGY:ml



Alameda County
District Attorney's Office

FACSIMILE TRANSMITTAL

568-3706

Fax Phone Number

Floor/Room #

Name:

Aria Lavi

Title/Section

Agency:

Haz Mat

Address:

Telephone Number: ()

FROM:

(415) 670-5142

Fax Phone Number

Floor/Room #

Date:

4/6/90

Sender:

Mark Thomson

Telephone Number: ()

Number of Pages Including Transmittal Sheet:

10

Special Instructions/Comments:

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW
5450 TELEGRAPH ROAD, SUITE 101
VENTURA, CALIFORNIA 93003
(805) 654-6666
(805) 656-3417
TELECOPIER (805) 654-0874

OXNARD OFFICE
315 NORTH A STREET
OXNARD, CALIFORNIA 93030
(805) 480-4511
TELECOPIER (805) 487-4093

THOMAS H. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARRIAC
JOSEPH L. STROHMAN, JR.
ROBERT L. VALLAWAY
SANDRA M. ROBERTSON
CHRIS CAROL HAMER
MARIAN KENT ORTIZ
JANETTE M. LARCEL
WILLIAM B. SMITH
GRANT C. SIMMONS

April 4, 1990

RECEIVED

APR 6 1990

DISTRICT ATTORNEY
HAYWARD
VIA TELECOPIER
(415) 670-5142

Mark Thomson, Esq.
Deputy District Attorney
Consumer & Environmental Protection
Alameda County District Attorney
24405 Amador Street
Hayward, California 94544

Dear Mr. Thomson:

Per our telephone conversation two weeks ago, this letter is intended to respond to the prior written demand from Mr. Ariu Levi, of the Alameda Department of Environmental Health, concerning permit questions. I will also attempt to address the operational questions raised by Mr. Levi in our last telephone conversation.

I trust Mr. Levi has been updating you regarding Desert Petroleum's on-site response to the environmental problem. Through the current time period, Desert has directed extraordinary manpower and funds in response to the problem at this station, notwithstanding the fact that in my opinion legal responsibility rests principally with the lessee/operators and the contractors who recently installed dispensers at the station. Preliminary indications are that the problem arose out of the recent installation of dispensers and not from leaking underground storage tanks, as initially suspected by Mr. Levi.

In his December 8, 1989 letter, Mr. Levi asserted four regulatory and permitting violations. The following is Desert's response.

1. Inventory Reconciliation Records. Desert Petroleum, as owner of the real property, entered into a real estate lease agreement with Mr. Hooshang F. Hadjian, effective October 22, 1987. The lease does not create or contemplate any form of franchise relationship; rather, it is an ordinary real estate lease. The lease neither contemplates nor

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM
ATTORNEYS AT LAW

Mr. Mark Thomson, Esq.
April 4, 1990
Page 2

requires that Desert provide services, fuel, or any other products to the lessee. The lessee is free to seek out and secure any branding and supply relationships he desires with major oil companies or other suppliers.

Desert Petroleum was informed that Mr. Hadjian had assigned the lease to Messrs. Jason Golpad & Mojtaba Karimabad sometime in September 1989. The lease specifies that "no subletting or assignment shall release Lessee from Lessee's primary obligation or alter the primary liability of Lessee to pay the rent and to perform all other obligations to be performed by Lessee" under the lease.

Paragraph 7 of the lease provides as follows:

"7. COMPLIANCE WITH LAWS:

Lessee shall throughout the term hereof, without cost to Lessor, promptly comply with all laws and ordinances, and the orders, rules, regulations and requirements (including but not limited to those regarding pollution and air quality) of all federal, state and municipal governments; and of any department, commission, board and officer pursuant to law, which shall impose a duty upon the Lessor or Lessee, foreseen or unforeseen, ordinary as well as extraordinary and whether or not the same require structural repairs or alterations, with respect to the Premises or the fixtures thereof or the sidewalks and curbs, if any, adjoining the Premises or the use or manner of use of the Premises. Also, Lessee, at Lessee's sole expense, shall obtain all licenses or permits which may be required for the conduct of Lessee's business within the term of this Lease Agreement, or for making repairs, replacements, alterations, improvements, betterments or additions."

Paragraph 7 specifically and unambiguously allocates to lessee the responsibility for compliance with all laws, including pollution and air quality laws and regulations. Moreover, in paragraph 7 the lessee contractually undertakes to obtain all licenses and permits to operate the facility, including replacements and improvements.

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

Mr. Mark Thomson, Esq.
April 4, 1990
Page 3

At the time the property was leased, the station was outfitted with leak detectors which were then state of the art equipment. The lessee was instructed in the use of said devices and the requirements for tank monitoring. At the time, Desert believed that installation of leak detectors and delegation of the monitoring responsibilities through the cited provisions of the lease, adequately complied with the law. Desert had no knowledge, prior to Mr. Levi's letter, that the lessee had allegedly failed to maintain inventory reconciliation records, which as "operator" of the facility he is required to maintain. Nor did Desert at any time have any knowledge that the lessee/operator was not in compliance with the quarterly reporting requirement.

2. Underground Storage Tank Permits. Mr. Levi's letter states that the underground storage tanks were operated without permits from November 16, 1987 to December 6, 1989. The period referenced in Mr. Levi's letter corresponds to the time the station was under lease to Mr. Jason Golpad. Desert believes, although copies of supporting documents have not yet been found, that the tanks were properly registered and permits had been secured during the period which preceded the commencement of the lease.

Additionally, Desert has provided me with copies of statements which it received on September 19, 1988, and April 13, 1989, from Alameda County Health Care Services Agency, for Hazardous Material Services, and for 4 Underground Tank Containers. The statements, which correspond to this service station location, were returned to the agency with a notation thereon that Desert no longer operated the location and that it had been leased on 11-16-87. Copies of these statements are enclosed for your file.

3. Relining of Tanks. The tanks were relined in 1987 as part of a broader prophylactic plan of relining older tanks. The tanks were relined pursuant to a contract with D. I. Chadbourne Co. Chadbourne company was responsible for securing all necessary permits. In fact, my client recalls that Chadbourne experienced considerable delays at this site due to permitting complications. Unfortunately, we have not yet located the supporting documentation. We have asked the Chadbourne company for assistance in this matter, but the principal of that company has not been able to locate the

24 WNO
LAW

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM
ATTORNEYS AT LAW

Mr. Mark Thomson, Esq.
April 4, 1990
Page 4

TALK TO
BROW
RE: THIS.

files. Desert's files indicate that two 8,000-gallon tanks were relined at this location in 1987.

I suspect that in 1987, permits for tank re-lining were handled through the local fire department and not Environmental Health. If your office has access to the local fire department's files, this issue can probably be verified through its records.

Permits. Tank?

In January of this year, Mr. D. I. Chadbourne corresponded with me regarding these permits. I am enclosing herewith a copy of his letter, dated January 22, 1990. I have had no further input from Mr. Chadbourne since.

4. Pipeline Modifications. We cannot comment on this charge because the lessee directly contracted with Walton Engineering to do the work. Desert Petroleum had no knowledge or hint that any work performed at the station by the lessee and its contractor was not done in accordance with regulatory requirements.

Even assuming, arguendo, that Desert Petroleum failed to comply with the precise letter of law, I submit that the alleged violations, which deal principally with permitting (i.e. paperwork) regulations, are excusable for the reasons stated herein.

First, the violations were principally caused by inaction on the part of the lessee/operator. Desert's responsibility under the law, if any, would be secondary and passive in nature. The County may contend that Desert failed to closely scrutinize the operations of its lessee to insure compliance with inventory reconciliation and permitting requirements. However, during these early years of the underground storage tank program, most people in the regulated community, as well as the regulators themselves, were operating in a regulatory fog.

Second, Desert acknowledges receiving the tank permitting statements, but it should be noted that each of these was returned to the agency with a notation indicating that the station was no longer operated by Desert and was instead leased to a third party. Had Desert been thereafter notified that the lessee, upon demand by the County, failed to secure the necessary permits, then it could have taken

no. I think THE RETURNED THIS TANKS were closed.

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM
ATTORNEYS AT LAW

Mr. Mark Thomson, Esq.
April 4, 1990
Page 5

further actions to insure compliance with permit regulations.

Third, in each of the alleged violations, Desert's failure to comply was unknowing. There are no factors pointing to a knowing violation, such as, for example, prior notices from the County that the lessee had been out of compliance on the inventory reconciliation reporting or other permitting violations.

OK

Fourth, Desert believed, honestly and in good faith, that it had acted responsibly and complied with the law when it installed leak detectors, instructed the lessee on their use, and provided in the lease that lessee was responsible for complying with all laws, including pollution regulations.

no

In addition to these mitigating factors, it is relevant to consider also that none of the claimed violations caused or in any way contributed to the release of gasoline. The pollution incident appears to have been caused by a pipeline connection leak in the area of the newly-installed dispensers.

FALSE -
PIPE WILL
WORK DETECTORS
HAD WORK DONE
WHICH

With respect to the operation questions raised by Mr. Levi, they are being addressed in a report being prepared by the contractor, which you should be receiving contemporaneously with this letter. If not, you should receive it within a matter of days. I have discussed with my client the three questions posed by Mr. Levi and am prepared to respond preliminarily.

OK Boring

1) Additional Remediation: The contractor's report should address the question of additional remediation in the area of the fill material along the sewer pipe and the zones of influence being exerted by the two extraction units at the site now.

2) Red Jacket System: We do not have an explanation as to why the Red Jacket leak detectors failed. All indications are that the units were connected at the time. Also, there was no evidence the units had been overridden or tampered with. It is worthy of note that several major gasoline retailers have filed lawsuits against the manufacturer of the Red Jacket devices because of unusually high

WHO CHECKED
THEM.
I WANT TO
KNOW WHAT
THEY DID
TO VERIFY
THIS

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

Mr. Mark Thomson, Esq.
April 4, 1990
Page 6

failure rates being experienced. This may help shed further light on the subject.

3) Cause of Leak: It appears quite conclusively now that the source of the leak was a piping problem and not the tanks themselves. Mr. Levi asked for a copy of the tank test believed to have been performed in September 1989. Desert has no knowledge regarding any tank test performed in September and therefore is unable to provide any further information thereon.

Told of
Test by
OPERATIONS.

I expect that the progress report being submitted by the contractor will shed further light on the operational questions and will further serve to demonstrate the extraordinary efforts which Desert has made in dealing with this problem.

If you wish to discuss this matter further after reviewing this response, please do not hesitate to contact me.

Very truly yours,

CASE, ORR & CUNNINGHAM

By:


LOU CARPIAC

LC:mb
Enclosures

D. I. CHADBOURNE, INC.
204 East 2nd Avenue, Suite 622
San Mateo, California 94401
415-931-7208

Case, Orr and Cunningham
P. O. Box 3923
Ventura, California 93006

1-22-90

Attn: Mr. Lou Capriac

805-854-1866
805-854-0074 Fax

Re: Desert Petroleum
4035 Park Boulevard, Oakland, Ca.

Dear Mr. Capriac,

As per our telephone conversation of last week this letter confirms that we are still trying to find a hard copy of our permit to work on the underground tanks at the above location.

As I said on the phone The Oakland Fire Department is where we received our permit and we will be able to get to their records on 2-20-90 due to the earthquake late last year.

I will stay in contact with you on this matter.

Yours truly,



Daniel I. Chadbourne

DC:cc

RECEIVED JAN 26 1990

COUNTY OF ALAMEDA
 HEALTH CARE SERVICES AGENCY
 ENVIRONMENTAL HEALTH BILLING
 P.O. BOX 28024 OAKLAND, CA 94604
 PHONE: 255-7501

#773

STATEMENT

REMITTANCE ADVICE

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

CHECK THOSE ITEMS IN THE "PAID" COLUMN BEING PAID.

GASCO SERVICE STATION 793
 P.O. BOX 1691
 OXNARD
 CA 93032
 DESERT PETRO.

STATEMENT DUE
 04/11/89

ACCOUNT NO
 T41044

ITEMS AFTER THIS DATE WILL APPEAR ON YOUR NEXT STATEMENT

PLEASE REFER TO THIS ACCOUNT NO. WHEN MAKING INQUIRIES

GASCO SERVICE STATION 7

STATEMENT DUE
 04/11/89

ACCOUNT NO
 T41044

REFERENCE	DATE	DESCRIPTION	AMOUNT	BALANCE	REFERENCE	AMOUNT
057	04/11/89	UNDERGROUND TANK CONTAINER - 4 4035 PARK, Oakland, CA	277.00	277.00	14057	277.00
<p>4-11-89 - We closed operating this station on 11-16-87. Thank you. Kay B. Thompson</p>						
<p>0% PENALTY - 30 DAYS FROM STATEMENT DUE</p>			PLEASE PAY	277.00	TOTAL	277.00

RECEIVED APR 13 1989

CODES:
 I-INVOICE/STATEMENT
 C-OR MEMO P-PAYMENT
 D-OR MEMO F-FINANCE CHARGE

1990-04-06 13:59
 41670 5142 A.C.D.A. HAYWARD CONSUMER FRAUD 001 P09

COUNTY OF ALAMEDA
 HEALTH CARE SERVICES AGENCY
 ENVIRONMENTAL HEALTH BILLING
 P.O. BOX 28924 DAKLAND, CA 94634
 PHONE: 216-2121

STATEMENT
 RECEIVED SEP 19 1988
 REMITTANCE ADVICE

RECEIVED SEP 19 1988

TO INSURE PROPER CREDIT, PLEASE
 RETURN THIS PORTION WITH YOUR
 PAYMENT

CHECK THOSE ITEMS IN THE "✓"
 COLUMN BEING PAID.

GASCO SERVICE STATION 793
 P.O. BOX 1401
 OXNARD
 CA 93032
 DARRELL JARDINE

STATEMENT DUE
 09/16/88

ACCOUNT NO.
 HB1340

GASCO SERVICE STATION 793

STATEMENT DUE
 09/16/88

ACCOUNT NO.
 HB1340

ITEMS AFTER THIS
 DATE WILL APPEAR
 ON YOUR NEXT
 STATEMENT

PLEASE REFER TO THIS
 ACCOUNT NO. WHEN
 MAKING PAYMENTS.

REFERENCE	DATE	DESCRIPTION	AMOUNT	BALANCE	REFERENCE	AMOUNT
53	08/01/88	HAZARDOUS MATL. SVCS. LESS 10 EMPL	105.00	105.00	19353	105.00
76	09/16/88	DELINQUENCY PENALTY 30 DAYS 8%	8.40	8.40	20976	8.40
<p><i>no longer operate this location.</i> <i>ceased operation on 11-16-87</i> <i>Thank you</i> <i>Loy D. Thompson</i></p> <p>DELINQUENT PLEASE REMIT IMMEDIATELY</p>						
<p>8% PENALTY - 30 DAYS FROM STATEMENT DUE</p>			PLEASE PAY	113.40	TOTAL	113.40

MEMO
 INVOICE/STATEMENT
 P-MEMO P-PAYMENT
 F-MEMO F-FINANCE CHARGE

CURRENT

1990-04-06 13:59
 4 670 5142 A.C.D.A. HAYWARD CONSUMER FRAUD 001 P10

RCI

REMEDATION SERVICE, INT'L.

P.O. BOX 1601, OXNARD, CALIFORNIA 93032
(805) 644-5892 • FAX (805) 654-0720

January 2, 1990

CDC

JAN 04 1990

QUALITY CONTROL BOARD

Mr. Ray Kahler ✓
California Regional Water
Quality Control Board
San Francisco Bay Region
1800 Harrison, Suite 700
Oakland, CA 94612

RE: Emergency Temporary Discharge Permit Request
for Desert Petroleum Station 793
dba Beacon, 4035 Park Blvd., Oakland

Dear Mr. Kahler:

This letter will confirm our conversation on December 29, 1989 regarding the various requirements of the proposed emergency permit to discharge treated ground water into the storm drain on Brighton Street.

Effluent water tests were taken on Friday, December 29, 1989, and verification samples were taken on Saturday, December 30. Samples were taken at the water outlet, both before and after the carbon canister. The purpose of this testing was to demonstrate the effectiveness of the S.A.V.E. System, prior to carbon treatment, and to document the removal efficiency of the carbon. The emergency discharge limits established by the Board are TPH 50 ppb and 0.5 ppb for BTXE individually. Verification samples are to be taken at least 6 hours, but no more than 24 hours after the initial sample. The test methods to be used are identified in the Fuel Leak Guidelines: EPA methods 8020 and 8015. As you know, the detection limits of 8020 is normally 100 ppb, and for 8015, the limit is 0.5 ppb. The lab we use in the Bay area is able to provide a lower detection limit: 50 ppb for 8020 and 0.3 ppb for 8015. You will note that the detection limits of the tests are very close to the discharge limit requirements of the Board.

We anticipate providing the Board with the test results this morning. Provided that the test results are within the limits, we understand that we will receive a verbal authorization to begin discharge, which will be followed by an executive letter providing the written authorization. We understand that the discharge permit is temporary, and will be available while we apply for the sewer discharge permit and make the necessary alterations to the sewer lines

Mr. Ray Kahler
January 2, 1990
Page 2

required by the Sanitary District. Testing will continue on a daily basis, with tests taken at 24 hour intervals and analyzed within twenty-four hours of the test. This information will be provided to the Board weekly with a written status report. If a violation occurs, we understand that we must contact you and stop treatment immediately.

We would like to discuss the testing requirements, once we have some data to demonstrate the effectiveness of the system and the carbon. These initial tests will allow us to calculate the carbon breakthrough, and thus allow us to justify a reduction in the frequency of the effluent testing.

Thank you for you quick and professional response to our request for this emergency discharge. We appreciate your assistance, and look forward to the resolution of the problem.

Sincerely,



Rebecca Coleman-Roush
Director of Marketing

cc: John Rutherford
Desert Petroleum

desert petroleum inc.

December 28, 1989

- Must maintain pumping of product to keep product out of sewer

Mr. Lester Feldman
Section Leader for Alameda County
California Regional Water Quality
Control Board
San Francisco Bay Region
1800 Harrison, Suite 700
Oakland, CA 94612

*- Working with A.C.W.Q.C.B.
Area Lead 12/21/89*

RE: Emergency Temporary Discharge Permit Request
for Desert Petroleum Station 793
dba Beacon, 4035 Park Blvd., Oakland

Dear Mr. Feldman:

The purpose of this letter is to request an emergency permit for the discharge of treated water into the storm drain for the above mentioned site. The water treatment is required for the remediation of gasoline contamination from an unauthorized release.

from 1200 gal of treated gasoline

The unauthorized release[^] was discovered on November 30, 1989, and immediate action was taken to remedy the problem. We now wish to begin treatment of the water. The sewer discharge permit would require alterations to the access of the sewer before discharge can begin. This would require significant construction, including replacement of portions of the sewer line and digging up portions of the street. This will delay the treatment of the water for many weeks. The storm drain, however, is located two feet from the temporary treatment unit located on Brighton Street. Access to the storm drain can be achieved immediately and without disruption to the street or local utilities. We are therefore requesting an emergency authorization to discharge treated water at this location. The water treatment process is explained in the attachments, and the water will be passed through carbon, prior to discharge.

We appreciate your immediate action on this request, and if you have any additional questions, please contact John Rutherford, Remediation Service Int'l, (805) 644-5892.

Sincerely,


Dean E. Jensen
Vice President

*at contact Robert Coleman
(805) 644 5892*

INTRODUCTION

This application is for a temporary sewer discharge permit for Desert Petroleum Station 793, dba Beacon, 4035 Park Blvd., Oakland. The site is an operating gasoline station which experienced an unauthorized gasoline release due to pipe failure. The release was discovered by the Alameda County Environmental Health Department on November 30, 1989.

The gasoline is primarily confined to the supply pipe area and electrical and sewer back fill area. The contamination is a result of seepage from the leaking supply pipe.

The plan is to continue emergency treatment of the free product which has collected in the back fill of the sewer with a portable vapor extraction unit. Contamination located at the source is being treated by a second unit. The treatment process is vapor extraction and thermal oxidation (combustion). The process description is attached. The system is called the RSI S.A.V.E. System; it is a four cylinder internal combustion engine.

Sample Results

The maximum levels of contamination in the water are:

Total Petroleum Hydrocarbons	57 mg/kg
Benzene	3,100 ug/l
Toluene	4,300 ug/l
Ethyl benzene	670 ug/l
Xylenes	3,400 ug/l

Additional testing can be performed on request.

Plot Plan

Two plot maps are enclosed. They show the location of both engines. The unit on site is attached to wells RS-1, RS-2, RS-5 and RS-6, although only RS-1 and RS-5 are in operation. The second unit is located at the manhole to the sewer in the middle of Brighton Street. It is attached to RS-4. The contaminated area follows the sewer lines shown on the sewer and storm drain map. The storm drain inlet is also located in the middle of Brighton Street, next to the sewer manhole. The ultimate receiving water is San Francisco Bay.

Treatment

A process description, flow diagrams and equipment photograph are enclosed.

Discharge

The maximum daily discharge rate is 14,400 gallons of treated water.

*for this is what is
in daily now.
Vac Trucks*

EQUIPMENT OPERATION AND PROCESS DESCRIPTION

The following is a description of the operation of the RSI S.A.V.E. System. The concepts behind this system are "thermal vacuum spray aeration" and "compressive thermal oxidation". Both of these are well proven concepts. Spray aeration has been proven effective on both large and small scales for the separation of dissolved hydrocarbons and water. The technology for the control of internal combustion engine emissions by using a catalytic converter has also been effectively demonstrated.

The S.A.V.E. System is a blending of three separate types of remediation which is more efficient than the three systems alone. The three systems are as follows:

1. Vapor extraction from soil
2. Spray aeration treatment of ground water
3. Thermal oxidation using an engine for combusting hydrocarbon-laden vapors and a catalytic converter to control the exhaust.

The soil vapor extraction system consists of a vacuum pump driven by the internal combustion engine. The vacuum on the well causes the hydrocarbons to volatilize and flow with the air into the well, up to the vacuum pump, and then to the engine for treatment before discharge.

Ground water contamination is remediated by use of a spray aerator. Spray aeration works on the same principle as an air stripper. In an air stripper, air is moved quickly over the surface of the hydrocarbon-laden water in order to volatilize the hydrocarbons. In spray aeration, hydrocarbon laden water droplets move quickly through the air causing the hydrocarbons to volatilize. However, in the spray aerator there is no packing to foul or replace. To ensure sufficient hydrocarbon removal, the water is recirculated through a second set of spray nozzles. In this part of the system, water-hydrocarbon separation is enhanced by both vacuum and heat; by lowering the pressure, the temperature at which the hydrocarbons vaporize drops. Increasing the temperature further increases the potential for the hydrocarbons to vaporize. The RSI spray aerator takes advantage of both of these principles by spraying heated water in a vacuum. The engine provides the energy source for heating the water.

At an assumed recovery rate of 10 gpm total and a circulating rate through the system of 100 gpm there will be an average of 20 cycles through the system before discharge. An 80% - 90% reduction in contaminants per cycle is the normal achieved rate, resulting in final removal rates approaching 100%.

As the water level rises from the influx of water from the wells, a float will trigger a discharge of an equal amount of remediated water. The level of contaminant reduction will be determined by sampling water inputs and discharges from the equipment.

Discharge water will then be passed through activated charcoal for final polishing before discharge.

Hydrocarbons extracted from the water in the spray aerator are combined with the vapors drawn out of the wells. The combined vapors are fed directly to the intake of the engine and after combustion in the engine, the exhaust is passed through a catalytic converter to ensure complete combustion.

The entire system is under vacuum until vapors enter the cylinders of the engine for combustion, so any possible leaks of the seals or connections are into the system, resulting in no loss of hydrocarbons to the atmosphere. If there is no combustion, the engine stops running. Since the engine is the power source for all other equipment, all systems stop when the engine stops, thereby preventing any uncontrolled releases. In addition, the engine will have shut off devices triggered by low oil pressure, loss of vacuum, or engine overheat.

A formal health and safety plan will be prepared for operation of the S.A.V.E. System. To provide for safe and secure operation of this equipment, the following safety elements have been designed into the system:

1. The engine has automatic features which will turn the entire system off under any of the following conditions:
 - a. Engine overheating
 - b. Recirculating pump pressure dropping below normal range
 - c. Engine oil pressure dropping below normal range.
2. The vacuum type fuel pump is mechanically driven by the engine; this ensures that when the engine stops running, all fuel pumping also ceases.
3. The hoses connecting the wells to the equipment will run underground through piping.
4. All equipment, including the fuel tank, shall be enclosed in a fenced compound, including a fence cover over the top to prevent any tampering with the equipment.

desert petroleum inc.

Gary W. Carson
Executive Vice President

89 DEC 13 AM 11:54

December 12, 1989

VIA FAX - 415-568-3706
EXPRESS MAIL

Alameda County Health Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, Ca 94621

Attn.: Ariu Levi
Hazardous Materials Specialist

Re: Release - 4035 Park Blvd., Oakland, CA
Release Reporting Date - 11/30/89

This report is to provide information regarding a release at the above-referenced location in compliance with 23CCR Section 2652(c).

- A. Facility operator is Jason Golpad. Telephone number 415-530-1033. Property owner is Desert Petroleum, Inc. Telephone number 805-644-6784.
- B. Type of release is motor fuel gasoline, quantity and concentration are unknown at this time.
- C. Present investigation to determine extent of contamination due to the release consists of: (a) precision tank test and line pressure to determine cause of release; (b) soil gas investigation of property; (c) map and track sewer lines from property by Ultra Sound Equipment; (d) review inventory and sales records to determine quantities released; and (e) 3 soil borings on property for sampling as part of preliminary site assessment.
- D. Results of investigations indicate soil contamination is not extensive, with possible migration of product along pores of the sewer trench entering sewer system at crack in sewer line at low point. A formal site assessment will be submitted to more fully define the problem.

E. Cleanup implemented to date consists of:

1. Periodic flushing and monitoring of sewer system.
2. Closure of business and evacuation of gasoline from tanks.
3. Install 3 recovery wells on property.
4. Secure proper permits for offsite and property drilling.
5. Secure and install vacuum extraction and water remediation system on site to remove free product.

F. Additional proposed cleanup: (a) recovery well in street near sewer; (b) install portable vapor extraction unit at sewer to evacuate free product from sewer area. Unit will be monitored continually and operated during daylight hours; (c) operate and monitor additional vacuum equipment on property; and (d) prepare formal site plan to investigate and cleanup further contamination.

G. Approximate costs to date for cleanup are in excess of \$60,000.00.

H. All contaminated waste, groundwater or soils will be disposed of by proper manifest to an authorized waste facility unless properly remediated in-situ.

I. Future repairs or replacement will be handled by securing proper permits and approvals.

J. Progress reports to be submitted to local and regional agencies every three months or as frequently as required by agency.

K. State required form unauthorized release contamination site report is attached. Original copy has been sent under separate cover to Health Agency.

The source of release has been stopped by removal of gasoline product at the site. Investigation and remediation will continue as quickly as possible. Although, the time required to submit a formal work plan for additional and future action is by January 15, on site work will continue to remediate source to sewer system.

Very truly yours,



Gary W. Carson

GWC:ca

cc: State Office of Emergency Services
Regional Water Quality Control Board
San Francisco Region
G. Wensen - Alameda County District Attorney's Office

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR LOCAL AGENCY USE ONLY. I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE.
REPORT DATE 12/08/89	CASE #	SIGNED _____ DATE _____

REPORTED BY	NAME OF INDIVIDUAL FILING REPORT J.D. RUTHERFORD	PHONE 851/644-5892	SIGNATURE 	
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER	COMPANY OR AGENCY NAME DESERT PETROLEUM INC		
	ADDRESS P.O. Box 1601 OXNARD CA 93032			

RESPONSIBLE PARTY	NAME JASON GOLPAD	CONTACT PERSON JASON GOLPAD	PHONE 415/530-1033
	ADDRESS 4035 PARK Blvd.	CITY STATE ZIP OAKLAND CA 94602	

SITE LOCATION	FACILITY NAME (IF APPLICABLE) J+M SERVICE STATION	OPERATOR JASON GOLPAD	PHONE 415/530-1033	
	ADDRESS 4035 PARK Blvd	CITY STATE ZIP OAKLAND ALAMEDA 94602		
	CROSS STREET TYPE OF AREA TYPE OF BUSINESS <input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input checked="" type="checkbox"/> RETAIL FUEL STATION <input type="checkbox"/> FARM <input type="checkbox"/> OTHER			

IMPLEMENTING AGENCIES	LOCAL AGENCY ALAMEDA County Health Services	AGENCY NAME ARIM LEUI	CONTACT PERSON L. FELDMON
	REGIONAL BOARD SAN FRANCISCO RWQCIS	PHONE 415/464-1255	

SUBSTANCES INVOLVED	(1) NAME Motor FUEL (GASOLINE)	QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2) _____ <input type="checkbox"/> UNKNOWN	

DISCOVERY/ABATEMENT	DATE DISCOVERED 12/03/89	HOW DISCOVERED <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input checked="" type="checkbox"/> NUISANCE CONDITIONS <input checked="" type="checkbox"/> OTHER TELE-CALL - AHCS.	
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER	
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 12/05/89		

SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	TANKS ONLY/CAPACITY GAL _____ AGE _____ YRS <input checked="" type="checkbox"/> UNKNOWN	MATERIAL <input type="checkbox"/> FIBERGLASS <input checked="" type="checkbox"/> STEEL <input type="checkbox"/> OTHER	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> SPILL <input type="checkbox"/> OTHER
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CASE TYPE	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)
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CURRENT STATUS	CHECK ONE ONLY <input checked="" type="checkbox"/> SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) <input checked="" type="checkbox"/> CLEANUP IN PROGRESS <input type="checkbox"/> SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> NO FUNDS AVAILABLE TO PROCEED <input checked="" type="checkbox"/> EVALUATING CLEANUP ALTERNATIVES
----------------	--

REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)			
	<input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> TREATMENT AT HOOKUP (HU)	<input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> NO ACTION REQUIRED (NA)	<input checked="" type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> OTHER (OT)	<input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> REPLACE SUPPLY (RS)

COMMENTS
 Informed of Gasoline in Sewer near location on 11/30/89 approx. 10:30 AM. Conducted Inventory Reconciliation of Tanks P.M. 11/30/89. Tank Test on 12/6/89. Facility Shut Down.

CASE, ORR & CUNNINGHAM

ATTORNEYS AT LAW

MICHAEL W. CASE
JOHN C. ORR
DAVID L. CUNNINGHAM
JOSEPH L. STROHMAN, JR.
LOU CARPIAC
ROBERT L. GALLAWAY
ANNETTE M. LERCEL
CHRIS CAROL HAMER
GRANT L. SIMMONS
MARIAN KENT ORTIZ

5450 TELEGRAPH ROAD, SUITE 101
VENTURA, CALIFORNIA 93003
(805) 654-1666
(805) 656-3817

89 DEC 14 PM 4:40
PLEASE REPLY TO
POST OFFICE BOX 3923
VENTURA, CALIFORNIA 93006
TELECOPIER: (805) 654-0874

December 12, 1989

VIA FAX and REGULAR MAIL
(415) 670-5142

Mark Thomson, Esq.
Deputy District Attorney
Consumer & Environmental Protection
Alameda County District Attorney
24405 Amador Street
Hayward, California 94544

Dear Mr. Thomson:

This letter will serve to confirm our telephone conversation last Friday, as well as to respond to certain concerns expressed in Mr. Ariu Levi's letter to Desert Petroleum, dated December 8, 1989.

Although a more detailed narrative and chronology will follow under separate cover, I wish to confirm that as of the date of our telephone conversation last Friday, the operator's product in each of the underground stage tanks had been evacuated, removing the possibility of continuing contamination. Additionally, installation had commenced on two vapor extraction machines, the sewer line had been flushed to reduce vapors, and soil borings had been performed. These actions, along with other incidental expenses, represent expenditures by my client exceeding \$60,000, in response to the mandates of the Alameda County Environmental Health Department.

As I indicated in our telephone conversation, my client's ability to respond in the first instance was limited because it is not the operator of the property; it owns the property and leases it to Mr. Jason Golpad under a real estate lease. Under this arrangement, Desert Petroleum's power to deal with the property and implement the measures mandated by your agency is limited. Once the operator's cooperation was secured, then my client was able to respond more aggressively.

CASE, ORR & CUNNINGHAM

ATTORNEYS AT LAW

Mark Thomson, Esq.
December 12, 1989
Page 2

I will be meeting with representatives of Desert Petroleum again this week to ascertain the status of the alleged permit violations described in Mr. Levi's letter. Although his letter appears to impose a requirement that these issues must also be addressed by December 13, 1989, I trust you will accept my client's submittal of the release report (copy transmitted herewith) pursuant to 23 CCR Section 2652(c) as timely response to these requirements, with the explanation that additional responses regarding the alleged permit violations will follow before the end of this week.

Thank you for your professional courtesy and cooperation.

Very truly yours,

CASE, ORR & CUNNINGHAM

By:


LOU CARPIAC

LC:mms

cc: Alameda County Environmental Health
Attn: Mr. Ariu Levi
Desert Petroleum, Inc.
Attn: Mr. Gary W. Carson
Attn: Mr. John Rutherford

desert petroleum inc.

Gary W. Carson
Executive Vice President

December 12, 1989

VIA FAX - 415-568-3706
EXPRESS MAIL

Alameda County Health Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, Ca 94621

Attn.: Ariu Levi
Hazardous Materials Specialist

Re: Release - 4035 Park Blvd., Oakland, CA
Release Reporting Date - 11/30/89

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5. Secure and install vacuum extraction and water remediation system on site to remove free product.

F. Additional proposed cleanup: (a) recovery well in street near sewer; (b) install portable vapor extraction unit at sewer to evacuate free product from sewer area. Unit will be monitored continually and operated during daylight hours; (c) operate and monitor additional vacuum equipment on property; and (d) prepare formal site plan to investigate and cleanup further contamination.

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H. All contaminated waste, groundwater or soils will be disposed of by proper manifest to an authorized waste facility unless properly remediated in-situ.

I. Future repairs or replacement will be handled by securing proper permits and approvals.

J. Progress reports to be submitted to local and regional agencies every three months or as frequently as required by agency.

K. State required form unauthorized release contamination site report is attached. Original copy has been sent under separate cover to Health Agency.

The source of release has been stopped by removal of gasoline product at the site. Investigation and remediation will continue as quickly as possible. Although, the time required to submit a formal work plan for additional and future action is by January 15, on site work will continue to remediate source to sewer system.

Very truly yours,



Gary W. Carson

GWC:ca

cc: State Office of Emergency Services
Regional Water Quality Control Board
San Francisco Region
G. Wensen - Alameda County District Attorney's Office

12/27/89

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) CONTAMINATION SITE REPORT

EMERGENCY YES NO HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? YES NO

FOR LOCAL AGENCY USE ONLY. I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE.

REPORT DATE: 12/20/89 CASE #

SIGNED: _____ DATE: _____

REPORTED BY: J.D. RUTHERFORD PHONE: 856/644-5892 SIGNATURE: [Signature]
 REPRESENTING: OWNER/OPERATOR REGIONAL BOARD COMPANY OR AGENCY NAME: DESERT PETROLEUM INC.
 LOCAL AGENCY OTHER

ADDRESS: P.O. BOX 1601 STREET: OXNARD CITY: CA STATE: 93032 ZIP:

RESPONSIBLE PARTY: NAME: JASON GOLPAD UNKNOWN CONTACT PERSON: JASON GOLPAD PHONE: 415/530-1033
 ADDRESS: 4035 PARK Blvd. STREET: OAKLAND CITY: CA STATE: 94602 ZIP:

SITE LOCATION: FACILITY NAME (IF APPLICABLE): J+M SERVICE STATION OPERATOR: JASON GOLPAD PHONE: 415/530-1033
 ADDRESS: 4035 PARK Blvd. STREET: OAKLAND CITY: ALAMEDA COUNTY: 94602 ZIP:
 CROSS STREET: TYPE OF AREA: COMMERCIAL INDUSTRIAL RURAL RESIDENTIAL OTHER TYPE OF BUSINESS: RETAIL FUEL STATION FARM OTHER

IMPLEMENTING AGENCIES: LOCAL AGENCY: ALAMEDA County HEALTH SERVICES AGENCY NAME: ARIU LEVI CONTACT PERSON: L. FELDMON PHONE: 415/271-4320
 REGIONAL BOARD: SAN FRANCISCO RWQCB PHONE: 415/464-1255

SUBSTANCES INVOLVED: (1) Motor FUEL (GASOLINE) NAME: QUANTITY LOST (GALLONS): UNKNOWN UNKNOWN
 (2)

DISCOVERY/ABATEMENT: DATE DISCOVERED: 1/13/90 HOW DISCOVERED: INVENTORY CONTROL SUBSURFACE MONITORING NUISANCE CONDITIONS
 TANK TEST TANK REMOVAL OTHER: TELE-CALL - AHCS.

DATE DISCHARGE BEGAN: UNKNOWN METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY):
 REMOVE CONTENTS REPLACE TANK CLOSE TANK
 REPAIR TANK REPAIR PIPING CHANGE PROCEDURE
 OTHER: HAS DISCHARGE BEEN STOPPED? YES NO IF YES, DATE: 12/20/89

SOURCE/CAUSE: SOURCE OF DISCHARGE: TANK LEAK UNKNOWN PIPING LEAK OTHER TANKS ONLY/CAPACITY: GAL. AGE: YRS. UNKNOWN MATERIAL: FIBERGLASS STEEL OTHER CAUSE(S): OVERFILL RUPTURE/FAILURE CORROSION UNKNOWN SPILL OTHER

CASE TYPE: CHECK ONE ONLY: UNDETERMINED SOIL ONLY GROUNDWATER DRINKING WATER (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS: CHECK ONE ONLY: SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) CLEANUP IN PROGRESS SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY)
 NO ACTION TAKEN POST CLEANUP MONITORING IN PROGRESS NO FUNDS AVAILABLE TO PROCEED EVALUATING CLEANUP ALTERNATIVES

REMEDIAL ACTION: CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS):
 CAP SITE (CD) EXCAVATE & DISPOSE (ED) REMOVE FREE PRODUCT (FP) ENHANCED BIO DEGRADATION (IT)
 CONTAINMENT BARRIER (CB) EXCAVATE & TREAT (ET) PUMP & TREAT GROUNDWATER (GT) REPLACE SUPPLY (RS)
 TREATMENT AT HOOKUP (HJ) NO ACTION REQUIRED (NA) OTHER (OT)

COMMENTS: Informed of Gasoline in Sewer near location on 11/30/89 approx. 10:30 AM. Conducted Inventory Reconciliation of Tanks P.M. 11/30/89. Tank Test on 12/6/89. Facility Shut Down.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



December 8, 1989

DEPARTMENT OF ENVIRONMENTAL HEALTH
-Hazardous Materials Program
90 Owen Way, Rm. 100
Oakland, CA 94612
(415)

Mr. Gary Carson
Desert Petroleum Inc.
P.O. Box 1601
Oxnard, CA 93032

Re: Notice of Violation

Dear Mr. Carson:

On November 11, 1989, waste gasoline was found entering the sanitary sewer in the area of Brighton Ave. and Park Blvd. in Oakland. Pursuant to Tri-regional Recommendations, Nov. 9, 1989, edition, for addressing nuisance condition fuel leaks, all gasoline stations within a 2,000 foot radius from the discovered release were inspected to evaluate their degree of compliance with California Code of Regulations, Title 23 (23CCR), monitoring and reporting regulations.

The Desert Petroleum facility located at 4035 Park Blvd. in Oakland, currently leased to Mr. Jason Golpad, was inspected on Nov. 30 and Dec. 4, 5, 6, 1989. Several violations of 23CCR and the California Health and Safety Code (CHSC) were observed. A description of the violations and the applicable code section follow:

1. 23CCR, Section 2644

The facility failed to keep accurate or proper records for Inventory Reconciliation.

- subsection (a) states, All owners of existing underground tanks implementing a monitoring alternative in section 2641 which specifies inventory reconciliation shall implement an inventory reconciliation program...
- subsection (e) states, The owner or operator shall, on a quarterly basis, submit a statement to the local agency... that states the data is within allowable limits or lists the dates and variations that exceed the allowable variations.

2. CHSC, Section 25284

The underground tanks were apparently operated without permits from Nov. 16, 1987 to Dec. 6, 1989. On Dec. 6 1989, the tank systems were shut down as a result of failed precision tests.

Desert Petroleum
December 8, 1989
Page 2

3. 23CCR, Section 2661
The underground tanks had been repaired by lining at an earlier date without this Office's evaluation or approval.
4. 23CCR, Section 2663
Pipeline and dispenser modifications were made and put into use without this Office observing the pipeline pressure test.

You are informed of Section 25299 (b) of the CHSC which provides for a civil penalty of \$500 to \$5,000 per day for any of the following violations:

1. Failure to obtain a permit..
2. Knowing failure to take reasonable and necessary steps to assure compliance with the CHSC by the operator of an underground tank.
3. Failure to repair an underground tank.

On Dec. 5, 1989, you were made aware of my conversation with Mr. John Rutherford concerning your responsibility to prevent the continued release of waste gasoline to the sanitary sewer. You were informed the ongoing threat of explosive vapors to the surrounding community demanded corrective action by the most probable responsible party before it could be conclusively shown where the gasoline came from. Your decision to not act until the full system precision test verified your tanks leak resulted in the continued release of hazardous waste to the local POTW.

You are informed of the CHSC, Section 25189(d), which states, any person who negligently disposes or causes the disposal of any hazardous or extremely hazardous waste at a point which is not authorized according to the provisions of.. the CHSC.. shall be subject to a civil penalty of not more than \$25,000 for each violation.... Each day of violation existence is a separate violation.

You are requested to submit a report to this Office by Dec. 13, 1989, that meets the requirements of 23CCR, Section 2652(c). You are to include in the report a letter of commitment that 23CCR,

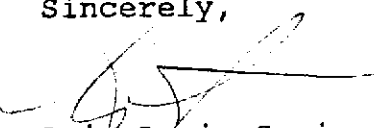
Desert Petroleum
Dec. 8, 1989
Page 3

Section 2652(d)(e) will be complied with, and that a workplan for subsurface investigative work will be submitted. Your report is also to include a time schedule for additional submittals. A written response to the listed violations shall also be included.

Please be aware that the Alameda County District Attorney's Office has been contacted concerning this case, and will continue to be informed of your progress toward site clean up.

If you have any questions concerning the contents of this letter or the status of this case please feel free to contact me.

Sincerely,


Ariu Levi, Senior Hazardous Materials Specialist
Alameda County Environmental Health

cc:

Gil Jensen; Alameda County District Attorney's Office,
Consumer and Environmental Protection
Rafat Shahid; Assistant Agency Director
Edgar Howell; Chief of Haz Mat Unit
Sgt Alan Whitman; OPD
Capt. Wayne Gaskin; OFD
Ralph Gilbert; OPW
Karen Folks; EBMUB
Howard Hatayama; DHS
Lester Feldman; SFRWQCB
Jason Golpad; Facility Operator

P 062 127 715

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVER IS PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to <i>Mr. Gary Carlson</i>	
Street and No.	
P.O. State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Name, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

300 JUN 8 1985

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



December 7, 1989 CM #P 062 127 714

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94612
415)

Mr. Jason Golpad
J&M Beacon Service Station
4035 Park Blvd.
Oakland, CA 94602

Re: Notice of Violation

Dear Mr. Golpad:

As a result of an emergency response by this Office and the Oakland Fire Dept. on Nov. 11, 1989, where gasoline was found entering the sanitary sewer in the area of Brighton Ave. and Park Blvd., your facility was inspected to assess your degree of compliance with California Hazardous Materials and Waste Control Laws and Regulations. This action was taken pursuant to the November 9, 1989 edition of the Tri-Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks, and the 1987 edition of the National Fire Prevention Association Manual 329, Chapter 3.

The inspection of your facility conducted on November 30, and December 4, 5, 6, 1989, found several violations of the California Code of Regulations, Title 23 (23CCR), and the California Health and Safety Code (CHSC). The following describes the violating conditions and the applicable code sections:

1. 23CCR, Section 2644

The facility failed to keep accurate or proper records of Inventory Reconciliation. The facility used Inventory Reconciliation in conjunction with pipe line leak detectors, and annual tank testing to monitor their existing underground fuel tanks.

- A. based on the records provided to this office for the months of October and November, 1989, the facility:
- (d) (4) failed to record the presence or detection of water in the tanks.
 - (f) failed to follow the listed procedure in the event Inventory Reconciliation detected overage or underage of 75 gallons for the 10,000 gallon tank or 50 gallons for the 8,000 gallon tanks.
- B. the operator failed to submit a quarterly statement to this Office as required by subsection (e)

J&M Beacon Service Station
December 7, 1989
Page 2

2. 23CCR, Section 2652(b)
The facility failed to properly report the release to this Office within 24 hours of when the release should have been detected following the guidelines of section 2644(f).
3. 23CCR, Section 2661
The underground tanks had been repaired by lining at an earlier date without this Office's evaluation or approval.
4. 23CCR, Section 2663
Pipeline and dispenser modifications were made and put into use without this Office observing the pipeline pressure test.
5. 23CCR, Section 2712
The facility failed to maintain onsite records of Inventory Reconciliation.

You are informed of Section 25299(a) of the CHSC which provides for a civil penalty of \$500 to \$5,000 per day for any of the following violations:

1. Failure to properly monitor an underground tank
2. Failure to maintain records
3. Failure to report an unauthorized release

You are informed of section 25299(c) of the CHSC which provides for a civil penalty of \$5,000 to \$10,000 for falsifying any monitoring record or knowingly failing to report an unauthorized release.

On December 4, 1989 you were made aware of your responsibility to prevent the continued release of waste gasoline to the sanitary sewer. You were informed the ongoing threat of explosive vapors to the surrounding community required some clean up or containment action before it could be conclusively shown, by full system precision testing, that your facility was responsible. Your decision to not act resulted in the continued discharge of hazardous waste to the local POTW.

You are informed of CHSC, Section 25189(d), which states, any person who negligently disposes or causes the disposal of any hazardous or extremely hazardous waste at a point which is not

J&M Beacon Service Station
December 7, 1989
Page 3

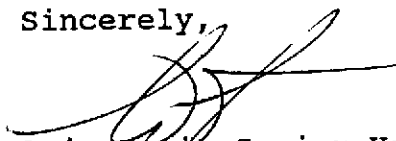
authorized according to the provisions of this chapter shall be subject to a civil penalty of not more than \$25,000 for each violation. Each day of violation existence is a separate violation.

You are requested to abate this condition immediately. Given the results of the failed precision test by all three product tanks, you are requested to empty the tanks of product, and contract with a licensed hazardous waste clean up company to contain the gasoline entering the sewer system. Pursuant to 23CCR, Section 2652(c), you are requested to submit a report of your findings by December 13, 1989. You are to include in your report a letter of commitment that identifies your intent to submit a workplan for subsurface investigative work, and a time schedule for submittal.

Please be aware that failure to respond as requested will result in the referral of this case to the Alameda County District Attorney's Office.

If you have any questions concerning the contents of this letter or the status of this case please feel free to contact me.

Sincerely,



Ariu Levi, Senior Hazardous Materials Specialist
Alameda County Environmental Health

cc:

Gil Jensen; Alameda County District Attorney's Office, Consumer and Environmental Protection

Rafat Shahid; Assistant Agency Director

Edgar Howell; Chief of Haz Mat Unit

Sgt. Alan Whitman; OPD

Capt. Wayne Gaskin; OFD

Ralph Gilbert; OPW

Karen Folks; EBMUB

Howard Hatayama; DHS

Lester Feldman; SFRWQCB

Gary Carson; Desert Petroleum

P 062 127-714

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	Mr. Jasm Golpad	
Street and No.		
P.O., State and ZIP Code		
Postage		\$
Cert. Fee		
Special Delivery Fee		

ALAMEDA COUNTY, DEPARTMENT OF
ENVIRONMENTAL HEALTH
Hazardous Materials Inspection Form

II, III

white -env. health
yellow -facility
pink -files

Site ID # _____ Site Name V&M Today's Date 2/6/89

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address PARK BLVD

City OAKLAND Zip 94 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OHSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(i)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|---|--|
| General | ___ 1. Permit Application 25284 (H&S) |
| | ___ 2. Pipeline Leak Detection 25292 (H&S) |
| | ___ 3. Records Maintenance 2712 |
| | ___ 4. Release Report 2651 |
| | ___ 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | ___ 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose Semi-annual groundwater One time soil |
| | 3) Daily Vadose One time soil Annual tank test |
| | 4) Monthly Gndwater One time soil |
| | 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater man. |
| | 6) Daily Inventory Annual tank testing Cont pipe leak det |
| | 7) Weekly Tank Gauge Annual tank teting |
| | 8) Annual Tank Testing Daily Inventory |
| | 9) Other _____ |
| ___ 7. Precs Tank Test Date: _____ 2643 | |
| ___ 8. Inventory Rec. 2644 | |
| ___ 9. Soil Testing 2646 | |
| ___ 10. Ground Water. 2647 | |

- | | |
|-----------|---------------------------------------|
| New Tanks | ___ 11. Monitor Plan 2632 |
| | ___ 12. Access. Secure 2634 |
| | ___ 13. Plans Submit Date: _____ 2711 |
| | ___ 14. As Built Date: _____ 2635 |

Comments:
 1) VAPOR RECOVERY LINES FOR BOTH PRECISION UNLEADED DISPENSERS FOUND UNCONNECTED TO PIPE FITTING - PIPE FITTING FOUND W/ DUCT TAPE COVERING OPENING - AS RESULT OF FULL SYSTEM PRECISION TEST, VAPOR RECOVERY LINE TO PUMP #1, 2 FOUND TO BE ACTIVE LINE. - DUCT TAPE & (TAINED) SOIL TAKEN AS SAMPLES. - PHOTOS OF UNCONNECTED LINES TAKEN
 2) GARY CANSON - VICE PRESIDENT PRESENT PETROLEUM 805-644-6784
 3) OAK. CITY PUBLIC WORKS DUMPED 2000+ GALLONS WATER INTO SEWER.
 4) RECHECKED SEWER AT BATES RD W/ HWY. READING BELOW 600 PPM -

II, III

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

CPE 815-767-2520

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

white - env. health
yellow - facility
pink - files

Site ID # _____ Site Name J&M Today's Date 12/6/85

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address PARK BLVD

City OAKLAND Zip 94 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

1) VAPOR RECOVERY LINES FOR BOTH
~~PRE~~ PREMIUM UNLEADED DISPENSERS
FOUND UNCONNECTED TO PIPE FITTING
- PIPE FITTING FOUND W/ DUCT TAPE COVERING
OPENING -
- AS RESULT OF FULL SYSTEM PRECISION
TEST, VAPOR RECOVERY LINE TO PUMP #1,2
FOUND TO BE ACTIVE LINE.
- DUCT TAPE & (TAINED) SOIL TAKEN
AS SAMPLES.
- PHOTOS OF UNCONNECTED LINES TAKEN

2) GARY CAISON - VICE PRESIDENT
DESERT PETROLEUM
805-644-6784

3) CALIF. CITY PUBLIC WORKS DUMPED 2000+
GALONS WATER INTO SEWER

4) RECHECKED SEWER AT BATES RD W/ HWY
READING BELOW 600PPH -

II, III

II.B ACUTELY HAZ MATS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(i)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
 - ___ 3. Records Maintenance 2712
 - ___ 4. Release Report 2651
 - ___ 5. Closure Plans 2670

- Monitoring for Existing Tanks
- ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Groundwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/groundwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily inventory
 - 9) Other _____

- ___ 7. Precs Tank Test 2643
Date: _____
- ___ 8. Inventory Rec. 2644
- ___ 9. Soil Testing 2646
- ___ 10. Ground Water. 2647

- New Tanks
- ___ 11. Monitor Plan 2632
 - ___ 12. Access. Secure 2634
 - ___ 13. Plans Submit 2711
Date: _____
 - ___ 14. As Built 2635
Date: _____

Rev 6/88

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

CPE 814-767-2520

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

II, III

Site ID # _____ Site Name JFM Today's Date 12/6/85

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address _____

City _____ Zip 94 Phone _____

___ MAX AMT stored > 500 lbs, 55 gal., 200 crt.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OnSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

Comments:

ACK JFM & A - RSI
805 644 5992 PAGER #
- CLEAN UP COMPANY TO START
WORK TOMORROW

" INFORMED CARSON, RUTHERFORD, & TINSER
ON COUNTY'S DESIRE FOR CONTAINMENT
OF GASOLINE ENTERING SEWER IMMEDIATELY
[5 PM]

" INFORMED BY TANK TECH THAT ALL
3 TANKS FAILED PRECISION TEST.

III. UNDERGROUND TANKS (Title 23)

- General
- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
 - ___ 3. Records Maintenance 2712
 - ___ 4. Release Report 2651
 - ___ 5. Closure Plans 2670

- Monitoring for Existing Tanks
- ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Gndwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank testing Daily inventory
 - 9) Other _____

- ___ 7. Precs Tank Test Date: _____ 2643
- ___ 8. Inventory Rec. 2644
- ___ 9. Soil Testing 2646
- ___ 10. Ground Water. 2647

- New Tanks
- ___ 11. Monitor Plan 2632
 - ___ 12. Access, Secure 2634
 - ___ 13. Plans Submit Date: _____ 2711
 - ___ 14. As Built Date: _____ 2635

II, III

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name John Today's Date 2-15-83

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address _____

City OAK. Zip 94602 Phone _____

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OnSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(h)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

III. UNDERGROUND TANKS (Title 23)

- | | |
|-------------------------------|---|
| General | ___ 1. Permit Application 25284 (H&S) |
| | ___ 2. Pipeline Leak Detection 25292 (H&S) |
| | ___ 3. Records Maintenance 2712 |
| | ___ 4. Release Report 2651 |
| | ___ 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | ___ 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose
Semi-annual groundwater
One time soils |
| | 3) Daily Vadose
One time soils
Annual tank test |
| | 4) Monthly Gndwater
One time soils |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank testing |
| | 8) Annual Tank Testing
Daily Inventory |
| | 9) Other _____ |
| New Tanks | ___ 7. Precs Tank Test 2643 |
| | Date: _____ |
| | ___ 8. Inventory Rec. 2644 |
| | ___ 9. Soil Testing 2646 |
| ___ 10. Ground Water. 2647 | |
| ___ 11. Monitor Plan 2632 | |
| ___ 12. Access. Secure 2634 | |
| ___ 13. Plans Submit 2711 | |
| Date: _____ | |
| ___ 14. As Built 2635 | |
| Date: _____ | |

Comments:

- INT-OMPASD TOWN RUTHERFORD ON PROBABLE LEAK AT OAKLAND FACILITY & REQUESTED CONTAINMENT OF GASOLINE ENTERING SEWER THROUGH CRACK IN PIPE IN AREA OF 4031 BRINGTON.

- INFORMED MR. RUTHERFORD OF CONFIRMATION BY COUNTY LAB THAT WASTE ENTERING SEWER IS GASOLINE.

- INFORMED MR. RUTHERFORD THAT HAD READINGS OF SEWER VAPORS ALONG BATES RD WERE 2000 PPM.

MR. RUTHERFORD RESPONDED THAT HE WAS NOT IN THE POSITION TO COMMIT DESERT PETROLEUM TO INSTANT CLEAN UP w/o APPROVAL & W/O VERIFIED FAILED PRECISION TEST RESULTS. MR. RUTHERFORD SAID HE WOULD CONTACT DESERT PETROLEUM VIA PRESIDENT GARY CARSON & INFORM HIM OF THE COUNTY'S REQUEST.

Rev 8/88

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

II, III

2

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
Oakland, CA 94621
(415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name JFW Today's Date 2/5/89

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address _____

City OAK Zip 94602 Phone _____

___ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N) _____
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

III. UNDERGROUND TANKS (Title 23)

- | | |
|---|--|
| General | ___ 1. Permit Application 25284 (H&S) |
| | ___ 2. Pipeline Leak Detection 25292 (H&S) |
| | ___ 3. Records Maintenance 2712 |
| | ___ 4. Release Report 2651 |
| | ___ 5. Closure Plans 2670 |
| 6. Method | |
| ___ 1) Monthly Test | |
| ___ 2) Daily Vadose
Semi-annual groundwater
One time soils | |
| ___ 3) Daily Vadose
One time soils
Annual tank test | |
| ___ 4) Monthly Gndwater
One time soils | |
| ___ 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. | |
| ___ 6) Daily Inventory
Annual tank testing
Cont pipe leak det | |
| ___ 7) Weekly Tank Gauge
Annual tank testing | |
| ___ 8) Annual Tank Testing
Daily Inventory | |
| ___ 9) Other _____ | |
| 7. Precs Tank Test 2643 | |
| ___ Date: _____ | |
| ___ 8. Inventory Rec. 2644 | |
| ___ 9. Soil Testing . 2646 | |
| ___ 10. Ground Water. 2647 | |
| 11. Monitor Plan 2632 | |
| ___ 12. Access. Secure 2634 | |
| ___ 13. Plans Submit 2711 | |
| ___ Date: _____ | |
| ___ 14. As Built 2635 | |
| ___ Date: _____ | |

Comments:
 MR. BUTLER was informed the COUNTY DISTRICT ATTORNEY'S OFFICE HAD BEEN CONTACTED & IT WAS THEIR OPINION THAT DESERT PETROLEUM WAS NOTIFIED OF THEIR RESPONSIBILITY TO CONDUCT CLEAN UP AS OF ANY CONVERSATION w/ NOTIFICATION. (12/15/88)
 //
 FRU IN RESPONSE TO NO RETURN CALL FROM DESERT PETROLEUM ON MR. BUTLER'S I REQUESTED THE OPA FLUSH THE AFFECTED SEWER WITH WATER TO BRING THE VAPOR LEVELS DOWN. OPA AGREED
 //
 JFW CALLED BACK & INFORMED ME THAT OAK CITY WORKS WOULD GIVE 2000 GALLONS OF WATER JFW

Rev 8/88

II, III

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

II, III

Site ID # _____ Site Name Telm Service Station Today's Date 12/14/89

- II.A BUSINESS PLANS (Title 19)**
- ___ 1. Immediate Reporting 2703
 - ___ 2. Bus. Plan Stds. 25503(b)
 - ___ 3. RR Cars > 30 days 25503.7
 - ___ 4. Inventory Information 25504(a)
 - ___ 5. Inventory Complete 2730
 - ___ 6. Emergency Response 25504(b)
 - ___ 7. Training 25504(c)
 - ___ 8. Deficiency 25505(a)
 - ___ 9. Modification 25505(b)

Site Address 4035 PARK
 City oak. Zip 94602 Phone 530 1033

- II.B ACUTELY HAZ. MAT'LS**
- ___ 10. Registration Form Filed 25533(a)
 - ___ 11. Form Complete 25533(b)
 - ___ 12. RMPP Contents 25534(c)
 - ___ 13. Implement Sch. Req'd? (Y/N)
 - ___ 14. OnSite Conseq. Assess. 25524(c)
 - ___ 15. Probable Risk Assessment 25534(d)
 - ___ 16. Persons Responsible 25534(a)
 - ___ 17. Certification 25534(b)
 - ___ 18. Exemption Request? (Y/N) 25536(b)
 - ___ 19. Trade Secret Requested? 25538

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- ___ III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

1) RECHECKED SEWER BY 7031 BRIGMAN AVE., OAK.

- GAS STILL FOUND BUBBLING INTO SEWER LINE.

2) FACILITY REQUESTED TO SCHEDULE FULL SYSTEM PRECISION TEST IMMEDIATELY - INFORMED FAILURE TO PERFORM TEST WITHIN 24 HOURS WILL RESULT IN REQUEST TO OTH FOR SITE CLOSURE.

- SITE CLOSURE WILL ALSO INCLUDE EMPTYING TANKS.

" FACILITY AGRED TO TEST BY 12/16/89 AM, 3) FACILITY REQUESTED TO SUBMIT DOCUMENTS AS REQUESTED ON UIC INSPECTION

4) FACILITY REQUESTED TO SCHEDULE SYSTEM CHECK OF RED TICKETS.

received 11/10/89 inventory sheets.

- III. UNDERGROUND TANKS (Title 23)**
- General**
 - ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
 - ___ 3. Records Maintenance 2712
 - ___ 4. Release Report 2651
 - ___ 5. Closure Plans 2670
 - ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Gndwater One time soils
 - 5) Daily inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily inventory
 - 9) Other _____
 - ___ 7. Precs Tank Test Date: _____ 2643
 - ___ 8. Inventory Rec. 2644
 - ___ 9. Soil Testing 2646
 - ___ 10. Ground Water. 2647
 - New Tanks**
 - ___ 11. Monitor Plan 2632
 - ___ 12. Access. Secure 2634
 - ___ 13. Plans Submit Date: _____ 2711
 - ___ 14. As Built Date: _____ 2635

Rev 8/88

Contact: _____
 Title: _____
 Signature: [Signature]

Inspector: _____
 Signature: [Signature]

II, III

white - lab
 yellow - insp. file
 pink - fac. file

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DIVISION OF HAZARDOUS MATERIALS
 80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 (415) 271-4320

LABORATORY SERVICE REQUEST

SITENAME 114 0157 1/1 MAY 1989
 ADDRESS _____
 SAMPLE SUBMITTED TO: CCO/PA
 DATE SUBMITTED 12/4/89
 SEND INVOICE TO: _____

SEND ANALYTICAL REPORT TO ABOVE OR:

 ATTN: _____
 RUSH = ABOUT 1 WEEK TURNAROUND
 ROUTINE = ABOUT 2 WEEKS TURN-AROUND

SAMPLE NO.	DATE/TIME COLLECTED	TYPE OF MATERIAL (WATER, SOIL OR MATRIX)	VOLUME/WEIGHT	FIELD OBSERVATION	ANALYSIS REQUESTED
114-0157-1	12/4/89	water	100ml	100335	CCO/PA
114-0157-2	12/4/89	water	100ml	100336	
114-0157-3	12/4/89	water	100ml	100337	
114-0157-4	12/4/89	water	100ml	100338	

Chain of Custody:

1. [Signature] _____ Title _____ Inclusive Dates _____
 Signature Title Inclusive Dates
2. Barney Chan _____ Title Chemist III Inclusive Dates 12/4/89
 Signature Title Inclusive Dates
3. _____ Title _____ Inclusive Dates _____
 Signature Title Inclusive Dates

WHITE — ENV. HEALTH
 YELLOW — FACILITY
 PINK — FILES

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

County Use Only
 [] Daily

Hazardous Material Inspection Form

Site ID# _____ Site Name J&M BEACON Date: 4/30/89
 Site Address 4035 PARK BLVD EPA ID# _____
 City, Zip OAK 94602 Phone 530-1033

___ MAX AMT stored >
 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 ___ II. Business Plans, Acute Hazardous Materials
 ___ III. Underground Tanks

The marked items represent violations of the Calif. Administrative Code (CAC) or the Health & Safety Code (HS&C)

1a. GENERATOR (Title 22)

- | | | |
|-------------------|---------------------------------|---------|
| ___ | 1. Waste ID | 66471 |
| ___ | 2. EPA ID | 66472 |
| ___ | 3. > 90 days | 66508 |
| ___ | 4. Labels | 66493 |
| ___ | 5. Biennial | 66492 |
| <hr/> | | |
| Manifest | ___ 6. Records | 66480 |
| | ___ 7. Correct | 66484 |
| | ___ 8. Copy sent | 66492 |
| | ___ 9. Exception | 66484 |
| | ___ 10. Copies Rec'd | 66492 |
| <hr/> | | |
| Misc. | ___ 11. Treatment | 66371 |
| | ___ 12. On-site Disp. (H.S.&C.) | 25189.5 |
| | ___ 13. Ex Haz. Waste | 66570 |
| <hr/> | | |
| Prevention | ___ 14. Communication | 67121 |
| | ___ 15. Aisle Space | 67124 |
| | ___ 16. Local Authority | 67126 |
| | ___ 17. Maintenance | 67120 |
| | ___ 18. Training | 67105 |
| <hr/> | | |
| Contin. gency | ___ 19. Prepared | 67140 |
| | ___ 20. Name List | 67141 |
| | ___ 21. Copies | 67141 |
| | ___ 22. Emg. Coord. Tmg. | 67144 |
| <hr/> | | |
| Containers, Tanks | ___ 23. Condition | 67241 |
| | ___ 24. Compatibility | 67242 |
| | ___ 25. Maintenance | 67243 |
| | ___ 26. Inspection | 67244 |
| | ___ 27. Buffer Zone | 67246 |
| | ___ 28. Tank Inspection | 67259 |
| | ___ 29. Containment | 67245 |
| | ___ 30. Safe Storage | 67261 |
| | ___ 31. Freeboard | 67257 |

1b. TRANSPORTER (Title 22)

- | | | |
|----------|---------------------|-------|
| ___ | 32. Application | 66428 |
| ___ | 33. Insurance | 66428 |
| ___ | 34. Comp. Cert. | 66448 |
| ___ | 35. CHP Insp. | 66448 |
| ___ | 36. Containers | 66465 |
| <hr/> | | |
| Manifest | ___ 37. Vehicles | 66465 |
| | ___ 38. EPA ID #s | 66531 |
| | ___ 39. Correct | 66541 |
| | ___ 40. HW Delivery | 66543 |
| | ___ 41. Records | 66544 |
| <hr/> | | |
| Cont'rs | ___ 42. Name | 66545 |
| | ___ 43. Covers | 66545 |
| | ___ 44. Recyclables | 66800 |

Comments:

1) PROVIDE OFFICE W/ LAST 2 WASTE OIL PICK UP RECEIPTS.

2) SLUDGE FROM OIL/WATER SEPARATOR IS CLASSIFIED AS HAZARDOUS WASTE. WHEN REMOVED DRUM & REMOVE UNDER MANIFEST.

4 RECENT PIPE MODIFICATIONS MADE. NEW DISPENSERS INSTALLED.

4 PROVIDE OFFICE - WITH PERMITS FOR WORK DOWNS - WITH SOIL SAMPLE RESULTS IF ANY FOR PIPES REMOVED. - COPY OF LAST TANK PRECISION TEST. (DOWNS ~ 2 MONTHS AGO)

Contact: _____ Applied Time: _____

Title: _____ Inspector: _____

Signature: M. Kamin Assoc. Signature: 

REGULAR
ETHYL
 UNLEADED

PREMIUM UNLEADED
PREMIUM
DIESEL

793

DATE:

SIGNED:

11/30/87 16000

Bob Z

±75

Date	Beg. Book Balance Gallons	Actual Gallons Received	Actual Gallons Sold	Now Book Balance Gallons	Actual Inventory Gallons	+ Over - Short Gallons	Total Difference Gallons
11-1	4410	4591	1693	7308	7500	+192	+192
11-2	7500		1688	5812	5800	-12	+180
11-3	5800	1611	1611	4187	4110	-77	+101
11-4	4110	5004	1771	7323	2500	<4843>	<4742>
11-5	2500	-	1487	1010	5480	+4469	-273
11-6	5480		1668	3812	4040	+228	-45
11-7	4040	4799	1709	7130	2370	-4760	-4805
11-8	2370		1560	810	6700	+5890	+1085
11-9	6700	-	1722	4978	5130	+152	+1277
11-10	5130	4796	1629	8297	3400	<4857>	-3660
11-11	3400		1577	1823	6560	+4737	+1077
11-12	6560		1384	5166	4980	-186	+891
11-13	4980	8601	1239	12342	3080	-9262	-8371
11-14	3080	-	1642	1438	4700	+3262	-108
15	4700		1646	8054	8050	-4	-113
16	8050	4605	1415	11240	6200	-4940	-5053
17	6200		1463	4837	6440	+1603	-3450
18	6440	-	1658	4782	4980	+198	-3252
19	4980		1469	3511	3830	+319	-2933
20	3830	4789	1509	7110	1560	-5550	-8483
21	1560		1493	67	4850	+4783	-3700
22	4850	3898	1723	7625	3350	-3675	-7375
23	3350		1169	2181	5520	+3339	-4036
24	5520	-	1415	4105	4350	+245	-3791
25	4350	-	1301	3049	2950	-99	-3890
26	2950	7203	1237	8916	1650	-7266	-11156
27	1650		1377	273	7600	+7327	-3829
28	7600	-	1574	6020	6220	+194	-3635
29	6220		1649	4571	4640	+69	-3566
30	4640		1635	3005	8100	+5095	+1529

8 PM

REGULAR
ETHYL
UNLEADED

PREMIUM UNLEADED
PREMIUM
DIESEL

DATE: 11/20/89
SIGNED: Bob
8000
150

793

Date	Beg. Book Balance Gallons	Actual Gallons Received	Actual Gallons Sold	New Book Balance Gallons	Actual Inventory Gallons	+ Over - Short Gallons	Total Difference Gallons
11-1	710	1679	518	1841	1490	+147	+147
2	1990		495	1495	1480	-5	+144
3	1490	1927	564	2911	990	-1921	-1777
4	990		510	480	420	-60	-1837
5	420		431	-11	1900	+1911	+74
6	1900		455	1445	1450	+5	+79
7	1450	1500	465	2485	1000	-1485	-1406
8	1000		325	625	2040	+1415	+09
9	2040		510	1651	1670	+119	+128
10	1670	2001	489	3182	1120	-2062	-1934
11	1120		482	688	2630	+1942	+08
12	2630		427	2203	2200	-3	+5
13	2200		467	1733	1730	+37	+42
14	1730		459	1311	1330	+19	+61
15	1330		428	902	880	-22	+39
16	880	1988	412	2454	460	-1996	-1957
17	460		706	-246	2040	+2286	+328
18	2040		558	1482	1340	-142	+187
19	1340		458	862	750	-72	+115
20	790		458	292	320	+28	+143
21	320	1997	443	1874	1820	-54	+89
22	1820		522	1298	1380	+82	+171
23	1380	1661	622	2359	2160	+101	+272
24	2460		626	1834	1840	+6	+278
25	1840		483	1357	1210	-147	+131
26	1210	1003	694	1519	730	-789	-658
27	730		484	246	1030	+784	+126
28	1030		446	584	550	-34	+92
29	550		338	212	270	+58	+150
30	270	3000	315	2955	3257	+302	+452

REGULAR
 ETHYL
 UNLEADED

PREMIUM UNLEADED
 PREMIUM
 DIESEL

DATE: 11/30/05 8000
 SIGNED: BJB

783

Date	Beg. Book Balance Gallons	Actual Gallons Received	Actual Gallons Sold	Now Book Balance Gallons	Actual Inventory Gallons	+ Over - Short Gallons	Total Difference Gallons
11-1	640	2151	514	2277	2300	+ 23	+ 23
11-2	2300		459	1841	1800	- 41	- 18
3	1800	1500	481	2819	1340	← 1479	- 1497
4	1340		323	1007	850	- 157	- 165
5	850		255	552	1520	+ 968	- 689
6	1520		400	1120	1230	+ 110	- 579
7	1230	1995	462	2767	830	- 1937	- 2516
8	830		386	444	2370	+ 1926	- 590
9	2370		527	1843	1930	+ 187	+ 453
10	1930	1500	480	2994	1450	- 1544	- 1997
11	1450		491	1045	2460	+ 1415	- 582
12	2460		349	2111	2000	- 51	- 633
13	2060		506	1554	1680	+ 126	- 507
14	1680		551	1129	1180	+ 51	← 456
15	1180		489	691	630	- 61	- 517
16	630	1788	355	2063	270	- 1793	- 2310
17	270		427	- 157	4520	+ 4677	+ 2367
18	4520		384	4130	4090	- 46	+ 2321
19	4090		227	3863	3700	- 163	+ 2158
20	3700	1500	626	4574	3470	- 1104	+ 1054
21	3470		296	3174	4340	+ 1166	+ 2220
22	4340	3003	540	6803	4040	- 2763	- 543
23	4040		428	3612	6520	+ 2908	+ 2365
24	6520		385	6135	6320	+ 185	+ 2550
25	6320		264	6056	5930	← 126	+ 2124
26	5930		258	5642	5680	+ 38	+ 2962
27	5680		507	5123	5390	+ 217	+ 2679
28	5390		359	5031	4890	- 141	+ 2530
29	4890		389	4502	4530	+ 28	+ 2566
30	4530	1800	392	5933	3600	- 2333	+ 228

8 PM

10000 Oct.

Date	Surp	Unleaded	Ref	Date	Surp	Unleaded
10-1-89	3450	2050	2200	10-26	3040	5630
10-2-89	3050	820	2000	10-27	2590	3880
10-3-	3623	5190	3600	10-28	2060	9330
10-4	3150	3950	3250	10-29	1660	7560
10-5	2600	2700	2770	10-30	1110	5990
10-6	2500	1250	2450	10-31	710	4410
10-7	2690	5200	3100			
10-8	2150	3750	2800	Date	Ref.	
10-9	1750	2650	2590	10-26	1720	
10-10	1350	1450	2350	10-27	1170	
10-11	2600	7100	1890	10-28	1730	
10-12	2200	5500	1500	10-29	1340	
10-13	1900	4150	1000	10-30	1090	
10-14	1400	8780	2900	10-31	640	
10-15	890	7400	2600			
10-16	400	6150	2350			
10-17	270	4750	2000			
10-18	1570	7650	3250			
10-19	970	5650	2750			
10-20	2300	8650	4250			
10-21	1900	7250	3900			
10-22	1650	5800	3570			
10-23	1300	4350	3270			
10-24	910	3050	2940			
10-25	3510	7270	2160			

CALIFORNIA HAZARDOUS MATERIAL INCIDENT REPORT

OES 1/89

CHANGE 1
DELETE 2

A	AGENCY NAME Alameda County	AGENCY ID NO. 01715	AGENCY INCIDENT NO.	AGENCY PHONE NO. (415) 271-4320	OES CONTROL NO. 10910612
----------	-------------------------------	------------------------	---------------------	------------------------------------	-----------------------------

B	INCIDENT DATE MO DAY YEAR 11 12 1989	TIME NOTIFIED 112415	TIME COMPLETED 114010	DATE COMPLETED (IF DIFFERENT)	MO DAY YEAR
----------	--	-------------------------	--------------------------	-------------------------------	-------------

C	INCIDENT ADDRESS/LOCATION 4031 Brighton Ave.	CITY/COMMUNITY Oakland	COUNTY Alameda	ZIP 94602
----------	---	---------------------------	-------------------	--------------

D	WEATHER (CHECK BEST DESCRIPTORS) <input checked="" type="checkbox"/> CLEAR <input type="checkbox"/> RAIN <input type="checkbox"/> SNOW <input type="checkbox"/> HAIL <input type="checkbox"/> ELECTRICAL STORM <input type="checkbox"/> FOG <input type="checkbox"/> HIGH WIND <input type="checkbox"/> OTHER <input type="checkbox"/> UNKNOWN	PROPERTY USE (USE CODES ON REVERSE) 099 (Sewer)	SURROUNDING AREA 400
ESTIMATED TEMPERATURE 65 (Deg. F)		PROPERTY MANAGEMENT FEDERAL STATE COUNTY <input checked="" type="checkbox"/> CITY PRIVATE UNKNOWN	

E	RELEASE FACTORS (CHECK BEST DESCRIPTORS) 11 INTENTIONAL ACT 21 SUSPICIOUS ACT <input checked="" type="checkbox"/> 30 FAILURE TO CONTROL HAZMAT 31 ABANDONED 40 MISUSE OF HAZMAT 50 MECHANICAL FAILURE 60 DESIGN, CONSTRUCTION, INSTALLATION DEFICIENCY 70 OPERATIONAL DEFICIENCY 71 COLLISION/OVERTURN 80 NATURAL CONDITION 90 UNKNOWN 94 FIRE/EXPLOSION 98 NO RELEASE <input checked="" type="checkbox"/> 99 OTHER Crack in sewer line	TYPE OF EQUIPMENT INVOLVED 10 HEATING SYSTEMS 30 AIR CONDITION/REFRIG 77 CHEM PROCESSING EQUIP <input checked="" type="checkbox"/> 78 WASTE RECOVERY EQUIP Sewer 88 HAZMAT TRANSFER EQUIP 98 NO EQUIP INVOLVED <input checked="" type="checkbox"/> 99 OTHER original gasoline storage container	MOBILE PROPERTY TYPE 10 PASSENGER VEH/ROAD 20 FREIGHT VEH/ROAD 30 RAIL TRANSPORT VEH 40 WATER TRANS VESSEL 50 AIR TRANSPORT VEH 60 HEAVY EQUIP.INDUST/AGRI <input checked="" type="checkbox"/> 99 OTHER NA
----------	---	--	---

F	ACTIONS TAKEN (CHECK ONE OR MORE) 31 RESCUE, REMOVE FROM HARM 32 EXTRICATION, DISENTANGLEMENT 33 EMERGENCY MEDICAL SERVICES 35 SEARCH 36 TRANSPORT 41 REMOVE HAZARD <input checked="" type="checkbox"/> 42 ANALYSIS OF HAZMAT 43 EVACUATION 44 ESTABLISH SAFE AREA 45 MONITOR 46 DECON-PERSONEQUIP 47 DECON-AREA 61 CROWD CONTROL 62 TRAFFIC CONTROL 63 NOTIFY OTHER AGENCY 64 PROVIDE PUBLIC INFO <input checked="" type="checkbox"/> 71 INVESTIGATE 73 SHUT DOWN SYSTEM 82 SECURE PROPERTY 92 REFER TO PROPER AUTHORITY 98 NO ACTION TAKEN 99 OTHER
----------	---

G	CHEMICAL OR TRADE NAME (PRINT OR TYPE) Gasoline	DOT ID NO. 1203	DOT HAZARD CLASS 3	CAS NO.
PHYSICAL STATE STORED 1 SOLID <input checked="" type="checkbox"/> LIQUID 3 GAS	PHYSICAL STATE RELEASED 1 SOLID <input checked="" type="checkbox"/> LIQUID 3 GAS	QUANTITY RELEASED Unknown	ENVIRONMENTAL CONTAMINATION <input checked="" type="checkbox"/> WATER <input checked="" type="checkbox"/> GROUND <input checked="" type="checkbox"/> OTHER	EXTENT OF RELEASE 7
CONTAINER DESCRIPTION 1 FIXED 2 PORTABLE N/A 3 MOBILE	CONTAINER TYPE L8	LEVEL OF CONTAINER 40	CONTAINER MATERIAL 00	CONTAINER CAPACITY unknown

G	CHEMICAL OR TRADE NAME (PRINT OR TYPE)	DOT ID NO.	DOT HAZARD CLASS	CAS NO.
PHYSICAL STATE STORED 1 SOLID 2 LIQUID 3 GAS	PHYSICAL STATE RELEASED 1 SOLID 2 LIQUID 3 GAS	QUANTITY RELEASED 1 lb. 2 gal. 3 cu.ft.	ENVIRONMENTAL CONTAMINATION 1 AIR 7 GROUND 3 WATER 9 OTHER	EXTENT OF RELEASE
CONTAINER DESCRIPTION 1 FIXED 2 PORTABLE 3 MOBILE	CONTAINER TYPE	LEVEL OF CONTAINER	CONTAINER MATERIAL	CONTAINER CAPACITY 1 lb. 2 gal. 3 cu.ft.

G	CHEMICAL OR TRADE NAME (PRINT OR TYPE)	DOT ID NO.	DOT HAZARD CLASS	CAS NO.
PHYSICAL STATE STORED 1 SOLID 2 LIQUID 3 GAS	PHYSICAL STATE RELEASED 1 SOLID 2 LIQUID 3 GAS	QUANTITY RELEASED 1 lb. 2 gal. 3 cu.ft.	ENVIRONMENTAL CONTAMINATION 1 AIR 7 GROUND 3 WATER 9 OTHER	EXTENT OF RELEASE
CONTAINER DESCRIPTION 1 FIXED 2 PORTABLE 3 MOBILE	CONTAINER TYPE	LEVEL OF CONTAINER	CONTAINER MATERIAL	CONTAINER CAPACITY 1 lb. 2 gal. 3 cu.ft.

H	MORE THAN 3 SUBSTANCES INVOLVED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> (LIST ADDITIONAL INFORMATION ON REVERSE SIDE)
----------	---

I	SPECIAL STUDIES LOCAL USE	STATE USE
----------	---------------------------	-----------

J	HAZMAT IDENTIFICATION SOURCES (CHECK BEST DESCRIPTORS) 19 ON-SITE FIRE SERVICES 29 OFF-SITE FIRE SERVICES 40 ON-SITE NON-FIRE SERVICES 60 OFF-SITE NON-FIRE SERVICES 54 CHEMIST 58 TOX CENTER 71 DOT MANUAL 73 MSDS 75 PLACARDS/SIGNS 78 SHIPPING PAPERS 86 CONTRACT INFO SOURCES 87 COMPUTER SOFTWARE 99 OTHER	HAZMAT CASUALTIES RESPONDING AGENCY PERSONNEL OTHERS	NO. OF DECONTAMINATED N/A	NO. OF INJURES	NO. OF FATALITIES
----------	--	--	------------------------------	----------------	-------------------

K	VEHICLE MAKE/YEAR	VEHICLE LICENSE NO.	STATE	VEHICLE ID NO. (VIN)	ICC/DOT/PUC NO.	COMPANY NAME
----------	-------------------	---------------------	-------	----------------------	-----------------	--------------

L	REPORTING OFFICER NAME/AD NO. (PRINT OR TYPE) Katherine Chesick	DATE 11/30/89	COMMENTS ON BACK? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
----------	--	------------------	--

CODES

PROPERTY USE and SURROUNDING AREA TYPE			EXTENT OF RELEASE		
100 Public assembly	700 Manufacturing	946 Lake/Pond/River	1 Confined to vehicle/equipment		
200 Educational	762 Hazmat chem mfg	950 Railroad	3 Confined to room of origin		
300 Health care	767 Petroleum refinery	961 Freeway	4 Confined to floor of origin		
400 Residential	800 Storage	962 County/City road	5 Confined to structure of origin		
500 Mercantile, Business	936 Vacant lot	963 Private road	6 Confined to property use of origin		
600 Industrial, Utility	941 Open sea	099 Other - explain in comments section	7 Release beyond property use of origin		
650 Agricultural	942 Harbor/Port		8 NO RELEASE		
			9 Other - explain in comments		
CONTAINER TYPE		LEVEL OF CONTAINER		CONTAINER MATERIAL	
01 Tank	08 Sump/Pit/Pond	11 Ground Level	1 Iron and iron alloys		
02 Drum/Barrel	09 Well	10 Above Ground	2 Aluminum and aluminum alloys		
03 Cylinder	10 Machinery/Processing Equipment	40 Below Ground	3 Copper and copper alloys		
04 Can/Bottle	11 Pipe		4 Plastic (includes fiberglass), rigid		
05 Carboy	18 NO CONTAINER		5 Plastic, flexible		
06 Boxes/Cartons	19 Other - explain in comments section		6 Wood, paper, and cellulose products		
07 Bags			7 Glass		
			8 NO CONTAINER		
			9 Other - explain in comments		
			0 Unknown		

COMMENTS:

Local residents have been complaining of gasoline vapors in their houses since Monday. Gasoline (or diesel?) was found to be leaking into the sewer system by way of a crack in the sewer seen in the manhole at 4031 Brighton Avenue. Samples of the gasoline were collected from the sewer; photos were taken in the sewer. Gasoline station uphill from the manhole has 4 underground tanks (3 gasoline, 1 waste oil). Station owner claims no tank inventory losses. Investigation pending; see attached sheets (3)

IMPORTANT INSTRUCTIONS

Incidents that involve the following shall not be reported:

1. Petroleum spills of less than 42 gallons from vehicular fuel tanks.
2. Sewage overflows.
3. Leaks in low-pressure fuel lines to residential properties.

CHANGE: If the information on a previously submitted form needs to be changed mark the CHANGE box and submit form with the correct information.

DELETE: If a certain report needs to be deleted from the database mark the DELETE box, complete sections A, B, C, and L, and submit form.

NOTE: IF ALL SECTIONS CONTAINING SHADED BOXES ARE NOT COMPLETED, THE FORM WILL BE RETURNED FOR COMPLETION

SECTION

- A** OES Control No. is assigned when making phone notification to OES Warning Center. [Phone 1-800-852-7550 or (916) 427-4341].
- B** Enter the date (month, day and year), notification and completion time of the incident (use 2400 hr clock).
Enter completion date, if different from incident date.
- D** Check the appropriate weather descriptor(s) at the time of the incident and indicate the approximate temperature in ° F.
Enter property use and surrounding area code(s) as appropriate. Indicate the agency responsible for property management.
- E** Check the item(s) that describe(s) the cause of the incident, the type of equipment involved in the incident, and the mobile property type, if any.
- F** Check the item(s) that indicate(s) which action(s) you took as a responder to the incident.
- G** List the chemical or the trade name(s) of the hazardous material(s) involved in the incident. Include information required in the boxes.
Check the information in the box(es) that describe(s) the hazardous material. Use the appropriate codes for Extent of Release, Container Type, Level of Container, and Container Material.
- H** If more than three (3) hazardous materials were involved check YES and enter the information in the comments section.
- I** This section is used for special studies. The first three numbers are for your agency's use; the last three are for state use. Leave blank unless otherwise directed.
- J** Check item(s) describing how the material was identified. Enter number of hazardous material casualties suffered by responding agency personnel and others (including the public) in spaces provided.
- K** If vehicle/mobile property was involved in the incident, enter information about that vehicle.
- L** Print your full name or your ID number and enter the date of report. Mark Yes or No to indicate whether there are additional comments.

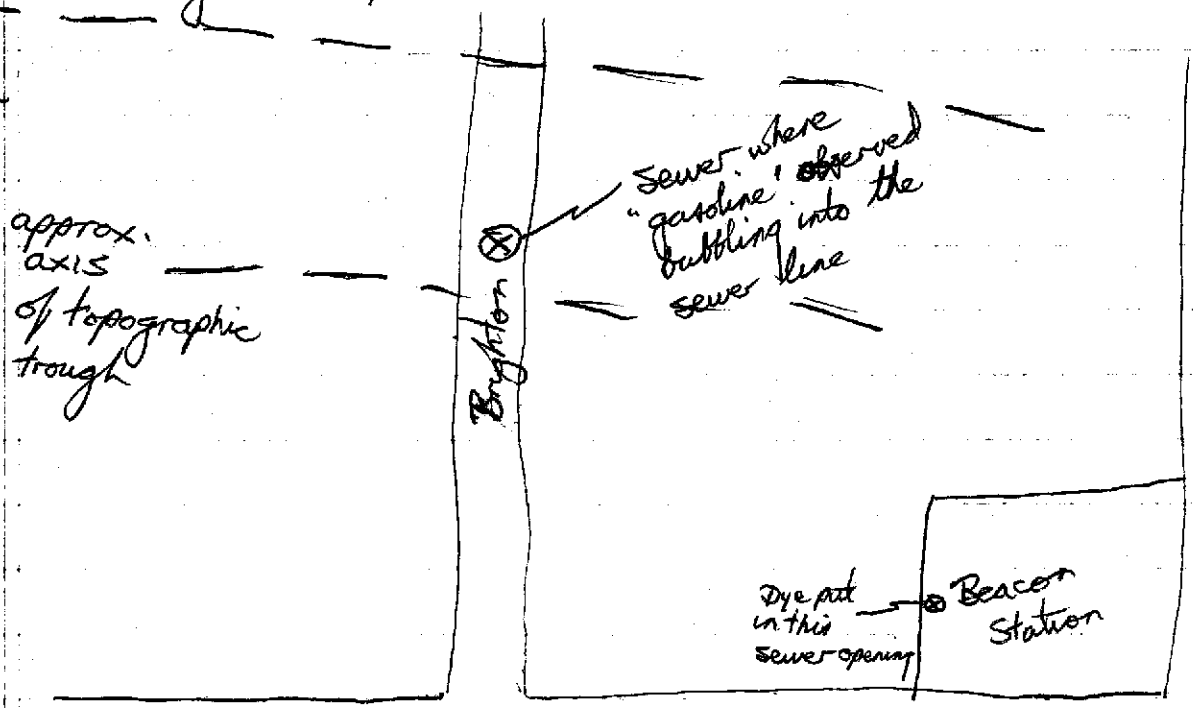
11/30/89

4031 Brighton Ave, Oakland

approx axis of topographic crest

approx axis of topographic trough

approx axis of topographic crest



Sample collected from sewer (in 2 bottles)

Brighton Ave.

Oakland Public Works (John Palermuni, 273-3846; Ralph Gilbert) put dye into Beacon Station sewer; dye came down through manhole on Brighton but was not seen bubbling up through sewer crack

Topography of area suggests origin of gasoline would be upgradient of Brighton (Beacon Station is most likely candidate). Best guess is one of Beacon's tanks is leaking or another unknown tank is leaking.

4031 Brighton Ave, Oakland

10 1601
ONWARD

93032

11/30/89

(415) 530-1033

J & M SERVICE STATION
JASON GOLPAD

4035 PARK BLVD., OAKLAND, CA 94602

Beacon Station owner is Jason Golpad (see card above)
Jason had made samples of gasoline on water & oil on water to compare with material seen in sewer. Jason thinks the material is oil - however vapors from sewer are too strong (resemble gasoline, thinner, kerosene, maybe diesel) to be oil.

Jason said he is the station owner. The property owner is:

Desert Petroleum Inc.
1730 So. Amphlett Blvd. # 113
San Mateo, CA 94402 805-644-6784

JOHN. RUTHERFORD

Jason said the tanks at his station were "double walled" four years ago (he has 1 waste oil and 3 gasoline tanks)
Jason says he has a rd jacket system on the tanks. He said an annular space monitoring system will be installed soon. Jason said his tank inventory is done by computer. He has no inventory losses. Jason said tank testing was done 1 1/2 months ago by: Watton Engineering
Sacramento
(916) 372-1888

4031 Brighton Ave, Oakland

11/30/89

Susan Dakduk, a resident of 1357 Bate Road, Oakland is downhill from the Brighton Ave. sewer. She says she + residents around her have ^{strong} vapors in their houses (Gas, thinner type vapors). She said the vapors are stronger in the evening. She said the sewer people traced the odor from her house to the Brighton Ave. sewer.

Susan is concerned about ^{health effects of} the vapors in her house - she has a 2 year old daughter.

Susan's work phone is 954-8145 8:30-6:00
" home phone is 268-1094

(Susan called in at 9:15 this morning)

- 11/30/89 - called KAREN TOLKS - SEND COPY OF NOV. IR NEEDED.
- WALTER ENG. RANDY ROGERS INFORMED WEN
- PRESSURE TESTED. REQUESTED COPY OF PERMIT
- TALKED TO LIZ ROSE
- 1:00 PM HNU TEST. 2000 PPM AST
- 1357 BATES. CAPT. - called Fire Dept. (ASK IN & INFORMED)