

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
9-706

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

September 6, 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 14<sup>th</sup> Street  
Oakland, CA 94601

Golpad & Karimabadi  
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](mailto: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.

#### 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](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**

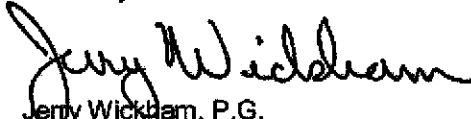
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

**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

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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

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

ALAMEDA COUNTY  
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June 21, 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 14<sup>th</sup> Street  
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Golpad & Karimabadi  
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 – 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](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.

Mr. Thompson, Li, Razi, and Haley  
June 21, 2006  
Page 3

**UNDERGROUND STORAGE TANK CLEANUP FUND**

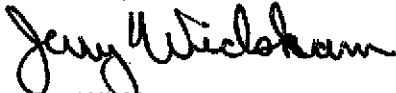
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**AGENCY OVERSIGHT**

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  
File

**Alameda County Environmental Cleanup  
Oversight Programs  
(LOP and SLIC)**

**ISSUE DATE:** June, 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](mailto: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](mailto: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](mailto: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

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DAVID J. KEARS, Agency Director



SENT  
040506

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ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, Suite 250  
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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 14<sup>th</sup> Street  
Oakland, CA 94601

Golpad & Karimabadi  
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 – 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](mailto: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.

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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](mailto:jerry.wickham@acgov.org).

#### PERJURY STATEMENT

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April 4, 2006  
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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**

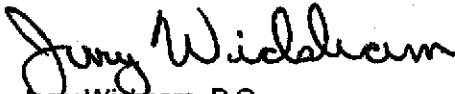
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

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Sincerely,



Jerry Wickham, P.G.  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: George Converse  
Western Geo-Engineers  
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November 16, 2005

Mr. William Thompson  
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1633 San Pablo Avenue  
Oakland, CA 94608

Subject: Fuel Leak Case No. RO0000429, 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](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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



SENT  
10-28-04

October 27, 2004

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

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.  
Oakland, CA 94608

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.

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

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.

#### **TECHINICAL 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.

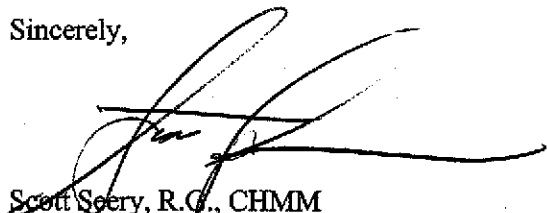
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that all work plans and technical reports containing professional geologic or engineering evaluations and/or judgments be completed under the direction of an appropriately registered or certified professional. This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

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. 14<sup>th</sup> 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



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)

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. 14<sup>th</sup> 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  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



11-30-01

20429

November 28, 2001

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

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 13<sup>th</sup> 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 H<sub>2</sub>O<sub>2</sub>, 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 13<sup>th</sup> 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 4<sup>th</sup> 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. 14<sup>th</sup> 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



07-18-01

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

429  
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.

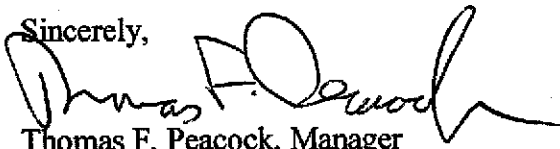
Mr. Self  
RE: 4035 Park Blvd, Oakland  
June 22, 2001  
Page 2 of 2

- 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.

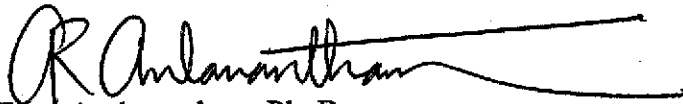
I hope that the answers provided by this office and the SFRWQCB have helped clarify these ongoing concerns. At minimum, it should be understood that the County's role in terms of this site is limited to ongoing clean up issues. All concerns related to this site in terms of future use should be directed 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 14<sup>th</sup> 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



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



11-13-00

R0429

November 9, 2000

**STID 1248**

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

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
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. 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,

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

Thomas Peacock, Manager  
Environmental Protection Division

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SENT 9-13 2000

R0429

September 11, 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 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', written over a horizontal line.

Thomas Peacock, Manager  
Environmental Protection Division

cc: Tony Razi, 3609 East 14<sup>th</sup> 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



sent 7/27/00

10429

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 14<sup>th</sup> St., Oakland, CA 94601  
Alireza Shirazian, 409 Picadilly Pl., unit 6, San Bruno, CA 94066  
George Converse, WFGF, 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



Sent 11-8-99  
Including cc's

20429

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 3<sup>rd</sup> 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



R0429

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



RO#429

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  
Derrik 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, 2<sup>nd</sup>  
Floor, Oakland, CA 94612

Thomas Peacock/file

je.1248-I

**ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY**

DAVID J. KEARS, Agency Director



Ro # 429

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,

A handwritten signature in black ink, appearing to read 'Thomas Peacock'.

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, 2<sup>nd</sup> Floor, Oakland, CA 94612  
Thomas Peacock/file

je.1248-I

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0429

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#429

December 5, 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,

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 of the signature.

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

R0#429

May 6, 1997  
STID 1248  
page 1 of 2

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION (L&P)  
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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0#429

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,

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



October 24, 1996  
STID 1248  
page 1 of 2

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway, #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,

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.

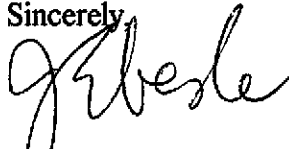
The 9/26/96 report also documents the attempt at interim remediation. Monitoring well RS-7 was purged of groundwater and also vented of vapors for approximately 1.5 hours once a week, from 8/14/96 to 9/9/96. Unfortunately, the purging and venting was unsuccessful in removing floating product previously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

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



20429

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.

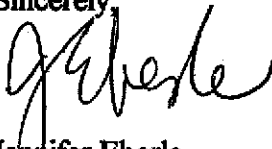
September 26, 1996  
LOP STID 1248  
page 2 of 2  
Mr. Charles Bryant

**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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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



20429

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 black ink, 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



August 12, 1996  
STID 1248  
page 1 of 3

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 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.

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.

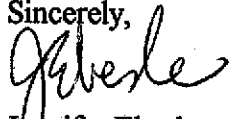
As you now know, Britt Johnson of OFD accompanied OFD's Haz Mat team to the area on 7/29/96. They asked residents if they had any hydrocarbon (gasoline) odors in their homes, and everyone indicated they did not. The residents who were home and answered their doors were located at 1221, 1215, and 1227 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 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

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

Ro# 429  
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

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

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



R0429

RAFAT A. SHAHID, DIRECTOR

July 27, 1995  
STID 1248

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

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

RE: 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 black ink, appearing to read "J. Eberle". The signature is fluid and cursive.

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



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0429

RAFAT A. SHAHID, DIRECTOR

June 5, 1995  
STID 1248

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

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

RE: 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.

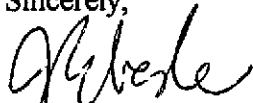
June 5, 1995  
STID 1248  
John Rutherford  
page 2 of 2

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

RC429

DEPARTMENT OF ENVIRONMENTAL HEALTH (4)

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:

- |         |  |   |
|---------|--|---|
| (R0276) | 2844 Mountain Blvd.<br>Oakland, CA 94602<br>(STID# 851)        | Waste oil tank being removed and investigation is being undertaken                    |
| (R0429) | 4035 Park Blvd.<br>Oakland, CA 94602<br>(STID# 1248)           | Investigation is being undertaken and plan is being put together to remove the tanks. |
| (R0278) | 2008 1st St.<br>Livermore, CA 94550<br>(STID# 1689)            | Monitoring well proposal has been submitted   |
| (R0799) | 15201 Washington Ave.<br>San Leandro, CA 94578<br>(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

R0429

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,

Jennifer Eberle  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County Assistant District Attorney  
Tom Peacock, Alameda County Haz Mat  
Ed Howell/file

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ALAMEDA COUNTY

HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0429

RAFAT A. SHAHID, Assistant Agency Director

Certified Mailer # P 418 724 667

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Division  
80 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



R0429

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

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:

- (R0276) 2844 Mountain Boulevard  
Oakland, CA 94602  
(Site ID No. 851)
- (R0429) 4035 Park Boulevard  
Oakland, CA 94602  
(Site ID No. 1248)
- (R0278) 2008 1st Street  
Livermore, CA 94550  
(Site ID No. 1689)
- (R0799) 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

(4)



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

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R0429

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 Hiatt  
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

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ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0429

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 LUPT 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.

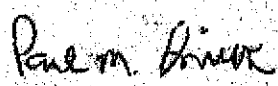
All proposals, reports and analytical results pertaining to this investigation and remediation must be sent to our office and to:

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 Whittel, Remediation Service International

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY  
DAVID J. KEARS, Agency Director



✓ R0429 (4035 Park)  
R01 (2801 MacArthur)

9/23/91 ?

Ms. Melissa Gallio  
National Pacific Mortgage Corporation  
P.O. Box 66008  
Anaheim, CA 92816-0608

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

Re Site Search for 2901 MacArthur Blvd., Oakland, CA 94602

Dear Ms. Gallio:

With regard to your inquiry of ongoing soil or groundwater remediation projects near Dimond View located at 2901 MacArthur Blvd., Oakland, CA 94602.

Upon review of our files the following addresses of remediation projects exist located at

Cal French Corp.  
2801 MacArthur Blvd.  
Oakland, CA 94602

Desert Petroleum  
4035 Park Blvd.  
Oakland, CA 94602

It is not certain that the Desert Petroleum property listed above is within a one mile radius of 2901 MacArthur Blvd. If you need further assistance please contact me at 510/271-4320 and I will elaborate the details of Alameda County's fee structure and procedure for completing site searches.

I apologize for the delay in responding to your request.

Sincerely:

A handwritten signature in cursive script that reads "Paul M. Smith".

Paul M. Smith  
Hazardous Materials Specialist

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO429

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*

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

LS



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0429

December 8, 1989

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

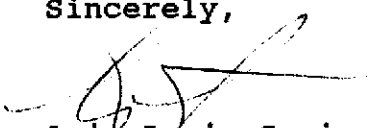
Desert Petroleum  
Dec. 8, 1989  
Page 3

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

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0429

December 7, 1989 CM #P 062 127 714

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

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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

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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