

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Hand delivered 10/3/00  
SOS

RO# 457

October 2, 2000

STID 1262

Hadjian Hooshang  
7240 Dublin Boulevard  
Dublin, CA 94568

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

**NOTICE OF VIOLATION**

Re: Inspection of Foothill Beacon, 16210 Foothill Boulevard, San Leandro

Dear Mr. Hadjian:

A regulatory compliance inspection was performed at the subject facility on September 19, 2000. A representative of Gettler-Ryan facilitated the inspection. The purpose of the inspection was to determine compliance with conditions of the facility underground storage tank (UST) operating permit, as well as provisions of Title 23, California Code of Regulations (CCR) and California Health and Safety Code (HSC) Chapter 6.7.

The following is a summary of non-compliant and other conditions noted at the time of the inspection:

- Several inches of standing product (diesel) was accumulated within the Bravo containment below dispenser # 7 / 8; none of the shear valves were triggered, as connector chains for float trip mechanisms were too loose
- Product had filled one or more float trip mechanism amplifier wells within each Bravo dispenser containment; in each case, shear valves were not triggered, as connector chains for float trip mechanisms were too loose
- Bravo dispenser containment boxes were dirty
- Ball-check valves were still installed in vent risers within each STP sump
- Product (1") was accumulated in the diesel product STP sump, and the sump coated with diesel residue, indicative of leaks into the sump
- Evidence of leaks from the Vaporless line leak detector atop submersible pump within 87 product STP sump
- Leak detector sensors were located on the wrong side of STP sumps of each tank
- Debris and dirt were accumulated in the overflow buckets of the 87 and 92 product tanks
- Surface gaskets of many of the steel access lids were damaged or missing
- Tank maintenance records were not available for review at the time of the inspection
- Annual tank monitoring equipment test and certification records were not available for review at the time of the inspection
- The UST permit issued by this agency was not available for review nor posted at the facility

Mr. Hadjian  
Re: 16210 Foothill Blvd., San Leandro  
October 2, 2000  
Page 2 of 4

- Emergency response and tank management plans were not available for review at the time of the inspection
- Employee training records were not available for review at the time of the inspection; it could not be confirmed that the attendant on duty at the time had been properly trained

Each of the Bravo dispenser containment boxes showed evidence of product releases. Product was present in nearly all of the float trip mechanism amplifier wells located in each Bravo box. Although the floats were buoyed by the accumulated product, none of the shear valves were triggered. In addition, several inches of product filled the entire Bravo containment (not just the amplifier wells) beneath dispenser # 7 / 8, yet none of the shear valves were triggered. The chains connecting the float trip mechanisms were all too loose to trigger the shear valves.

Loose float trip mechanism chains were also identified during the August 1997 inspection of the facility prior to this agency issuing a permit to operate the (then) new tanks. This problem appears to be a recurring theme, and renders this component of your UST monitoring program out of compliance with the conditions of your permit.

Several violations of provisions of HSC have been identified, as follows:

- HSC Sec. 25293 – The operator of the underground tank system shall monitor the tank system using the method specified on the permit for the tank system. Records of monitoring.....shall be kept in sufficient detail to enable the local agency to determine whether the underground tank system is in compliance with the applicable provisions of [HSC Chapter 6.7], the regulations....., and the permit issued for the operation of the tank system.

Loose chains on the Bravo containment float trip mechanisms rendered the dispensers unmonitored for an unknown period of time. You are required to maintain written records of all alarm conditions *and releases*, and their resolution. Results of the annual electronic monitoring equipment operational tests were not received by this agency within 30 days, nor were they available during the inspection. Each item violates a condition of your permit to operate the tank system at this site.

- HSC Sec. 25294 – Any unauthorized release from the primary containment which the operator is able to cleanup within 8 hours after the release was detected *or should reasonably have been detected*, and which does not escape from the secondary containment.....shall be recorded on the operator's monitoring reports.

Releases into the Bravo dispenser containment were neither cleaned up nor (apparently) recorded.

- HSC Sec. 25294(a)(1) – Any unauthorized release... [that] increases the hazard or fire or explosion...shall be reported by the operator to the local agency .... within 24 hours after the

Mr. Hadjian  
Re: 16210 Foothill Blvd., San Leandro  
October 2, 2000  
Page 3 of 4

release had been detected *or should have been detected*. A full written report shall be transmitted to the local agency within 5 days.

Product releases into the Bravo dispenser containment were neither cleaned up nor reported.

Please be advised that HSC Sec. 25299(a) provides for civil liabilities imposed on the tank operator of up to \$5000 per tank per day per violation for:

- (2) Violation of any applicable requirement of the permit
- (3) Failure to maintain records
- (4) Failure to report an unauthorized release
- (6) Violation of any applicable requirements of HSC Chapter 6.7
- (7) Failure to perform any monitoring, testing, and reporting

Please be further advised that HSC Sec. 25299(b) provides for civil liabilities imposed on the tank owner of up to \$5000 per tank per day per violation for:

- (4) Knowing failure to take reasonable and necessary steps to assure compliance with HSC Chapter 6.7 by the operator
- (5) Violation of any applicable requirement of the permit
- (6) Violation of any applicable requirements of HSC Chapter 6.7
- (7) Failure to perform any monitoring, testing, and reporting

In addition, HSC Sec. 25299(d)(2) provides that any person who intentionally disables or tampers with an automatic leak detection system in a manner that would prevent the automatic leak detection system from detecting a leak or alerting the owner or operator of a leak, shall, upon conviction, be punished by a fine of no less than \$5000 and no more than \$10,000, by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment.

At this time, you are required to correct the tank system operation, maintenance, and management violations identified in this inspection report, namely:

- Submit copies of 1997 – 2000 monitoring system annual tests and certifications
- Submit copies of 1997 – 2000 UST maintenance, alarm condition, and unauthorized release report records
- Submit copies of 1997 – 2000 annual employee training records
- Complete and submit the attached set of updated UST Registration Forms
- Correct the operation and maintenance problems identified during the 9/19/00 inspection and as articulated in this report

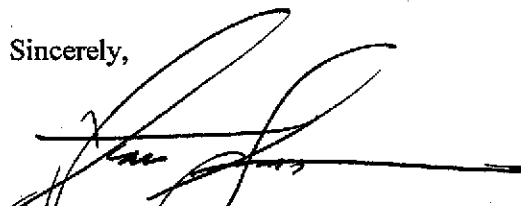
Mr. Hadjian  
Re: 16210 Foothill Blvd., San Leandro  
October 2, 2000  
Page 4 of 4

Pursuant to HSC Sec. 25288(d), you are required to submit a *Plan of Correction* within **60 days**. This plan shall indicate the tasks to be completed, or those that have been completed already, and the schedule for doing so. We will expect that accompanying this Plan will be the updated UST Registration Forms and other requested records.

You must certify, once all the necessary repairs and other tasks have been completed, that the tank system is in full compliance with HSC Chapter 6.7 and UST regulations, as, pursuant to HSC Sec. 25285(b), this agency cannot issue or renew the UST permit until we determine the UST system is in full compliance. We recommend, therefore, that you contract your own inspector to ensure that this requirement is met, and to provide the appropriate level of quality control that you will likely need to make this certification.

Please contact me at (510) 567-6783 should you have any questions about the content of this letter.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

Attachments (addressee, only) - 7 pages

cc: Mike O'Connor, Alameda County District Attorney's Office  
Tom Peacock, ACDEH  
Robert Weston, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0457

July 8, 1999

STID 1262

Mr. Hooshang Hadjian  
7240 Dublin Boulevard  
Dublin, CA 94568

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

**NOTICE OF VIOLATION**

RE: FOOTHILL GAS, 16210 FOOTHILL BOULEVARD, SAN LEANDRO

Dear Mr. Hadjian:

In correspondence dated February 23, 1999, you were informed that technical reports documenting quarterly sampling and monitoring activities are to be submitted within 60 days following completion of field activities associated with each quarterly event. We have not yet received the 1<sup>st</sup> quarter 1999 report. Further, the 2<sup>nd</sup> quarter of this year ended at the end of June. Hence, the report for the 2<sup>nd</sup> quarter will also be due shortly.

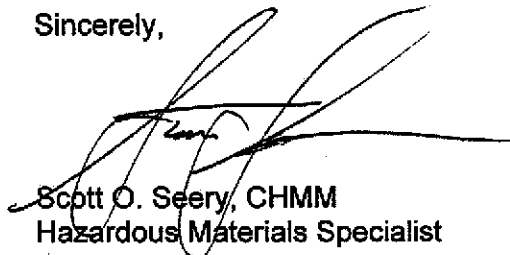
More than 60 days have passed since the end of the 1<sup>st</sup> quarter. Consequently, you are in violation of this reporting directive.

Please be aware that you are in violation of Section 2652(d), Title 23, California Code of Regulations (CCR) for failure to submit these reports. Please be further aware that California Health & Safety Code Section 25299(b) provides for civil penalties of between \$500 and \$5000 per day for such violations.

This case will be referred to the Alameda County District Attorney's Office for enforcement action should the delinquent report not be submitted within 15 days of the date of this letter.

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

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB  
Larry Blazer, Alameda County District Attorney's Office

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



RO#457

February 23, 1999

STID 1262

Mr. Hooshang Hadjian  
7240 Dublin Boulevard  
Dublin, CA 94568

ENVIRONMENTAL HEALTH SERVICES

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

RE: Foothill Gas, 16210 Foothill Boulevard, San Leandro

Dear Mr. Hadjian:

I have completed review of the February 11, 1999 Parker Environmental Services *Environmental Site Investigation* report. This report documents the October 1998 installation of three ground water monitoring wells, the analyses of soil and water samples collected from each, and a determination of ground water flow direction.

At this time, please adhere to the following sampling and monitoring schedule:

1. All wells are to be sampled and monitored following a quarterly schedule, commencing the 1<sup>st</sup> quarter of 1999. (Note: This initial work must be completed before April 1, 1999 in order to comply with this schedule.)

All samples are to be analyzed for total petroleum hydrocarbons as gasoline (TPH-gas); benzene, toluene, ethylbenzene, and total xylenes (BTEX); and, methyl tert butyl ether (MtBE).

Technical reports summarizing all tasks that occurred during a given quarter shall be submitted within 60 days following completion of field activities associated with that quarter. Each report shall include, among other elements, tabulated results of laboratory analyses, and depth-to-water and water elevations. Each report shall also present maps depicting ground water flow and contaminant isoconcentrations.

Data presented over the next several quarters shall be applied in determining the next appropriate actions with this case. Please contact me at (510) 567-6783 should you have any questions.

Sincerely,

Scott O. Seery, CHMM  
Hazardous Materials Specialist

Mr. Hooshang Hadjian  
RE: 16210 Foothill Blvd., San Leandro  
February 23, 1999  
Page 2 of 2

cc: Robert Weston, ACDEH  
Chuck Headlee, RWQCB  
James Parker, Parker Environmental Services, 190 E. 7<sup>th</sup> St., Pittsburg, CA 94565-2317

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Ro#457

January 7, 1999

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

STID 1262

Mr. Hooshang Hadjian  
7240 Dublin Boulevard  
Dublin, CA 94568

**SECOND NOTICE OF VIOLATION**

RE: FOOTHILL GAS, 16210 FOOTHILL BOULEVARD, SAN LEANDRO

Dear Mr. Hadjian:

A Preliminary Site Assessment (PSA) work plan dated March 3, 1998 was submitted by your consultant, Parker Environmental, and subsequently approved by this office on March 25, 1998. We were later advised that the PSA work plan had been implemented in early October 1998, seven months following work plan acceptance. Acceptance of the PSA work plan was conditioned with a requirement to implement the work plan within 60 days. This office also specifically requested that we be notified prior to the initiation of fieldwork. This did not occur. Further, we have not received the report that documents this phase of work. This report was to be submitted within 60 days of the completion of field activities, also a condition of the work plan acceptance.

Please be aware that you are in violation of provisions of Article 11, Title 23, California Code of Regulations for failure to submit the PSA report. California Health & Safety Code Section 25299(b) provides for civil penalties of up to \$5000 per day for such violations.

At this time you are directed to submit the PSA report within 15 days of the date of this letter. This case will be referred to the Alameda County District Attorney's Office for enforcement action should this report not be submitted within this time frame.

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

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health  
Chuck Headlee, RWQCB  
Robert Weston, ACDEH  
Bob Chambers, Alameda County District Attorney's Office



ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

RO#457

March 25, 1998

STID 1262

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

Mr. Hooshang Hadjian  
7240 Dublin Boulevard  
Dublin, CA 94568

RE: FOOTHILL GAS, 16210 FOOTHILL BOULEVARD, SAN LEANDRO

Dear Mr. Hadjian:

I have completed review of the March 3, 1998 Parker Environmental Services (Parker) work plan for conducting a preliminary site assessment (PSA) at the subject site. This initial PSA work plan calls for the installation of three (3) permanent ground water monitoring wells and associated tasks.

I spoke today with Mr. James Parker (Parker) regarding modifications to the plan. The modifications discussed included: 1) the relocation of one well to better reflect probable ground water flow direction in the area based on information from an investigation at the neighboring Chevron station; 2) the addition of MtBE to the suite of target compounds sought in soil and ground water samples; 3) determining well slot sizes based on field observations at the time of drilling; 4) at a minimum, soil from the capillary zone shall be collected during boring advancement for subsequent laboratory analysis; and 5) appropriate duration between well construction/development, and initial well purging/sampling, each to be 72 hours at a minimum.

A response from Parker was received via facsimile today which presents/addresses: 1) a revised well location map, 2) the addition of MtBE to target suite, 3) a plan to determine well screen slot sizes in the field, and 4) duration between well construction/development, and purging/sampling.

The cited Parker PSA work plan has been accepted as revised, with the following condition:

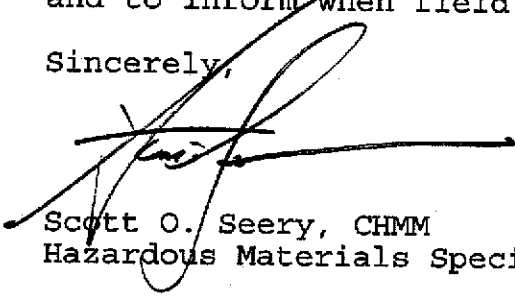
- o At a minimum, at least one soil sample from each boring shall be collected from the capillary zone during boring advancement and submitted to the laboratory for analysis

Field work shall be scheduled to begin within 45 days of the date of this letter. The report documenting this phase of work must be submitted within 60 days of the completion of field work.

Mr. Hadjian  
RE: 16210 Foothill Blvd., San Leandro  
March 25, 1998  
Page 2 of 2

Please call me at (510) 567-6783 should you have any questions  
and to inform when field work will begin.

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health  
Stephen Hill, RWQCB  
Amir Gholami, ACDEH  
James Parker, Parker Environmental Services  
190 East 7th St., Pittsburg, CA 94565

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

Ro# 457

Certified Mailer # P 143 588 419  
February 13, 1998

ENVIRONMENTAL HEALTH SERVICES

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

STID 1262

Mr. Hooshang Hadjian  
7240 Dublin Boulevard  
Dublin, CA 94568

NOTICE OF VIOLATION

RE: FOOTHILL GAS, 16210 FOOTHILL BOULEVARD, SAN LEANDRO

Dear Mr. Hadjian:

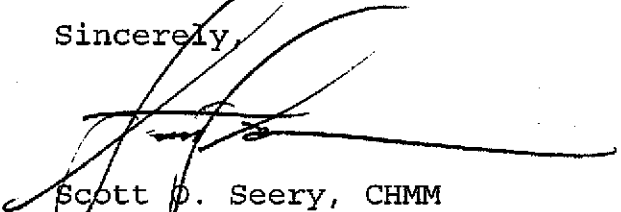
In correspondence dated November 3, 1997, you were informed that a Preliminary Site Assessment (PSA) was required to be performed at your site as a result of the unauthorized release of motor vehicle fuel from your underground storage tanks (UST). The PSA work plan was due by February 2, 1998. To date, this work plan has not been received.

Please be aware that you are in violation of Section 2722(c), Article 11, Title 23, California Code of Regulations (CCR) for failure to submit a PSA work plan. Please be further aware that California Health & Safety Code Section 25299(b) provides for civil penalties of between \$500 and \$5000 per day for such violations.

This case will be referred to the Alameda County District Attorney's Office for enforcement action should an acceptable PSA work plan not be submitted by the close of business on March 2, 1998.

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

Sincerely,

  
Scott D. Seery, CHMM  
Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health  
Dick Pantages, Chief, Environmental Protection Division  
Stephen Hill, RWQCB  
Robert Weston, ACDEH  
Larry Blazer, Alameda County District Attorney's Office

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

20457

November 3, 1997

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

STID 1262

Mr. Hooshang Hadjian  
7240 Dublin Boulevard  
Dublin, CA 94568

RE: Foothill Gas, 16210 Foothill Boulevard, San Leandro

Dear Mr. Hadjian:

As you are aware, four gasoline underground storage tanks (UST) were removed from the subject site during January 1997. Shallow ground water accumulated in portions of the excavation. Apparent product emulsion was observed floating on its surface. Strong product odor was noted in samples collected from the north end of the eastern dispenser island and the south sidewall of the UST excavation. Strong odors and staining were identified in the invert of one of the removed USTs. All USTs exhibited evidence of moderate-to-severe corrosion, with throughgoing holes observed in one tank. These observations, as well as the results of laboratory tests performed on both ground water and soil samples collected following tank closures, confirm that an "unauthorized release" has occurred at the site.

Provisions of the *California Underground Storage Tank Regulations*, Title 23, Division 3, Chapter 16, Article 11, California Code of Regulations (CCR), stipulate that an environmental investigation shall follow in the wake of the discovery of an unauthorized release. Such initial investigations are in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by a PSA is used to determine the possible extent of any environmental impact resulting from the release, and what, if any, additional work is needed to further assess or clean-up the release.

**A PSA must be performed at this site.**

PSAs are to be conducted in accordance with the provisions of Article 11 of 23CCR, the San Francisco Bay Regional Water Quality Control Board (RWQCB) "*Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks*," and the State Water Resources Control Board "*Leaking Underground Fuel Tank (LUFT) Field Manual*."

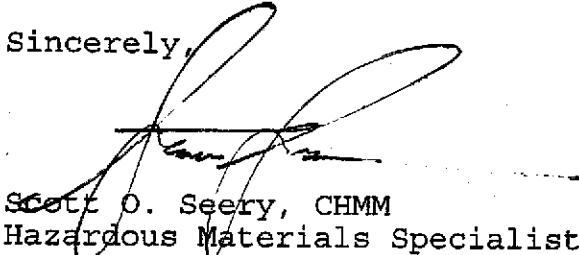
Mr. Hadjian  
RE: 16210 Foothill Blvd., San Leandro  
November 3, 1997  
Page 2 of 2

In order to proceed with your PSA you should obtain the professional services of a reputable environmental consultant. Your responsibility is to have the consultant submit a PSA work plan for review which outlines planned activities pertinent to meeting the criteria described in the referenced guidance documents, and must be submitted under seal of a California-registered geologist or civil engineer with the appropriate environmental background. The technical criteria are broadly outlined in the attached **Appendix A** from the RWQCB.

The PSA work plan is due for submittal within 90 days of the date of this letter, or by February 2, 1998.

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

Sincerely,



Scott O. Seery, CHMM  
Hazardous Materials Specialist

attachment

c: Mee Ling Tung, Director, Environmental Health  
Kevin Graves, RWQCB  
Amir Gholami, ACDEH

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0457

RAFAT A. SHAHID, Assistant Agency Director

December 23, 1994

ALAMEDA COUNTY  
ENVIRONMENTAL PROTECTION DIVISION  
1131 HARBOR BAY PKWY., #250  
ALAMEDA CA 94502-6577 CC4530

Mr. Murray Kelsoe  
P.O. Box 527  
Alamo, California 94507

Mr. Hamid B. Maghsoudi  
16210 Foothill Boulevard  
San Leandro, California 94578

Subject: Mac's Gas, 16210 Foothill Boulevard, San Leandro

Dear Messrs. Kelsoe and Maghsoudi:

There are four underground storage tanks (UST) being operated at the subject site in violation of Title 23, Division 3, Chapter 16 of the California Code of Regulations (CCR) and Chapter 6.7 of the Health and Safety Code (H&SC). Since December 29, 1992 this Department has been involved in an ongoing dialogue with Mr. Kelsoe and Mr. Maghsoudi, owner and operator, respectively for the proper management and permitting of the USTs. As of this date no permit for the operation of the USTs has been issued by this Department.

The site continues to operate as a retail sales outlet for gasoline. Many of the requirements of CCR Title 23 related to the permitting of the operation of the tanks have been satisfactorily met.

Health and Safety Code section 25293(b) specifies that when the operator is not the owner, the owner and operator are required to enter into a written contract which requires the operator to monitor the tank system as set forth in the five year permit. This requirement has not been addressed by either party as of today.

You are hereby notified that the above noted violation must be corrected by January 9, 1995. This case continues to be unresolved although this Department has taken many actions including letters to the parties, face to face meetings, telephone conversations and site inspections. Due to the nature of this case it is the recommendation of this Department that the District Attorney's Office pursue closure of the site and discontinue the sale of petroleum products, if the facility continues to operate without a permit.

December 23, 1994  
Messrs. Kelsoe and Maghsoudi  
page 2 of 2

Sincerely,



Robert Weston  
Senior Hazardous Materials Specialist

cc: Katy F. Meador, Chapter 11 Trustee, 740A 14th Street,  
Suite 250, San Francisco CA 94114

Gil Jensen, Alameda County District Attorney,  
Environmental and Consumer Affairs

Ed Howell, Chief, Environmental Protection Division

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0457

RAFAT A. SHAHID, Assistant Agency Director

November 9, 1993

Mr. Murray Kelsoe  
P.O. Box 527  
Alamo, CA 94507

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

Re: **FIVE-YEAR PERMITS FOR OPERATION OF FOUR  
UNDERGROUND STORAGE TANKS (USTs) AT  
16210 Foothill Blvd.  
San Leandro, CA 94578**

According to our records the subject facility has not received a five-year permit to operate USTs. Please complete the following items marked below and return them to me within 30 days. The example plans enclosed should be used only as guidelines and may not meet your specific requirements under Title 23.

- 1. Completed UST PERMIT FORM A - one per facility. (enclosed)
- 2. Completed UST PERMIT FORM B - one per tank. (enclosed)
- 3. Completed UST PERMIT FORM C - one per tank. (enclosed)
- XX 4. Written tank monitoring plan. (sample enclosed)
- 5. Results of precision tank test(s) (initial/annual).
- 6. Results of precision pipeline leak detector tests (initial/annual).
- XX 7. An accurate and complete plot plan. (sample enclosed)
- XX 8. Written spill response plan. (sample enclosed)

**Title 23 of the California Code of Regulations prohibits the operation of ANY UST without a permit.** Please feel free to contact me at 510/271-4320 if you have any questions regarding the process of completing the mandatory five year permit.

Sincerely,

Robert Weston  
Hazardous Materials Specialist

cc: Hamid Maghsoudi, 16210 Foothill Blvd., San Leandro, CA 94578