

20474

Drogos, Donna, Env. Health

From: Alicia Falk [afalk@secor.com]
Sent: Wednesday, February 28, 2007 10:54 AM
To: dehloptoxic, Env. Health; Drogos, Donna, Env. Health
Subject: RO#474 Report Upload - Goodyear Castro Valley 1Q05

The following report has been uploaded to FTP and Geotracker:

Free Product Recovery and First Quarter 2005 Groundwater Sampling and Monitoring.

Alicia Falk
Staff Scientist
SECOR International Inc.
2301 Leghorn Street
Mountain View, CA 94043
650-691-0131 ext 261 (office)
650-444-4414 (cell)

Drogos, Donna, Env. Health

120474

From: Alicia Falk [afalk@secor.com]
Sent: Wednesday, February 28, 2007 10:16 AM
To: dehloptoxic, Env. Health; Drogos, Donna, Env. Health
Cc: Dennis Middleton; Jack Hardin
Subject: RO#474 Report Upload - Goodyear Castro Valley

Good Morning,

This is a notification email to inform you that the Free Product Recovery and Results of Semi-Annual 2006 Groundwater Monitoring Event (June 2006) has been uploaded to the FTP site.

Please let me know when there is a new case worker assigned to the Site so that we may address the future reports/emails to them.

Thank you,

Alicia Falk

Staff Scientist

SECOR International Inc.

2301 Leghorn Street

Mountain View, CA 94043

650-691-0131 ext 261 (office)

650-444-4414 (cell)

3/16/2007

Chu, Eva, Env. Health

From: Chu, Eva, Env. Health
Sent: Tuesday, April 20, 2004 4:32 PM
To: 'jhardin'
Subject: RE: Former Merritt Tire Sales property at 3430 Castro Valley Blvd

Hi Jack,

I took a quick look at the case file. Wells MW-1 and MW-3 are screened from approximately 10 to 19 feet bgs while MW-2 is screened from approximately 9 to 18.5 feet bgs. Depth to water is at approximately 5 to 7 feet-bgs, with occasional DTW at 11 feet bgs. Well MW-3 may not be screened appropriately to check for free product. Please check into this and get back to me with any comments and/or recommendations. This will need to be addressed when we review for possible closure.

Your request to reduce sampling frequency of wells MW-1, MW-2 and MW-4 from quarterly to semi-annual is acceptable. Wells should be sampled during the 1st and 3rd quarters of the year. Groundwater monitoring reports should include cumulative historic groundwater concentrations. Please include depth to water in this table.

Please feel free to call to discuss further.

eva

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

From: jhardin [mailto:jhardin@secor.com]
Sent: Tuesday, April 20, 2004 3:26 PM
To: eva.chu@acgov.org
Subject: Former Merritt Tire Sales property at 3430 Castro Valley Blvd

Eva – As a follow-up to our earlier telephone conversation, let me know if the information below accurately summarizes our conversation regarding on-going environmental monitoring at the former Merritt Tire Sales property at 3430 Castro Valley Blvd. in Castro Valley:

- Well MW-3, which has measurable floating product (0.13 feet on 9.30.03), needs to be monitored twice monthly for floating product until measurable product is not observed (less than 0.01 feet).
- Floating product in MW-3 can either be bailed or a downhole absorbent sock can be used and checked twice monthly for measurable floating product.
- Once floating product is immeasurable (less than 0.01 feet), MW-3 will become part of the site-wide groundwater monitoring program.
- The existing groundwater monitoring wells (MW-1, MW-2, and MW-4), and MW-3 when it becomes part of the site-wide groundwater monitoring program, will be monitored and sampled semi-annually for one year. Groundwater samples will be analyzed for TPHg, TPHd, TRPH, VOCs including BTEX and MTBE, and lead.
- After one year of monitoring and sampling, if all wells have reportable concentrations of the above COC's that are below ESL's and/or MCL's, a determination will be made regarding application for Site closure.

With your concurrence of the above, I will prepare a cost proposal for my client (The Goodyear Tire & Rubber Company) to proceed with the activities described above before the end of the 2nd Quarter 2004.

Take care,

Jack C. Hardin
Principal
SECOR International Incorporated
2301 Leghorn Street
Mountain View, California 94043

4/20/2004

Chu, Eva, Env. Health

From: Jack Hardin [jhardin@secor.com]
Sent: Wednesday, July 02, 2003 11:15 AM
To: echu@co.alameda.ca.us
Cc: Liongson, Aurora
Subject: Goodyear Castro Valley Site

Eva - SECOR International Incorporated (SECOR) has scheduled environmental fieldwork to be performed at the Former Merritt Tire Sales/Goodyear Leased Location No. 9578 (the Site), located at 3430 Castro Valley Blvd., Castro Valley, CA, STID#1715.

Because of scheduling constraints, the proposed field activities as described in the November 19, 2002 Work Plan were not able to commence on or prior to June 30, 2003. The field activities are scheduled to commence on July 10, 2003 at 8:30 AM. Enhanced Fluid Recovery (EFR) will occur every two weeks at well MW-3, for a period of one calendar quarter (6 events). SECOR will wait for three days after the final extraction event to allow for well recovery; then, SECOR will sample the existing monitoring wells, MW-1, MW-2, and MW-4 (and potentially MW-3). Please be informed that purge water and decontamination water generated from the field activities will be sealed in 55-gallon drums and will remain on Site for approximately one month (or less), pending consideration for proper disposal. We anticipate that the fieldwork will be completed in approximately three months. The groundwater monitoring report will be submitted to your office 60 days upon completion of field activities.

Should you require further information about the scheduled work, please do not hesitate to call me at (650) 691-0131. The Environmental Engineer for this Site is Ms. Karen Burlingame of Goodyear Tire and Rubber Company at (330) 796-1735.

Take care,

Jack C. Hardin
Principal
SECOR International Incorporated
2301 Leghorn Street
Mountain View, California 94043
650.691.0131, ext. 230
650.691.9837 fax
650.444.6303 mobile
jhardin@secor.com

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

RO0000474

May 13, 2003

Ms. Karen Burlingame
The Goodyear Tire & Rubber Co
1144 East Market Street
Akron, OH 44316-0001

RE: Work Plan Approval for 3430 Castro Valley Blvd, Castro Valley, CA

Dear Ms. Burlingame:

I have completed review of the case file, up to and including Secor's November 2002 *Work Plan for Enhanced Fluid Recovery* proposed for the above referenced site. The proposal to extract free product (by means of a "stinger" under vacuum) from well MW-3 every two weeks, over a period of three months (6 total events), is acceptable. After the final extraction event and allowance for groundwater to reach stability, groundwater from well MW-3 will be sampled. Be advised that well MW-3 will need to be sampled over several quarters to confirm the effectiveness of remediation.

Field work should commence within 45 days of the date of this letter, or by **June 30, 2003**. Please provide 72 hours advance notice of field activities. A report documenting field investigations is due 60 days upon completion of field activities. Reports must be submitted under signature of a Registered Geologist or other Professional Engineer.

If you have any questions, I can be reached at (510) 567-6762 or by email at echu@co.alameda.ca.us

eva chu
Hazardous Materials Specialist

c: Jack Hardin, Secor, 2301 Leghorn St, Mountain View, CA 94043
Donna Drogos

August 9, 2002

AKHMS 8/13/02

SECOR
International Incorporated

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

Re: Former Merritt Tire Sales/Goodyear Leased location (#9578)
3430 Castro Valley Boulevard
Castro Valley, Alameda County, CA
STID #1715

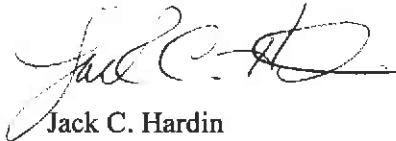
Mr. Gholami:

SECOR International Incorporated (SECOR) has been retained by The Goodyear Tire & Rubber Company (Goodyear) to perform groundwater sampling and analysis of the existing four (4) on-Site monitoring wells, and submit the analytical results to the Alameda County Health Care Services Agency, Environmental Protection Division (County), as per the County's request dated December 4, 2001.

SECOR proposes to initiate groundwater sampling before September 1, 2002, and provide a letter report of the analytical results to the County within three (3) weeks of the sampling event. SECOR will contact the County prior to the sampling event to confirm the proposed analytical suite and associated methods.

SECOR looks forward to providing the aforementioned services to Goodyear and working with the County on this Site.

Sincerely,
SECOR International Incorporated



Jack C. Hardin
Principal

cc: Karen Burlingame – Goodyear
Dennis Middleton – SECOR

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20474

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

STID 1715

July 30, 2002

Mr. Aimee L. West Trust et al
C/O Geoffrey C. Etnire
4900 Hopyard Rd
Pleasanton CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
PO Box 660245
Dallas TX 75266-0245

Notice of Violation

RE: Former Merritt Tire Sales at 3430 Castro Valley Blvd., Castro Valley, CA

Dear Mr. Etnire and Mr. Ingelhofer:

This office has attempted to notify you regarding your responsibilities in regard to the clean up project at the above referenced site. You have been informed that you have failed to submit any recent quarterly groundwater sampling and monitoring report to this office.

The last report submitted to this office is dated November 11, 1996, which was resubmitted in December 19, 2001. Our records indicates that MW-1, and MW-2 wells, have contained low or non-detect concentrations of constituents. However, MW-3 well had previously revealed some floating products within the well. Therefor it is imperative that you continue monitoring and submit plan of action regarding remediation at the above references site.

Title 23 of the California Code of Regulations (23CCR), Section 2652(d), requires the owner or operator of an UST facility to submit reports every three months, or at a more frequent interval as specified by the local agency or regional water board, until investigation and cleanup are complete. In addition, the California Health and Safety Code (CHSC), Section 25298, states that underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge.

You must reinstate a quarterly schedule of well sampling and monitoring and to assess the current status of the plume. Additionally you are required to submit a plan in order to properly proceed with remediation of the plume once and if deemed necessary. Please be advised that technical summary reports documenting each well sampling and monitoring episode are also due quarterly and shall continue until directed otherwise by this office.

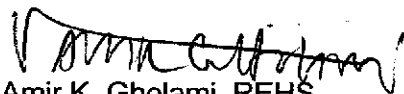
You are advised to seek the professional services of a reputable environmental consultant who will submit for review a proposal outlining planned activities regarding the floating product within MW-3 well as well as sampling and analysis of groundwater to include Oil and Grease, TPHg, BTEX, MTBE, and chlorinated solvents analysis for all monitoring wells. Additionally some PCE constituent has been detected in groundwater down gradient of your site, which might have been released at your property. The PCE issue must also be looked into as well. EPA Method 8010 will help in detection of chlorinated solvents.

you must perform a groundwater sampling and analysis and submit the work to this office within 30 days or by August 30th, 2002. The analysis should include Oil and Grease, TPHg, BTEX, MTBE, PCE, and other chlorinated solvents analysis for all monitoring wells.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

If you have any question, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

✓ C: Ms. Karen D. Burlingame, Corporate Environmental Engineering, The Goodyear Tire & Rubber Company, 7301 Ambassador Row, PO Box 660245, Dallas TX 75266-0245
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20474

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

STID 1715

July 30, 2002

Mr. Aimee L. West Trust et al
C/O Geoffrey C. Etnire
4900 Hopyard Rd
Pleasanton CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
PO Box 660245
Dallas TX 75266-0245

Notice of Violation

RE: Former Merritt Tire Sales at 3430 Castro Valley Blvd., Castro Valley, CA

Dear Mr. Etnire and Mr. Ingelhofer:

This office has attempted to notify you regarding your responsibilities in regard to the clean up project at the above referenced site. You have been informed that you have failed to submit any recent quarterly groundwater sampling and monitoring report to this office.

The last report submitted to this office is dated November 11, 1996, which was resubmitted in December 19, 2001. Our records indicates that MW-1, and MW-2 wells, have contained low or non-detect concentrations of constituents. However, MW-3 well had previously revealed some floating products within the well. Therefor it is imperative that you continue monitoring and submit plan of action regarding remediation at the above references site.

Title 23 of the California Code of Regulations (23CCR), Section 2652(d), requires the owner or operator of an UST facility to submit reports every three months, or at a more frequent interval as specified by the local agency or regional water board, until investigation and cleanup are complete. In addition, the California Health and Safety Code (CHSC), Section 25298, states that underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge.

You must reinstate a quarterly schedule of well sampling and monitoring and to assess the current status of the plume. Additionally you are required to submit a plan in order to properly proceed with remediation of the plume once and if deemed necessary. Please be advised that technical summary reports documenting each well sampling and monitoring episode are also due quarterly and shall continue until directed otherwise by this office.

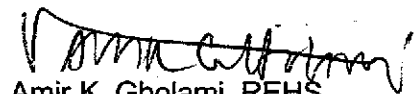
You are advised to seek the professional services of a reputable environmental consultant who will submit for review a proposal outlining planned activities regarding the floating product within MW-3 well as well as sampling and analysis of groundwater to include Oil and Grease, TPHg, BTEX, MTBE, and chlorinated solvents analysis for all monitoring wells. Additionally some PCE constituent has been detected in groundwater down gradient of your site, which might have been released at your property. The PCE issue must also be looked into as well. EPA Method 8010 will help in detection of chlorinated solvents.

you must perform a groundwater sampling and analysis and submit the work to this office within 30 days or by August 30th, 2002. The analysis should include Oil and Grease, TPHg, BTEX, MTBE, PCE, and other chlorinated solvents analysis for all monitoring wells.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

If you have any question, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Ms. Karen D. Burlingame, Corporate Environmental Engineering, The Goodyear Tire & Rubber Company, 7301 Ambassador Row, PO Box 660245, Dallas TX 75266-0245
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES



RO 474

AGENCY

DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES

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

February 13, 2002

STID 1715

Mr. Aimee L. West Trust et al
C/O Geoffrey C. Etnire
4900 Hopyard Rd
Pleasanton CA 94588

W.J. Inghofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
PO Box 660245
Dallas TX 75266-0245

Second Notice of Violation

RE: Former Merritt Tire Sales at 3430 Castro Valley Blvd., Castro Valley, CA

Dear Mr. Etnire and Mr. Inghofer:

I would like to inform you that this office has attempted to notify you regarding your responsibilities in regard to the clean up project at the above referenced site. I have informed you that you have failed to submit any recent quarterly groundwater sampling and monitoring report to this office.

As indicated to you previously, the last report submitted to this office is dated November 11, 1996. If there are more recent groundwater sampling and analysis, you need to submit the results of such work to this office.

As you are aware, MW-3 well has had previously indicated some floating products within the well. However, MW-1, and MW-2 wells, have contained low or non-detect concentrations of constituents.

Please be advised that Title 23 of the California Code of Regulations (23CCR), Section 2652(d), requires the owner or operator of an UST facility to submit reports every three months, or at a more frequent interval as specified by the local agency or regional water board, until investigation and cleanup are complete. In addition, the California Health and Safety Code (CHSC), Section 25298, states that underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge.

In order to proceed with this site investigation, you should obtain the professional services of a reputable environmental consultant. Your responsibility is to have the consultant submit for review a proposal outlining planned activities regarding the floating product issue within MW-3 well.

At this time, you are directed to reinstate a quarterly schedule of well sampling and monitoring. Please be advised that technical summary reports documenting each well sampling and monitoring episode are also due quarterly and shall continue until directed otherwise by this office.

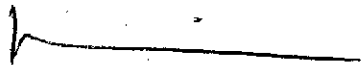
In order to proceed with this site investigation, you should obtain the professional services of a reputable environmental consultant. Your responsibility is to have the consultant submit for review a proposal outlining planned activities regarding the floating product within MW-3 well as well as sampling and analysis of groundwater to include Oil and Grease, TPHg, BTEX, and MTBE analysis for all monitoring wells. Additionally some PCE constituent has been detected in groundwater down gradient of your site, which might have been released at your property. The PCE issue must also be looked into as well.

Otherwise, you must perform and groundwater sampling and analysis and submit the work to this office within 30 days or by March 12, 2002. Please include Oil and Grease, TPHg, BTEX, PCE, and MTBE analysis for all monitoring wells.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

Should you have any question, please do not hesitate to call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Files



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

December 4, 2001

STID 1715

Mr. Aimee L. West Trust et al
C/O Geoffrey C. Etnire
4900 Hopyard Rd
Pleasanton CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
PO Box 660245
Dallas TX 75266-0245

Notice of Violation

RE: Former Merritt Tire Sales at 3430 Castro Valley Blvd., Castro Valley, CA

Dear Mr. Etnire and Mr. Ingelhofer:

This office has attempted to notify you regarding your responsibilities in regard to the clean up project at the above referenced site. I have made several attempts to notify you of your responsibility and have informed you that you have not submitted any recent quarterly groundwater sampling and monitoring report to this office.

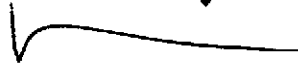
Per our records, the last report submitted to this office is dated November 11, 1996. If there are more recent groundwater sampling and analysis, you need to submit the results of such work to this office. Otherwise, you must perform and groundwater sampling and analysis and submit the work to this office within 30 days or by January 5th, 2001. Please include Oil and Grease, TPHg, BTEX, and MTBE analysis for all monitoring wells.

In the past, MW-3 well has had some sampling events with floating products within the well. However, MW-1, and MW-2 wells, have contained low or non-detect concentrations of constituents.

You need to also inform this office whether Mr. Timothy J. Walker or Mr. Marc W. Seeley of Touchstone Developments Environmental Management are your current consultant regarding the above referenced site.

Please call me at (510) 567-6876 if you have any question.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amir K. Gholami', with a long horizontal stroke extending to the right.

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Tina Berry, Tosco Marketing Company, 2000 Crow Canyon Place, Suite 400, San Ramon,
CA 94583
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



July 10, 2001

STID 1715

Mr. Aimee L. West Trust et al
C/O Geoffrey C. Etnire
4900 Hopyard Rd
Pleasanton CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
PO Box 660245
Dallas TX 75266-0245

RE: Former Merritt Tire Sales at 3430 Castro Valley Blvd., Castro Valley, CA

Dear Mr. Etnire and Mr. Ingelhofer:

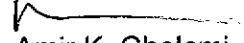
Our office has assigned me to oversee the clean up project at the above referenced site. I have reviewed the files and it seems that there has been no recent quarterly groundwater sampling and monitoring performed or submitted to this office. In fact the last report is dated November 11, 1996. Please inform me whether you have performed any more recent groundwater sampling and analysis. If so, please send a copy to this office, otherwise, please perform and submit a recent groundwater monitoring report to this office within 30 days or by 8/10/2001. Please include Oil and Grease, TPHg, BTEX, and MTBE analysis for all monitoring wells.

MW-1, and MW-2 wells, in the past, have contained low or non-detect concentrations of constituents. However, MW-3 well has had some sampling events with floating products within the well.

Additionally, please inform me whether Mr. Timothy J. Walker or Mr. Marc W. Seeley of Touchstone Developments Environmental Management are your current consultant regarding the above referenced site.

Should you have any questions and or concerns, please call me at (510) 567-6876.

Sincerely,


Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Tina Berry, Tosco Marketing Company, 2000 Crow Canyon Place, Suite 400, San Ramon,
CA 94583
✓ Files

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

GRAY CARY WARE
▲ FREIDENRICH
A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
400 HAMILTON AVENUE
PALO ALTO, CA 94301-1825
TEL (415) 328-6561
FAX (415) 327-3699

LAWRENCE A. COGAN
DIRECT DIAL: (415) 833-2130
INTERNET: LCOGAN@GCWF.COM

OUR FILE NO.
1230504-900000

September 3, 1996

Ms. Amy Leech
Alameda County Health Care Services
Environmental Protection Division
1131 Harbor Bay Parkway
Room 250
Alameda, CA 94502-6577

Re: Former Merritt Tire Sales, 3430 Castro Valley Blvd., Castro Valley, CA

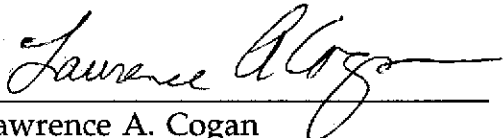
Dear Ms. Leech:

We are in receipt of a letter from you to Aimee L. West Trust c/o Geoffrey C. Etnire and W. J. Inghofer of Goodyear Tire & Rubber dated August 22, 1996 regarding the above-referenced matter. The letter was sent to Louis Green by "cc". Please note that Louis Green is no longer associated with our law firm, and that we no longer represent the West Family. Please make appropriate changes to your mailing list.

Thank you. Please call me if you have any questions.

Very truly yours,

GRAY CARY WARE & FREIDENRICH
A Professional Corporation

By: 
Lawrence A. Cogan

LAC:bb

cc: Geoffrey C. Etnire, Esq.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

Std 1715
August 22, 1996

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Rd
Pleasanton CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
PO Box 660245
Dallas TX 75266-0245

(214) 637-9208

Subject: Former Merritt Tire Sales, 3430 Castro Valley Blvd., Castro Valley, CA

Dear Messrs. Etnire and Ingelhofer:

This office has completed a review of the case file history and of Touchstone Developments' quarterly monitoring reports, dated April 8 and August 2, 1996, for the subject site.

As you may be aware, separate-phase floating product was initially detected in groundwater monitoring well MW-3 in August 1995. Since that time, it has been observed during the October 1995 and May 1996 groundwater sampling events. Touchstone Developments has attempted to remove the floating product by placing an absorbent material (XSORB™ sock) in this well. In addition, groundwater analyses from well MW-3 have consistently detected Total Petroleum Hydrocarbons as Gasoline and Diesel (TPH-G and TPH-D); benzene, toluene, ethylbenzene, xylenes (BTEX); and halogenated volatile organic compounds (HVOCs).

Quarterly monitoring reports have described the floating product as "used motor oil" or "hydraulic/oil fluid". In order to confirm the composition of the floating product and that the HVOCs detected in groundwater in this location are a result of a release from the former waste oil underground storage tank, please have the floating product analyzed for the following constituents: TPH-G and BTEX (EPA method 5030/8015), TPH-D and motor oil (EPA method 3550/8015), HVOCs (EPA method 8010 or 8240), and semi-volatile organic hydrocarbons (SVOCs) (EPA method 8270). These analyses should be completed as soon as possible and reported to this office in the next quarterly report, due no later than September 30, 1996.

At this time, you may discontinue groundwater sampling and analyses for monitoring wells MW-1 and MW-2. Analyses for all constituents sought have been non-detect in these wells for the last five sampling events and since groundwater sampling began in April 1995. However, these wells must be maintained and monitored to assist in establishing periodic groundwater gradient determinations.

Please feel free to call me at (510)567-6755 if you have any questions or comments.

Sincerely,


Amy Leech
Hazardous Materials Specialist

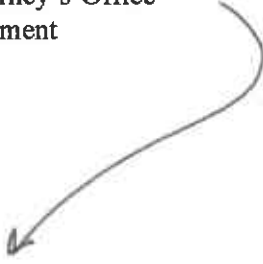
Etnire/Inglhofer

Re: 3430 Castro Valley Blvd.

August 22, 1996

Page 2 of 2

B
c: Timothy Walker, Touchstone Developments, PO Box 2554, Santa Rosa, CA 95405
Bertram Bell, Goodyear Tire & Rubber Co., Law Dept., 1144 E Market St., Akron OH 44316
~~Louis Green, (Gray, Cary Ware & Freidenrich), 400 Hamilton Ave, Palo Alto CA 94501~~
Gil Jensen, Alameda County District Attorney's Office
Ed Laudani, Alameda County Fire Department
Don Atkinson-Adams
Gordon Coleman - File(ALL)



Per letter from this law office dated 9/3/96, Louis Green or law office does not represent the "West Family".

file Sem
STID 1715

The Goodyear Tire & Rubber Company
Akron, Ohio 44316 - 0001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 28, 1996

ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502

Project Report
Hoist Over-Excavation
Goodyear Dealer Expansion #9578
3430 Castro Valley Boulevard
Castro Valley, CA

Enclosed is a copy of the Hoist Over-Excavation Report for subject location dated June, 1996 as prepared by our consultant Semco.

No Further Action is recommended for this site based on the results of the enclosed Hoist Excavation Report.

If you have any questions, please contact the undersigned at (330) 796-7898 or Mr Stanley L Klemetson at (415) 572-8033.

Very truly yours,

J M Smerglia
Principal Environmental Engineer
D/110F

J M Smerglia:jmk

Enclosure

cc: Mr Stanley L Klemetson
SEMCO/HK2, Inc.
1751 Leslie Street
San Mateo, CA 94402

ENVIRONMENTAL
PROTECTION
96 JUL - 1 PM 4:52

SITE SEARCH/FILE REVIEW

TO: AMY LEECH

DATE OF FILE SEARCH: 3/19/96 9:00 A.M

SITE

STID NO.

3430 CASTRO VALLEY BLVD.

1715

YOUR COOPERATION IS REALLY APPRECIATED, THANK YOU

RICK LINDSEY
FILE REVIEW CLERK

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 1715

September 5, 1995

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

DEPARTMENT OF ENVIRONMENTAL HEALTH
ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
DIV. OF ENVIRONMENTAL PROTECTION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

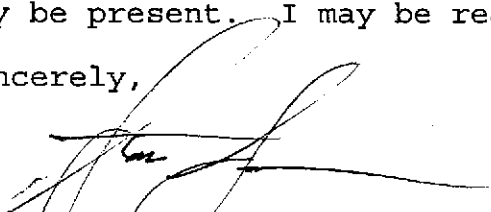
Dear Messrs. Etnire and Ingelhofer:

The August 28, 1995 Touchstone Developments monitoring report documents the presence of apparent free-phase product floating on ground water encountered in well MW-3, downgradient of the subject waste oil underground storage tank. Mr. Tim Walker of Touchstone Developments, Goodyear's environmental consultant, informed me today that the encountered material reportedly had a pungent odor and appeared to be of an oily consistency. Field data sheets compiled during the August 2, 1995 sampling event describe the encountered material as "used motor oil."

The presence of free-phase product in any of the wells was not anticipated based on ground water data collected to date. Its presence is, hence, puzzling. To better evaluate the nature and quantity of this product, as well as to ensure proper well head security, Touchstone has been requested to schedule a field visit in the next couple of weeks, prior to the next regularly-scheduled monitoring event.

Please contact me when this field event is scheduled so that I may be present. I may be reached at 510/567-6783.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Messrs. Etnire and Inghofer
RE: 3430 Castro Valley Blvd.
Sept. 5, 1995
Page 2 of 2

cc: Jun Makishima, Acting Director
Gil Jensen, Alameda County District Attorney's Office
Ed Laudani, Alameda County Fire Department
Bertram Bell, Goodyear Tire & Rubber Company, Law Dept.
1144 E. Market Street, Akron, OH 44316
Louis Green, Gray, Cary, Ware & Freidenrich
400 Hamilton Ave., Palo Alto, CA 94501

1995, 08-17 15:07
 510 337 9335
 ALAMEDA CO EHS HAZ-OPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
824	7079350601	08-17 15:05	01' 17	02/02	OK		

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**ALAMEDA COUNTY
 HEALTH CARE SERVICES
 AGENCY**

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

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

STID 1715

August 17, 1995

Aimee L. West Trust et al
 c/o Geoffrey C. Etnire
 4900 Hopyard Road
 Pleasanton, CA 94588

W.J. Ingelhofer
 The Goodyear Tire & Rubber Company
 7301 Ambassador Row
 P.O. Box 660245
 Dallas, TX 75266-0245

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
 CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

Dear Messrs. Etnire and Ingelhofer:

I have completed review of the case file for this site, up to and including the May 15, 1995 Touchstone Developments sampling report. Review suggests the appropriateness of reducing the number of target analytes for subsequent analyses.

Total oil and grease (TOG) and metals need no longer be sought at this time. Therefore, target compounds for future sampling efforts shall be:

- o total petroleum hydrocarbons as gasoline and diesel (TPH-G, TPH-D)

Post-It® Fax Note	7671	Date	8-17	# of pages	2
To	Tim Walker	From	S. SEERY		
Co./Dept.	Touchstone	Co.	ACDEH		
Phone #		Phone #	510/567-6783		
Fax #	707-935-0601	Fax #			

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

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

STID 1715

August 17, 1995

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

Post-it* Fax Note	7671	Date	8-17	# of pages	2
To	Tim Walker	From	S. SEERY		
Co./Dept.	Touchstone	Co.	ACDEH		
Phone #		Phone #	510/567-6783		
Fax #	707-935-0601	Fax #			

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CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

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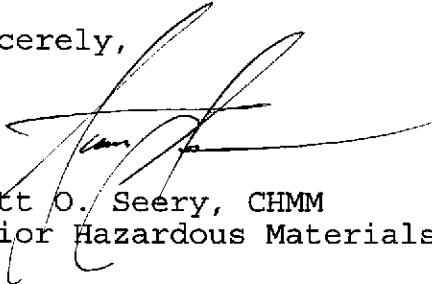
- o total petroleum hydrocarbons as gasoline and diesel (TPH-G, TPH-D)
- o benzene, toluene, ethylbenzene, and total xylenes (BTEX)
- o halogenated volatile organic compounds (HVOC)
- o semivolatile organic compounds (SVOC)

As a reminder, all technical reports, which includes quarterly sampling and monitoring reports, are to be endorsed by a California-registered geologist or civil engineer. Additionally, ground water flow direction and gradient are to be calculated and presented graphically, among other components comprising such reports.

Messrs. Etnire and Inghofer
RE: 3430 castro Valley Blvd., Castro Valley
August 17, 1995
Page 2 of 2

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

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Rob Weston, ACDEH
Kevin Graves, RWQCB
Ed Laudani, Alameda County Fire Department
Bertram Bell, Goodyear Tire & Rubber Company, Law Dept.
1144 E. Market Street, Akron, OH 44316
Louis Green, Gray, Cary, Ware & Freidenrich
400 Hamilton Ave., Palo Alto, CA 94501

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) Merritt Tire Sales)
3430 Castro Valley Blvd.)
Castro Valley, California)
)
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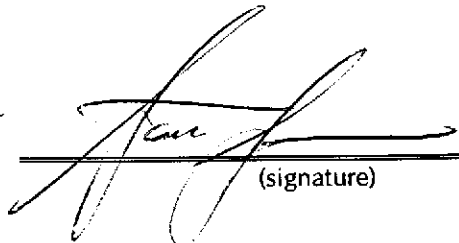
Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

Dear Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 567-6783 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify that I served Aimee L. West Trust et al, c/o Geoffrey Etnire with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # Z 196 176 801.

Dated: 3-23-95 

(signature)

Z 196 176 801



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to	
Geoffrey Etnive	
Street and No.	
4900 Hayward Road	
City, State and ZIP Code	
Pleasanton, CA 94588	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Geoffrey Etnive
4900 Hayward Rd.
Pleasanton, CA 94588

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

Z 196 176 801

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery

3/29/95

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) Merritt Tire Sales)
3430 Castro Valley Blvd.)
Castro Valley, California)
)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

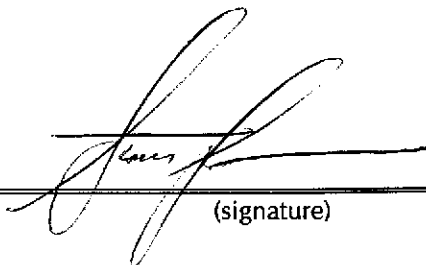
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify that I served W.J. Ingelhofer, The Goodyear Tire & Rubber Company, with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # Z 196 176 802.

Dated: 3-23-95



(signature)

Z 196 176 802



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to: <i>W. J. Fugle</i>	
Street and No. <i>P.O. Box 660245</i>	
P.O., State and ZIP Code <i>Dallas, TX 75266-0245</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

- DRAFT -

January _____, 1995

Aimee L. West Trust et al
% Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

sent some
time -
1st - 2nd week
Feb. 1995

W.J. Inghofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

**RE: Legal Designation of Responsible Party and Request for
Submittal of Technical Reports Resulting from the Alameda
County Department of Environmental Health Department's
Enforcement Panel Meeting of October 25, 1994.**

Dear Sirs:

It has been brought to my attention by Regional Board staff that a condition of soil and ground water pollution exists at your property, 3430 Castro Valley Boulevard, Castro Valley, from an underground storage tank release. The Alameda County Department of Environmental Health (ACDEH) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23, Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACDEH staff were unsuccessful in eliciting your initial co-operation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACDEH Offices on October 25, 1994, attended by **Mr. Sum Arigala**, of my staff. Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, the following entities are hereby found to be a *responsible party* as defined by Title 23 of the California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2720:

- o Aimee L. West Trust et al
- o The Goodyear Tire & Rubber Company
- o Merritt Tire & Brake Service, Inc.
% Morgan D. King Law Offices,
attorney for debtor in bankruptcy
- o Estate of Richard Gorkosky



Aimee L. West Trust et al
% Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Inghofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

RE: Legal Designation of Responsible Party and Request for
Submittal of Technical Reports Resulting from the Alameda
County Department of Environmental Health Department's
Enforcement Panel Meeting of October 25, 1994. *FILE: 01-1948*

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- o The Goodyear Tire & Rubber Company
- o Merritt Tire & Brake Service, Inc.
% Morgan D. King Law Offices,
attorney for debtor in bankruptcy
- o Estate of Richard Gorkosky

A *Responsible Party* is "any person who owned or operated the underground storage tank immediately before the discontinuation of its use." A responsible party also includes any owner of property from which an unauthorized release of a hazardous substance from an underground storage tank has occurred, and any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance, among others.

As a *Responsible Party*, you are required to conduct both soil and ground water investigations to determine the extent of environmental contamination resulting from the release. You are therefore directed to continue to submit technical reports to address soil and ground water pollution at this site. The referenced technical reports should address the specific technical scope and schedule as identified in following numbered items:

- 1) Continue ground water sampling, water elevation monitoring, and technical report submittal following a **quarterly schedule**, beginning no later than the end of the first quarter of 1995;
- 2) Submit and implement a proposal to further define the lateral and vertical extent of pollution in soil and ground water associated with the release from the subject tank, as determined by the Alameda County Environmental Health Department following review of data presented in the requisite quarterly reports;
- 3) Submit and implement a *Corrective Action Plan* as the need for such a plan is determined by the Alameda County Environmental Health Department following review of data presented in the requisite quarterly reports.

All proposed work should adhere to the requirements articulated in The Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites - 8/10/90 and Article 11 of Title 23, Waters, California Code of Regulations.

I am hereby transmitting this request for a technical report to ACDEH for service and continued case handling. You should be aware that failure on your part to submit the requested technical report, or a submittal received after the date specified in this request may result in fines up to \$1,000 per day of delinquency. Your response to this technical report request should be sent to **Mr. Scott Seery**, at ACDEH. Please inform Mr. Seery at least three working days in advance of all field activities.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

STID 1715

December 20, 1994

Morgan D. King
Morgan D. King Law Offices
6670 Amador Plaza Road, Ste. 202
Dublin, CA 94568

ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

RE: MERRITT TIRE & BRAKE, INC., 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY

Dear Mr. King:

The Law Offices of King and Rousseau previously represented the referenced company (debtor) during bankruptcy proceedings occurring during or around the year 1992. We understand that Mr. Rousseau is no longer in practice with you, Merritt Tire & Brake, Inc. (Merritt) is no longer your client, and Mr. Richard Gorkosky, the last active owner of Merritt, is deceased. By way of this letter and enclosures, however, this office is nonetheless attempting to provide recent information to the last known representative of Merritt and Mr. Gorkosky in hopes that you may be able to direct it to the appropriate person.

An apparent release from an underground storage tank (UST) formerly located at the referenced site has occurred. The California UST regulations (Title 23, Division 3, Chapter 16, California Code of Regulations [CCR]) and provisions of the California Water Code require that the extent of such releases be investigated and, if necessary, remediated. The Goodyear Tire & Rubber Company (who sublet the site to and licensed the use of Goodyear's trademark by Merritt) and the property owner are currently named as responsible parties (RP) pursuant to Section 2720, Article 11, 23CCR.

A *Pre-Enforcement Review Panel* was held October 25, 1994 at the offices of the Alameda County Environmental Health Department, Environmental Protection Division. PERPs typically convene when there have been disputes regarding RP and technical issues, among others. Such PERPs are an attempt to resolve such outstanding issues, get investigations and clean-ups moving, and are an interim step to (potentially) avoid bonafide enforcement actions.

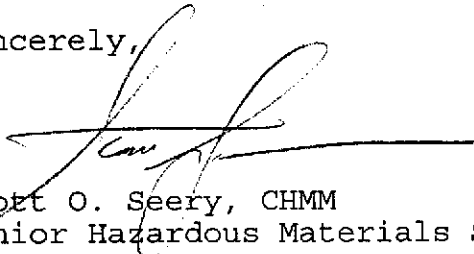
In the specific case addressed herein, RP designation has been disputed by the noted parties. Following the October PERP, the record was allowed to remain open for an additional 30 days to give the parties the opportunity to present supplemental information for consideration by the panel.

Mr. Morgan King
RE: Merritt Tire & Brake, Inc.
December 20, 1994
Page 2 of 2

Merritt is recognized as a potential RP. Therefore, to provide the same opportunity as was given the others to submit additional information for consideration by the panel before rendering its final decision, the record will remain open an additional period of 30 days.

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

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

enclosures

cc: Rafat A. Shahid, Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Geoffrey C. Etnire, 4900 Hopyard Rd., Pleasanton, CA 94588
Bertram Bell, Goodyear Tire & Rubber Company, Law Dept.
1144 E. Market Street, Akron, OH 44316
Louis Green, Gray, Cary, Ware & Freidenrich
400 Hamilton Ave., Palo Alto, CA 94501

The Goodyear Tire & Rubber Company
Akron, Ohio 44316 - 0001

Nov. 16, 1994

Mr. Scott Seary
Alameda County Health Department
1131 Harbor Bay Parkway

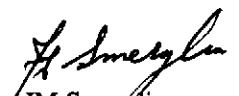
RE: The Goodyear Tire & Rubber Company
Auto Service Center
3430 Castro Valley Blvd.
Castro Valley, Ca

SUB: Subsurface Investigation Report
following UST removal.

Enclosed is a copy of the subject report, dated November 1, 1994, as prepared by Touchstone
Developments Environmental Management our Consultant for this site.

Please advise your comments.

Sincerely,


JM Smerglia
Principal Engineer

cc: Carl Putzier, Mgr. Architectural Services

54 NOV 21 PM 4: 19

RECEIVED
HEALTH DEPT.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

STID 1715

ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
DIV. OF ENVIRONMENTAL PROTECTION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

October 25, 1994

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

Dear Messrs. Etnire and Ingelhofer:

Today a ~~Reset Pre-Enforcement Review Panel~~ (PERP) convened to discuss the current status of the environmental and regulatory issues associated with the referenced site. Representatives from the San Francisco Bay Regional Water Quality Control Board (RWQCB), Alameda County District Attorney's Office, and the Alameda County Environmental Health Department, Environmental Protection Division, were in attendance. Also in attendance was Mr. James O'Neil representing The Goodyear Tire & Rubber Company. Absent was a representative of the property owner, the Aimee L. West Trust.

The Review Panel have agreed to allow the record to remain open for an additional period of 30 days to provide sufficient time for all parties or their agents to collect and submit supplemental information for consideration before a final decision is rendered. Therefore, the record will remain open until the close of business on November 28, 1994.

Please contact this office should you have any questions. I may be reached at 510/567-6783, or -6700.

Messrs. Etnire and Inghofer
RE: 3430 Castro Valley Blvd.
October 25, 1994
page 2 of 2

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Rob Weston, ACDEH
Kevin Graves, RWQCB
Ed Laudani, Alameda County Fire Department
Bertram Bell, Goodyear Tire & Rubber Company, Law Dept.
1144 E. Market Street, Akron, OH 44316
Louis Green, Gray, Cary, Ware & Freidenrich
400 Hamilton Ave., Palo Alto, CA 94501

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200
 Oakland, CA 94621
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

Site ID # 1715 Site Name (former) Merritt Tire Today's Date 7/28/94

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

Site Address 3430 Castro Valley Blvd

City Castro Valley Zip 94546 Phone

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(i)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

III. UNDERGROUND TANKS (Title 23)

- General**
- ___ 1. Permit Application 25284 (H&S)
- ___ 2. Pipeline Leak Detection 25292 (H&S)
- ___ 3. Records Maintenance 2712
- ___ 4. Release Report 2651
- ___ 5. Closure Plans 2670
- ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose
Semi-annual groundwater
One time soils
 - 3) Daily Vadose
One time soils
Annual tank test
 - 4) Monthly Gndwater
One time soils
 - 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
 - 6) Daily Inventory
Annual tank testing
Cont pipe leak det
 - 7) Weekly Tank Gauge
Annual tank testing
 - 8) Annual Tank Testing
Daily Inventory
 - 9) Other
- ___ 7. Precs Tank Test 2643
Date:
- ___ 8. Inventory Rec. 2644
- ___ 9. Soil Testing 2646
- ___ 10. Ground Water. 2647
- Monitoring for Existing Tanks**
- ___ 11. Monitor Plan 2632
- ___ 12. Access Secure 2634
- ___ 13. Plans Submit 2711
Date:
- ___ 14. As Built 2635
Date:
- New Tanks**

Comments: 11:00 - 12:00; 1:15 - 2:00
 On-site to observe drilling activities associated with the investigation of the former waste oil UST. Mark Sealey was the CEE overseeing the drilling operations.

Initial ground water was reached @ ~ 9' BG. Saturated sediments were reportedly an alternating sequence of silts and sands. Underlying this sequence was a "bone dry" silt, @ a depth of ~ 19-20' BG.

Strong HC odors were detected in the southern-most boring beginning @ approx 6' and extending to 1st GW.

Rev 8/88

Contact: Mike Tamborini
 Title: Touchstone Developments
 Signature: _____

Inspector: S. Seery
 Signature: _____

II, III

ALAMEDA COUNTY DEPARTMENT OF
ENVIRONMENTAL HEALTH
Thomas M. ...



9/28/94 - well installations
09318221467-2
3430 Castro Valley Blvd
Castro Valley

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

STID 1715

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

August 23, 1994

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Inghofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

Dear Messrs. Etnire and Inghofer:

I am in receipt of the August 15, 1994 Touchstone Developments (TD) work plan for the initial assessment of soil and ground water quality in the area proximal to the former waste oil underground storage tank (UST). The scope of work outlined in the cited TD work plan has been accepted as submitted with the following minor change:

- o The initial well purging and sampling event shall occur no sooner than 24, and preferably 72, hours following well development.

Please contact this office when field activities associated with the implementation of the accepted work plan are slated to begin. I may be reached at 510/567-6783.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Ed Laudani, Alameda County Fire Department
Bertram Bell, Goodyear Tire & Rubber Company, Law Dept.
1144 E. Market Street, Akron, OH 44316
Louis Green, Gray, Cary, Ware & Freidenrich
400 Hamilton Ave., Palo Alto, CA 94501
Michale Tambroni, Touchstone Developments



**Touchstone
Developments**
Environmental Management

ALAMEDA
 HAZARDOUS
 21 AUG 17 1994

LETTER OF TRANSMITTAL

DATE 8-16-94

From TIM WALKER

Project No: 94-14

To: Mr. Scott Seery

Subject: WORK PLAN

Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

Goodyear Service Center
3430 Castro Valley Blvd.
Castro Valley, California

The following items are Enclosed Sent Separately
 via hand delivered

Date	Description	No. of Copies
8/15/94	WORK PLAN - Goodyear Service Center	one (1)

These are transmitted:

- At your request
- For your action
- For your approval
- For your files
- For your review
- For your information
- Preliminary

COMMENTS: I am sorry that this transmittal letter was not included with the hand delivered document. If you have any questions or comments, please call me at (707) 935-0601.


 signed

Touchstone Developments 17170 Keaton Ave, Sonoma, California



DALLAS

FAX 214 637-9170

(GTN 542-9170)

J U S T T H E F A X

DATE: 8 / 11 / 94

TO: Mr Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
Alameda County CC 4580

FAX: (510) 337-9335

NUMBER OF PAGES BEING TRANSMITTED FROM DALLAS: 3,
 (INCLUDING THIS PAGE)

FROM: W J Ingelhofer
Field Real Estate Manager
Dallas

TELEPHONE # (214) 637-9208
GTN - 542-9132

ORIGINAL TO BE SENT BY MAIL: YES x NO

COMMENTS: In response to your letter dated August 1, 1994, indicating you
did not find my letter of June 3, 1994, attached to the July 22, 1994 correspondence,
 we are transmitting to you via this fax.

WJ

With this request, and the time required to get the notices out, and of course, the need to get all the necessary information back, there is just no way, even if we would be able to hire a qualified consultant immediately, that the requested PSA could be completed within the 45 day period you have indicated, which is really down to 30 days already by the time we received your letter. Therefore we are also requesting your indulgence and help to extend the deadline for the PSA at least to 60 days beyond the receipt from you or Merritt, of the requested info as to what happened to the UST, along with all the required documents. Your help and understanding is requested and appreciated. THANKS.

As we advised you both verbally and in writing, we do not have any problem living up to our legal obligations, but before we handle any required studies, reports, and remediation, which could be quite costly, we do want to make sure that the parties responsible for this possible contamination, are held responsible for their actions, by the only authority that can do it, that's you - Alameda County. Again THANKS for your help.

In the meantime, should you have any questions or need any further information from us, which can help your investigation and our request to hold the correct parties responsible, please advise.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY



W J Ingthofer
Field Real Estate Manager

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

STID 1715

August 10, 1994

Alameda County CC 4580
Health Care Services Agency
Dept. Of Environmental Health
1131 Harbor Bay Pkwy 2nd Flr.
Alameda, CA 94502-6577

Mr. Bertram Bell
Goodyear Tire & Rubber Company
Law Department
1144 E. Market Street
Akron, OH 44316

RE: (FORMER) MERRITT TIRE, 3430 CASTRO VALLEY BOULEVARD, CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

Dear Mr. Bell:

Attached please find a copy of a August 9, 1994 Notice of Reset Pre-Enforcement Review Panel (PERP) sent to your Mr. Inglofer. The original PERP date of August 16, 1994 has been postponed as a result of this office being informed that a preliminary site assessment work plan will be submitted before that date by an environmental consultant contracted by Goodyear.

This reset panel will meet October 25, 1994 to monitor the status of the investigation and other possible outstanding issues with respect to this site.

Please call me at 510/567-6700 should you have any questions.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Ed Laudani, Alameda County Fire Department
Geoffrey C. Etnire

**Alameda County Health Care Services Agency,
Department of Environmental Health,
Hazardous Materials Division**

In Re The Properties Known As:)	Notice of <i>Reset</i>
)	Pre-Enforcement
)	Review Panel
<u>Merritt Tire Sales</u>)	
<u>3430 Castro Valley Boulevard</u>)	
<u>Castro Valley</u>)	


Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a ~~Reset~~ **Review Panel** will convene on ~~October 25, 1994~~ **at 9:00 a.m.** in the offices of the Alameda County Hazardous Materials Division, located at 1131 Harbor Bay Parkway, Room 250, Alameda, CA 94502. This **Review Panel** will reconvene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above locations.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. **Aimee L. West Trust et al**
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94566

2. **W.J. Ingelhofer**
GOODYEAR TIRE & RUBBER COMPANY
P.O. Box 660245
Dallas, TX 75266-0245

Dated: August 9, 1994



(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

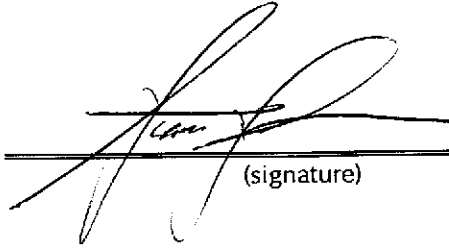
In Re The Properties Known As :)

Proof of Service of
Notice of *Reset* Pre-Enforcement
Review Panel

)
)
)
Merritt Tire Sales)
3430 Castro Valley Blvd.)
Castro Valley)

I Scott Seery, do hereby certify that I served Aimee L. West Trust et al c/o
Geoffrey C. Etnire with a copy of the attached Notice of *Reset* Pre-Enforcement
Review Panel to convene on October 25, 1994 by certified mailer #P 386 338
316.

Dated: 8-9-94



(signature)

P 386 338 316



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to <i>Geoffrey Etnive</i>	
Street and No. <i>4900 Hayward Rd</i>	
P.O., State and ZIP Code <i>Plainfield, CT 06450</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

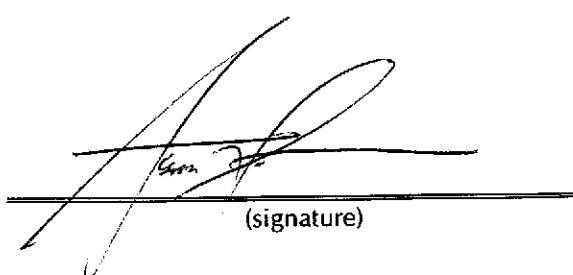
In Re The Properties Known As :)

Proof of Service of
Notice of *Reset* Pre-Enforcement
Review Panel

)
)
)
Merritt Tire Sales)
3430 Castro Valley Blvd.)
Castro Valley)

I Scott Seery, do hereby certify that I served W.J. Inghofer with a copy of the
attached Notice of *Reset* Pre-Enforcement Review Panel to convene on October
25, 1994 by certified mailer #P 386 338 286.

Dated: 8-9-94



(signature)

P 386 338 286



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>W.J. Inghofer</i>	
Street <i>Goodyear Tire + Rubber Co.</i>	
P.O. State and P. Code <i>P.O. Box 660245</i>	
Postage <i>Dallas, TX 75286-0245</i>	
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

MEMORANDUM

DATE: August 2, 1994

TO: Gil Jensen, Alameda County District Attorney's Office

FROM: Scott Seery ^{SS}

SUBJ: (former) Merritt Tire aka Goodyear, 3430 castro valley
Blvd., Castro Valley STID 1715

A Mr. Bert Bell of Goodyear Tire & Rubber Company's Law Office (Akron, OH 216/796-1818) called today to inquire about the upcoming August 16th Pre-Enforcement Review Panel (PERP) meeting during which this site is scheduled to be discussed. More about him later...

You may recall that this is the site where an illegal UST removal occurred at some time during the last 3 or so years. Goodyear Tire & Rubber Company, via W.J. (Walter) Ingelhofer, and the property owner's attorney, Geoff Etnire, have been battling a war of words over who is responsible for the required site assessment, ownership of the UST, and the illegal UST removal.

Your case file should contain a 5/19/94 ACDEH request for a PSA work plan, a 7/7/94 NOV outlining nine potential violations of 23CCR and HSC Chp. 6.7, a 7/27/94 notice of the scheduled 8/16 PERP, and a 8/1/94 ACDEH letter discussing my evaluation of the facts leading up to the naming of RPs. You may also have a copy of a 7/22/94 letter from Goodyear (Ingelhofer) which prompted my 8/1/94 reply.

Since issuing the NOV and PERP notice, I have been contacted by a Mr. Mike Tambroni of Touchstone Development, and environmental consultant hired by Goodyear to develop a PSA work plan. I actually met today with Mr. Tambroni and an associate of his to discuss the case and allow him the opportunity to review the case file for this and an adjoining site to aid in their PSA work plan development. They said a work plan will arrive before 8/16.

Goodyear's Mr. Bell has been referred this case from Mr. Ingelhofer. Mr. Bell wondered if it was still necessary to proceed with the PERP now that Goodyear has apparently taken the lead with respect to the PSA issue. I replied that it may indeed not be necessary at this time, for when the PERP meeting was originally scheduled, I had not heard a peep out of Goodyear after issuing the request for a PSA work plan, nor after issuance of the subsequent NOV. The PSA issue may appear at this time to be mute, I informed him; however, I also informed him that the DA's office may still be very interested and concerned regarding the illegal UST removal and all that goes along with such activity (e.g., haz waste transport and disposal, etc.). Potential violations include not only HSC Chp. 6.7, but also 6.5, the hazardous waste laws. I said that even if the "official" PERP for this case does not meet, I would likely meet with the panel anyway to discuss how the remaining issues are to be addressed. What do you think?

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

STID 1715

August 1, 1994

Mr. W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

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

RE: (FORMER) MERRITT TIRE, 3430 CASTRO VALLEY BOULEVARD, CASTRO
VALLEY ALAMEDA COUNTY, CALIFORNIA

Dear Mr. Ingelhofer:

I am in receipt of your July 22, 1994 correspondence. Although the opening paragraph of your July 22 letter indicates a copy of your June 3, 1994 correspondence is attached, it was not. In fact, the June 3 letter you reportedly sent has yet to reach my desk at all, whether attached to your July 22 correspondence or otherwise. In the absence of the June 3 letter, I am unable to address many of your comments specifically. Please send a copy of this letter as soon as possible so that I may.

However, please be assured that this office has done its best with respect to identifying the appropriate parties who appear responsible for the underground storage tank (UST) issues at this site. You may recall that we spoke on the phone on April 27, 1994. When I inquired of the status of Merritt Tire, you indicated that Merritt Tire had filed for bankruptcy protection and that I should contact Goodyear's credit manager, a Mr. Al Pilliod (sp?), which I then did.

Mr. Pilliod informed me that Richard Gorkosky, the remaining owner of Merritt Tire, had filed for both corporate and personal bankruptcy status under Chapter 11. Mr. Pilliod further informed me that final Chapter 7 proceedings were completed "two to three years ago." Mr. Pilliod also informed me that a Mr. Ben Tsurumoto, one of the original owners of Merritt Tire and who left the company some 6 years ago, had apparently placed, as I understand the facts, a personal guarantee on loans secured when getting the business started. Apparently after Mr. Tsurumoto left the company, these guarantees were still in place. Mr. Pilliod indicated that because the corporate and personal assets were insufficient to cover Merritt Tire's debts, Mr. Tsurumoto's personal assets were sought by the creditors. According to Mr. Pilliod, Mr. Tsurumoto subsequently filed for personal Chapter 7 protection (which has been completed) and his personal assets liquidated.

Mr. W.J. Inglhofer
RE: 3430 Castro Valley Blvd.
August 1, 1994
Page 2 of 3

Mr. Pilliod reports that Mr. Gorkosky is now deceased.

We are compelled to both identify and name responsible parties (RP) pursuant to the criteria under Section 2720, Article 11, Title 23, California Code of Regulations. Article 11 criteria embrace the "joint and several" liability concept, i.e., all parties associated with the ownership and operation, or control, of the UST, and/or ownership of the property where a leaking UST is or was located. In our attempt to correctly name the most appropriate RPs, we have considered the following information provided by both Goodyear representatives, including yourself, and Mr. Geoffrey C. Etnire (representing the Aimee L. West Trust et al, owner of the subject property):

- 1) Mr. Gorkosky is deceased;
- 2) Merritt Tire is reportedly defunct;
- 3) Corporate and personal assets of Merritt Tire and Mr. Gorkosky were liquidated and Chapter 7 proceedings completed 2-3 years ago;
- 4) Mr. Tsurumoto's assets were liquidated and Chapter 7 proceedings completed; and,
- 5) To our knowledge, Mr. Tsurumoto was not associated with the operation/ownership of the subject UST, nor of the company, for 6 or more years.

The Goodyear Tire & Rubber Company and Aimee L. West Trust et al have been named as Rps for the following reasons:


- 1) The Aimee L. West Trust et al is owner of record of the subject site. The facts suggest that the trust may have owned the subject UST (although, because this tank was never registered with this office, we cannot be certain).
- 2) The Goodyear Tire & Rubber Company appears to have had some level of control over the subject UST and site during and after Merritt's tenure at the site. Our information suggests that the property was leased to Goodyear. Our information also indicates the subject UST was leased to Goodyear. Merritt Tire was Goodyear's dealer. In January 1990, Goodyear requested and received permission from the property owner to remove the tank.

Mr. W.J. Ingelhofer
RE: 3430 Castro Valley Blvd.
August 1, 1994
Page 3 of 3

We look forward to our receipt of any additional information you may provide which might elucidate the facts in this case, particularly where such information may aid in pinpointing the appropriate RPs in context with the provisions of the California UST laws and regulations.

Should you have any further questions please call me at 510/567-6700.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Ed Laudani, Alameda County Fire Department
Geoffrey C. Etnire
files

GEOFFREY C. ETNIRE

4900 HOPYARD ROAD, SUITE 260
PLEASANTON, CALIFORNIA 94588
TELEPHONE: 510-734-9880
FAX: 510-734-9170

REAL ESTATE LAW

FAX COVER SHEET

TO:

FAX NO:

MR Scott Seery

337-9335

DATE:

Aug 2, 1994

FROM:

GEOFFREY C. ETNIRE, Esq.

FAX NO:

510-734-9170

PROBLEMS CALL:

510-734-9950

SENDER'S SECRETARY:

Rhonda

NUMBER OF PAGES:

2 (including this page)

DOCUMENTS:

MESSAGE:

Original will not follow
 Original will follow by:
 Regular Mail Certified Mail
 Overnight Express Hand Delivery
 Other _____

GEOFFREY C. ETNIRE

REAL ESTATE LAW

ALCO
HAZMAT
4900 HOPYARD ROAD, SUITE 260
PLEASANTON, CALIFORNIA 94588
TELEPHONE: 510-734-9950
FAX: 510-734-9170
9W AUG - 8 PM 1: 21

August 1, 1994

Mr. Scott Seery
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, 2ND Floor
Alameda, Ca 94502-6577

RE: MERRITT TIRE SALES
3430 CASTRO VALLEY BLVD.
CASTRO VALLEY, CA

Dear Mr. Seery:

In receipt of the "Notice of pre-enforcement review panel."

I have been trying to reach you by telephone, but the overhaul of your phone system has utterly defeated me.

I will be out of the State on August 16, 1994. Would you please consider postponing this hearing until on or after August 24, 1994?

I will continue my efforts to reach you and I hope to have spoken with you by the time you receive this letter.

Sincerely,

Geoffrey C. Etnire / RE

GEOFFREY C. ETNIRE, Esq.
(Dictated by Mr. Etnire, but signed in his absence)

GCE:ro:A:8313.8

cc: West Properties

GEOFFREY C. ETNIRE

4900 HOPYARD ROAD, SUITE 200
PLEASANTON, CALIFORNIA 94588
TELEPHONE: 510-734-9950
FAX: 510-734-9170

REAL ESTATE LAW

FAX COVER SHEET

TO:

SCOTT SEERY

FAX NO:

510-337-9335

DATE:

7/29, 1994

FROM:

GEOFFREY C. ETNIRE, Esq.

FAX NO:

510-734-9170

PROBLEMS CALL:

510-734-9950

SENDER'S SECRETARY:

Rhonda

NUMBER OF PAGES:

1 (including this page)

DOCUMENTS:

Re: Merritt Tire Sales
Cooper
My client: West Properties

MESSAGE:

I cannot reach you on your
temporary phone line - please
call me!
will be out of town 8/16 -
can we reschedule for the next
week?

Original will not follow
 Original will follow by:
 Regular Mail Certified Mail
 Overnight Express Hand Delivery
 Other _____

**Alameda County Health Care Services Agency,
Department of Environmental Health,
Hazardous Materials Division**

In Re The Properties Known As:))) <u>Merritt Tire Sales</u>) <u>3430 Castro Valley Boulevard</u>) <u>Castro Valley</u>)) Notice of) Pre-Enforcement) Review Panel
--	--

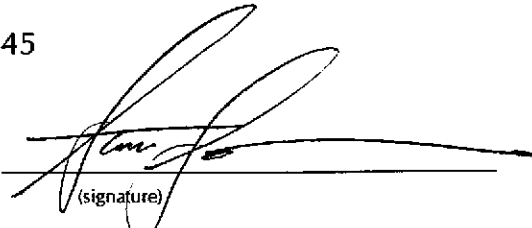
Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on ~~August 16, 1994 at 3:00 p.m.~~ in the offices of the Alameda County Hazardous Materials Division, located at 1131 Harbor Bay Parkway, Room 250, Alameda, CA 94502. This **Review Panel** will reconvene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above locations.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. **Aimee L. West Trust et al**
c/o Geoffrey C. Etnire
4900 Hopyard Road, Ste. 260
Pleasanton, CA 94566

2. **W.J. Inghofer**
GOODYEAR TIRE & RUBBER COMPANY
P.O. Box 660245
Dallas, TX 75266-0245

Dated: **July 27, 1994**


(signature)

P 386 338 306



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>W. J. Ingelhofer</i>	
Street and No. <i>Goodyear Tire + Rubber Co.</i>	
P.O., State, and ZIP Code <i>P.O. Box 660245, Dallas, TX</i>	
Postage	<i>\$ 75266+</i>
Certified Fee	<i>0245</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	<i>\$</i>
Postmark or Date	

PS Form 3800, June 1991

The Goodyear Tire & Rubber Company

7301 AMBASSADOR ROW
P.O. BOX 660245
DALLAS, TEXAS 75266-0245

CERTIFIED MAIL - RRR

July 22, 1994

TELEPHONE: (214) 637-9100

Mr. Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
ALAMEDA COUNTY - HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
UST Local Oversight Program
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

ALCOO
HAZMAT
9 JUL 29 PM 2:00

Re: Notice Of Violation Dated July 7, 1994
Former Merritt Tire & Brake - UST Removal
Current Goodyear Dealer Expansion #9578
3430 Castro Valley Boulevard
Castro Valley, CA 94546

Dear Mr. Seery:

We were floored and completely perplexed when we received your certified letter dated July 7, 1994, in this office the early part of this week, which issues a Notice Of Violation, and refers this matter to the Alameda County District Attorney's Office, but continues to completely ignore our request to include the responsible party, Merritt Tire & Brake, and its principals. It still does NOT give us at least the courtesy of an answer to our June 3, 1994, letter to you (copy attached), nor does it give us an explanation for your continuing refusal to go after Merritt Tire as the responsible party.

We sincerely hope that this may be just a question of this letter getting delayed or lost in your recent relocation of your offices. But, if we have addressed this request to the wrong party, we would at least appreciate it if you would let us know who we have to contact in regards to getting help in this matter. THANKS. Since you have copied various parties on your Notice of Violation, without indicating any addresses for those parties, we are also copying these parties with our answer and request for an extension and explanation, at the same address as your new offices, and will respectfully request from you, that if these addresses are incorrect, you PLEASE provide us with the correct address, and also PLEASE forward a copy of this letter and attachments directly to the individuals involved. THANKS for your help.

Due to the fact that it appears that have chosen to take an adversarial position, rather than working with us to resolve a problem, which we did **NOT** cause, and which we reported to you, and in which we requested your help, we want to officially answer all your **incorrect** assumptions and quoted violations below. However, first we want to advise you that we have requested this date, that SEMCO, and their professional environmental consultant, start with the preparation of the PSA for this location, as quickly as possible. Chuck Kiper of SEMCO can be reached at 415-572-8033, their consultant, Mike Tambroni, can be reached at 415-386-8791. We will however still need an extension of 60 days from this date to make sure that they can properly prepare the PSA, , and herewith officially request this extension.

In regards to your continuing refusal, to both verbal and written requests, to include the **ONLY** really responsible party in this matter, **MERRITT TIRE & BRAKE, AND ITS PRINCIPALS, RICHARD A GORKOSKY, BEN TSURUMOTO & YOKO ANN TSURUMOTO**, we hereby officially request an explanation for this refusal, and again want to officially request you and/or the responsible party to identify and include these parties as **responsible parties**, since they are only ones that really can answer the questions and violation you are raising and asserting.

As you may recall, the assertions you are now making, are based on our request for help from you to get to the facts, and were based on our assumptions that an UST was closed and removed by Merritt and/or its contractor without permit or agency oversight at some time during the last 3 years or so. We also were the ones that reported the results of the two soil test which we had asked SEMCO to take, and again requested your help. Although these reports were made to you in September and October of 1993, we did NOT receive an answer from you until your May 19, 1994, letter, and we still have NOT received any help from you in getting the information from Merritt.

- received by Goodyear
7/12/94, week
previous

?
Good

Now your July 7, 1994, Notice of Violation, holds us jointly in violation with the Lessor for the unpermitted removal of the UST formerly located at this site, and for failure to submit a PSA for the assessment of soil and ground water contamination associated with the possible release from the former UST. To specifically answer your individually listed violations, here are the real facts:

1. Failure to appropriately report an unauthorized release when discovered. Quite obviously, although we were NOT the guilty party, we were the ones that took the two soil borings, and we immediately reported the results to you in our October 5, 1993, letter along with the attachments and request for your help to go after the correct responsible party. *The fact remains more 24 hours passed from detection of release until 1st notification; more than 5 days passed before receipt of any report. ULR has still not been filed.*
2. Failure to appropriately report, investigate and remediate an unauthorized release. Again, except for the remediation, exactly the same answer. After your May 19, 1994, letter requesting a PSA, we again asked for your help and an extension in our June 3, 1994, letter to you. To this date we have received no help or answer from you, other than the intimidations of your Notice Of Violations.
3. Failure to seek approval from the local agency before closure of an UST. Again, we did NOT remove the UST, do NOT know who removed the UST, do NOT know whether the proper permits were taken out and do NOT know what happened to the tank and its contents. Again, we referred you to the responsible parties and requested your help, But again to no avail. *Nonetheless, Goodyear + property are responsible for actions; whatever they knew or approved of them is immaterial*
4. Failure to properly close an UST and document the disposal of the tank and its contents. We hate to be repetitive, but again the same answer as above. Still no help or effort in going after the responsible parties. *we are going after the RPs.*
5. Failure to comply with requirement to affect corrective action in accordance with applicable provisions of state law and regulations. Again, basically the same answers as above and per previous correspondence. We are sure that state law and regulations do NOT provide for an uninvolved party to immediately react to handle this work just because you consider them to be the "deep pocket", and notify them that you consider them a responsible party, without however even trying to cooperate to go after the correct responsible party, even though requested repeatedly to do so. *We are "going after" the "correct" RPs*
6. Failure to contract for interim remediation, and submit a work plan and implementation schedule for corrective action to the local agency. Again the same answer as #5 above.
7. Failure to perform preliminary site assessment. Again the same answer as #5 above.
8. Failure to properly report an unauthorized release from an UST. Again same answer as #s 1 and 2 above. *No 24 hr notice, nor ULR issued w/in 5 days*
9. Failure to properly close an UST and document the appropriate disposal and/or treatment of its contents. Again same answer as #s 2 through 4 above.

Rather than quoting us sections, violations, and penalties, and referring this matter to the District Attorney for possible enforcement action, we sure wish you would help us, as the only party that has been trying to solve this matter, in working together with us to try to get this information from the only responsible parties that can answer most of these questions, that is Merritt Tire & Brake, and its former principals. We have always worked closely with your Dept., so we are appealing to your common sense and understanding, and respectfully request your help in getting the answers from the right parties and working with us to finally get this matter resolved and closed. THANKS FOR YOUR HELP.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY

W J Inghofer
Real Estate Manager

cc: David J Kears, Agency Director, ALAMEDA COUNTY HEALTH CARE SERVICES
Rafat A Shahid, Assistant Agency Director, ALAMEDA COUNTY HEALTH CARE SERVICES
Edgar B Howell, III, Chief Contract Project Director, ALAMEDA COUNTY HEALTH CARE SERVICES
Gil Jensen, Alameda County District Attorney's Office
Edward Laudani, Alameda County Fire Department
Brit Johnson, Alameda County Department of Environmental Health

AIMEE L WEST, ET AL, c/o Geoffrey C Etnire, 4900 Hopyard Rd, Ste 260, Pleasanton, CA 94588
AIMEE L WEST, ET AL, 935 "A" Street, Hayward, CA 94541

GOODYEAR

7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

P 994 517 226

MAIL

RETURN RECEIPT REQUESTED

Mr Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
ALAMEDA COUNTY - HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
UST Local Oversight Program
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

The Goodyear Tire & Rubber Company

7301 AMBASSADOR ROW
P.O. BOX 660245
DALLAS, TEXAS 75266-0245

CERTIFIED MAIL - RRR

July 22, 1994

TELEPHONE: (214) 637-9100

Mr. Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
ALAMEDA COUNTY - HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
UST Local Oversight Program
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Re: Notice Of Violation Dated July 7, 1994
Former Merritt Tire & Brake - UST Removal
Current Goodyear Dealer Expansion #9578
3430 Castro Valley Boulevard
Castro Valley, CA 94546

Dear Mr. Seery:

We were floored and completely perplexed when we received your certified letter dated July 7, 1994, in this office the early part of this week, which issues a Notice Of Violation, and refers this matter to the Alameda County District Attorney's Office, but continues to completely ignore our request to include the responsible party, Merritt Tire & Brake, and its principals. It still does NOT give us at least the courtesy of an answer to our June 3, 1994, letter to you (copy attached), nor does it give us an explanation for your continuing refusal to go after Merritt Tire as the responsible party.

We sincerely hope that this may be just a question of this letter getting delayed or lost in your recent relocation of your offices. But, if we have addressed this request to the wrong party, we would at least appreciate it if you would let us know who we have to contact in regards to getting help in this matter. THANKS. Since you have copied various parties on your Notice of Violation, without indicating any addresses for those parties, we are also copying these parties with our answer and request for an extension and explanation, at the same address as your new offices, and will respectfully request from you, that if these addresses are incorrect, you PLEASE provide us with the correct address, and also PLEASE forward a copy of this letter and attachments directly to the individuals involved. THANKS for your help.

Due to the fact that it appears that have chosen to take an adversarial position, rather than working with us to resolve a problem, which we did NOT cause, and which we reported to you, and in which we requested your help, we want to officially answer all your incorrect assumptions and quoted violations below. However, first we want to advise you that we have requested this date, that SEMCO, and their professional environmental consultant, start with the preparation of the PSA for this location, as quickly as possible. Chuck Kiper of SEMCO can be reached at 415-572-8033, their consultant, Mike Tambroni, can be reached at 415-386-8791. We will however still need an extension of 60 days from this date to make sure that they can properly prepare the PSA, and herewith officially request this extension.

In regards to your continuing refusal, to both verbal and written requests, to include the ONLY really responsible party in this matter, MERRITT TIRE & BRAKE, AND ITS PRINCIPALS, RICHARD A GORKOSKY, BEN TSURUMOTO & YOKO ANN TSURUMOTO, we hereby officially request an explanation for this refusal, and again want to officially request you and/or the responsible party to identify and include these parties as responsible parties, since they are only ones that really can answer the questions and violation you are raising and asserting.

As you may recall, the assertions you are now making, are based on our request for help from you to get to the facts, and were based on our assumptions that an UST was closed and removed by Merritt and/or its contractor without permit or agency oversight at some time during the last 3 years or so. We also were the ones that reported the results of the two soil test which we had asked SEMCO to take, and again requested your help. Although these reports were made to you in September and October of 1993, we did NOT receive an answer from you until your May 19, 1994, letter, and we still have NOT received any help from you in getting the information from Merritt.

As of 7/28/94, the original letter has not been received (reportedly sent via certified mailer). Additionally, no contact from Goodyear has been initiated, including the referenced June 3, 1994 letter Goodyear allegedly sent. My only and only verbal contact from W.J. Dylhofer was on 4/27/94.

SES

Now your July 7, 1994, Notice of Violation, holds us jointly in violation with the Lessor for the unpermitted removal of the UST formerly located at this site, and for failure to submit a PSA for the assessment of soil and ground water contamination associated with the possible release from the former UST. To specifically answer your individually listed violations, here are the real facts:

1. Failure to appropriately report an unauthorized release when discovered. Quite obviously, although we were NOT the guilty party, we were the ones that took the two soil borings, and we immediately reported the results to you in our October 5, 1993, letter along with the attachments and request for your help to go after the correct responsible party.
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4. Failure to properly close an UST and document the disposal of the tank and its contents. We hate to be repetitive, but again the same answer as above. Still no help or effort in going after the responsible parties.
5. Failure to comply with requirement to affect corrective action in accordance with applicable provisions of state law and regulations. Again, basically the same answers as above and per previous correspondence. We are sure that state law and regulations do NOT provide for an uninvolved party to immediately react to handle this work just because you consider them to be the "deep pocket", and notify them that you consider them a responsible party, without however even trying to cooperate to go after the correct responsible party, even though requested repeatedly to do so.
6. Failure to contract for interim remediation, and submit a work plan and implementation schedule for corrective action to the local agency. Again the same answer as #5 above.
7. Failure to perform preliminary site assessment. Again the same answer as #5 above.
8. Failure to properly report an unauthorized release from an UST. Again same answer as #s 1 and 2 above.
9. Failure to properly close an UST and document the appropriate disposal and/or treatment of its contents. Again same answer as #s 2 through 4 above.

Rather than quoting us sections, violations, and penalties, and referring this matter to the District Attorney for possible enforcement action, we sure wish you would help us, as the only party that has been trying to solve this matter, in working together with us to try to get this information from the only responsible parties that can answer most of these questions, that is Merritt Tire & Brake, and its former principals. We have always worked closely with your Dept., so we are appealing to your common sense and understanding, and respectfully request your help in getting the answers from the right parties and working with us to finally get this matter resolved and closed. THANKS FOR YOUR HELP.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY

W J Ingthofer
Real Estate Manager

cc: David J Kears, Agency Director, ALAMEDA COUNTY HEALTH CARE SERVICES
Rafat A Shahid, Assistant Agency Director, ALAMEDA COUNTY HEALTH CARE SERVICES
Edgar B Howell, III, Chief Contract Project Director, ALAMEDA COUNTY HEALTH CARE SERVICES
Gil Jensen, Alameda County District Attorney's Office
Edward Laudani, Alameda County Fire Department
Brit Johnson, Alameda County Department of Environmental Health

AIMEE L WEST, ET AL, c/o Geoffrey C Emire, 4900 Hopyard Rd, Ste 260, Pleasanton, CA 94588
AIMEE L WEST, ET AL, 935 "A" Street, Hayward, CA 94541

The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

Fax: (216) 796-8836

Facsimile Transmission

This transmittal is strictly intended for delivery only to the person listed below. It may contain confidential or privileged information, the disclosure of which is prohibited. If you have received this facsimile and are not the intended recipient, you are hereby notified that the copying, distribution, or other unauthorized use of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for return of the document.

Date: August 2, 1994

To: Scott Seery
Alameda County
Department of Environmental Health

Fax #: (510) 337-9335

From: Bertram Bell
Attorney
Law Department
The Goodyear Tire & Rubber Company
Akron, Ohio
(216) 796-1818

*Bert Bell
Goodyear Tire & Rubber Co.
Law Dept.
1144 E. Market St.
Akron, OH 44316
216/796-1818*

Number of pages transmitted: 3
INCLUDING this cover sheet

If problems with transmission, please call number above.

Message:

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

CERTIFIED MAILER # P 386 338 352

STID 1715

July 7, 1994

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

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

NOTICE OF VIOLATION

Dear Messrs. Etnire and Ingelhofer:

Your attention is directed to the May 19, 1994 correspondence from this office (copy attached) in which was requested the submittal of a preliminary site assessment (PSA) work plan for the assessment of soil and ground water contamination associated with the confirmed release from the former underground storage tank (UST) at the referenced site. This request was made following our receipt and review of documents indicating that: 1) an UST was closed without permit or agency oversight at some time during the last 3 or so years; and, 2) a confirmed unauthorized release was identified following the analyses of soil samples collected within or around the subject tank pit during September 1993.

This PSA work plan was due by the close of business on July 5, 1994. As of this writing, no such work plan has been received.

You have previously been identified as *responsible parties*, as defined under Section 2720 of Article 11, California Code of Regulations (CCR). As such, you are jointly in violation of several sections of 23CCR, as well as Chapter 6.7 of the California Health and Safety Code (HSC), as a result of your failure to submit the requested PSA work plan, and for the unpermitted removal of the UST formerly located at this site, as follows:

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: SS #1715

W.J. Inglhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas TX 75266-0245

4a. Article Number
P 386 338 352

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
JUL 12 1994

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

PS Form 3811, December 1991 U.S. GPO: 1993-352-714 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)

2. Restricted Delivery (Extra charge)

3. Article Addressed to:

Goodyear Tire & Rubber
P.O. Box 660245
Dallas, TX 75266-0245

4. Article Number
P 386 338 352

Type of Service:

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X

7. Date of Delivery
JUL 14 1994

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989 Duplicate DOMESTIC RETURN RECEIPT

Messrs. Etnire and Ingelhofer
RE: 3430 Castro Valley Blvd.
July 7, 1994
Page 2 of 3

Title 23, CCR

Section 2650(b), (d), (e) (1) (2) - Failure to appropriately report an unauthorized release when discovered.

Section 2652(a), (b), (c), (d), (e) - Failure to appropriately report, investigate and remediate an unauthorized release.

Section 2670(c), (f) - Failure to seek approval from the local agency before closure of an UST.

Section 2672(a), (b), (d), (e) - Failure to properly close an UST and document the disposal of the tank and its contents.

Section 2721(a), (b) - Failure to comply with requirement to affect corrective action in accordance with applicable provisions of state law and regulations.

Section 2722(b), (c), (d) - Failure to contract for interim remediation, and submit a work plan and implementation schedule for corrective action to the local agency.

Section 2723 - Failure to perform preliminary site assessment.

Chapter 6.7, HSC

Section 25295 - Failure to properly report an unauthorized release from an UST.

Section 25298 - Failure to properly close an UST and document the appropriate disposal and/or treatment of its contents.

Please be advised that Section 25299(b), HSC, allows for civil penalties of up to \$5000 per day, *per violation*, upon conviction of the aforementioned violations. Please be further advised that this matter is being referred to the Alameda County District Attorney's Office for possible enforcement action.

Please contact me should you have any questions. Although we have recently moved to new offices (1131 Harbor Bay Parkway, 2nd Floor, Alameda 94502) and our permanent phone system is still not in place, you may still reach me during the interim by calling 510/271-4320.

Messrs. Etnire and Ingelhofer
 RE: 3430 Castro Valley Blvd.
 July 7, 1994
 Page 3 of 3

Sincerely,


 Scott O. Seery, CHMM
 Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Assistant Agency Director
 Gil Jensen, Alameda County District Attorney's Office
 Kevin Graves, RWQCB
 Ed Laudani, Alameda County Fire Department

FILES

P 386 338 352

SS #1715



Receipt for Certified Mail

No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

Sort To: W.J. Ingelhofer	
Street: 7301 Ambassador Row	
P.O. Box: 660245	
City: Dallas TX 75266-0245	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

<p>SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.</p> <p>1. <input type="checkbox"/> Show to whom delivered, date, and addressee's address. (Extra charge) 2. <input type="checkbox"/> Restricted Delivery (Extra charge)</p>	
<p>3. Article Addressed to: Goodyear J+R, P.O. 660245 DALLAS TX 75266-0245</p>	<p>4. Article Number P.386 338 352</p> <p>Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise</p>
<p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	
<p>5. Signature - Addressee X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>
<p>6. Signature - Agent X</p>	
<p>7. Date of Delivery JUL 8 1994</p>	

Duplicate

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

CERTIFIED MAILER # P 386 338 351

STID 1715

July 7, 1994

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

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

NOTICE OF VIOLATION

Dear Messrs. Etnire and Ingelhofer:

Your attention is directed to the May 19, 1994 correspondence from this office (copy attached) in which was requested the submittal of a preliminary site assessment (PSA) work plan for the assessment of soil and ground water contamination associated with the confirmed release from the former underground storage tank (UST) at the referenced site. This request was made following our receipt and review of documents indicating that: 1) an UST was closed without permit or agency oversight at some time during the last 3 or so years; and, 2) a confirmed unauthorized release was identified following the analyses of soil samples collected within or around the subject tank pit during September 1993.

This PSA work plan was due by the close of business on July 5, 1994. As of this writing, no such work plan has been received.

You have previously been identified as *responsible parties*, as defined under Section 2720 of Article 11, California Code of Regulations (CCR). As such, you are jointly in violation of several sections of 23CCR, as well as Chapter 6.7 of the California Health and Safety Code (HSC), as a result of your failure to submit the requested PSA work plan, and for the unpermitted removal of the UST formerly located at this site, as follows:

SS #1715 P 386 338 351



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to: Aimee L West	
Street and No.: 4900 Hopyard Rd.	
P.O., State and ZIP Code: Pleasanton CA 94588	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **#1715 SS**
Aimee L. West Trust et al
C/O Geoffrey C. Etnire
4900 Hopyard Rd.
Pleasanton CA 94588

4a. Article Number
P 386 338 351

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
7/4/99

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)
Rhonda Ortens

Thank you for using Return Receipt Service.

Messrs. Etnire and Ingelhofer
RE: 3430 Castro Valley Blvd.
July 7, 1994
Page 2 of 3

Title 23, CCR

Section 2650(b), (d), (e)(1)(2) - Failure to appropriately report an unauthorized release when discovered.

Section 2652(a), (b), (c), (d), (e) - Failure to appropriately report, investigate and remediate an unauthorized release.

Section 2670(c), (f) - Failure to seek approval from the local agency before closure of an UST.

Section 2672(a), (b), (d), (e) - Failure to properly close an UST and document the disposal of the tank and its contents.

Section 2721(a), (b) - Failure to comply with requirement to affect corrective action in accordance with applicable provisions of state law and regulations.

Section 2722(b), (c), (d) - Failure to contract for interim remediation, and submit a work plan and implementation schedule for corrective action to the local agency.

Section 2723 - Failure to perform preliminary site assessment.

Chapter 6.7, HSC

Section 25295 - Failure to properly report an unauthorized release from an UST.

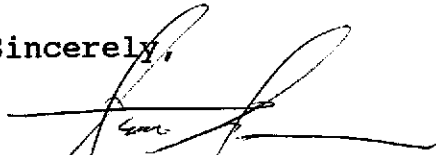
Section 25298 - Failure to properly close an UST and document the appropriate disposal and/or treatment of its contents.

Please be advised that Section 25299(b), HSC, allows for civil penalties of up to \$5000 per day, *per violation*, upon conviction of the aforementioned violations. Please be further advised that this matter is being referred to the Alameda County District Attorney's Office for possible enforcement action.

Please contact me should you have any questions. Although we have recently moved to new offices (1131 Harbor Bay Parkway, 2nd Floor, Alameda 94502) and our permanent phone system is still not in place, you may still reach me during the interim by calling 510/271-4320.

Messrs. Etnire and Inghofer
RE: 3430 Castro Valley Blvd.
July 7, 1994
Page 3 of 3

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Ed Laudani, Alameda County Fire Department
files

GEOFFREY C. ETNIRE

REAL ESTATE LAW

ALCO
HAZMAT

96 JUL 11 09:50

4900 HOPYARD ROAD, SUITE 260
PLEASANTON, CALIFORNIA 94588
TELEPHONE: 510-734-9950
FAX: 510-734-9170

FAX COVER SHEET

JULY 5, 1994

TO:
W.J. Ingelhofer
Field Real Estate Manager
GOOD YEAR TIRE & RUBBER COMPANY

FAX NUMBER:

214-637-9170

FROM: GEOFFREY C. ETNIRE
PROBLEMS CALL: 510:734-9950
SECRETARY: Margaret

NUMBER OF PAGES: 1 (including this page)

RE: UST-GOODYEAR DEALER EXPANSION #95789
3430 Castro Valley Blvd.
Castro Valley, California 94546

MESSAGE: On May 23, 1994 I provided you with a copy of the letter from Alameda County Healthcare Services Agency dated May 19, 1994.

The referenced letter from the County provides that Goodyear submit a work plan by July 5, 1994. I would appreciate a status report from you with regard to this submission.

Please note that the work described under the submitted workplan must commence no later than August 4, 1994.

- Original will not follow
- Original will follow by:
 - Regular Mail
 - Certified Mail/Return Receipt Requested
 - Overnight Express
 - Hand Delivery
 - Other _____

cc: West Properties (Via Fax)
✓ Scott Seery (Via Fax) - mailed - fax not available
GCE:mab:8313-1.110

The Goodyear Tire & Rubber Company

7301 AMBASSADOR ROW
P.O. BOX 660245
DALLAS, TEXAS 75266-0245

TELEPHONE: (214) 637-9100

Mr. Scott O. Seery
Senior Hazardous Materials Specialist
ALAMEDA COUNTY - DEPT. OF ENVIRONMENTAL HEALTH
UST Local Oversight Program
80 Swan Way, Room 200
Oakland, CA 94621

June 3, 1994

Re: Notice Of Requirement To Reimburse & Your Ltr. of 5-19-94
Former Merritt Tire Sales - UST Removal Problem
Current Goodyear Dealer Expansion # 9578
3430 Castro Valley Boulevard
Castro Valley, CA 94546

Dear Mr. Seery:

As per our previous telephone conversation, and now your May 19, 1994, letter, which we just received after we came back from the Memorial Holiday, and the April 28, 1994, Notice of Requirement to Reimburse, issued by Edgar B. Howell, III, Chief Contract Project Director for Alameda County, we are very concerned that you still are continuing to refuse to include the correct responsible parties in your notices and correspondence, and want to again officially request your help and cooperation in this matter.

Whether or not you are willing to check out the potential problem of leakage from the fuel tanks on the adjoining property, is another matter. But, as you know from our discussions and our October 5, 1993, letter to you, and your copy of our September 30, 1993, letter to our Lessor, Aimee L. West, Et Al, Goodyear was NOT the Owner-Responsible Party, nor the Operator-Responsible Party, nor were we the responsible party that removed the UST, authorized its removal, contracted its removal, caused any potential contamination, nor were we aware of the UST removal or who removed it. We had been unable to get cooperation from the responsible party, our former operator, Merritt Tire, and we had been enjoined by court proceedings, we have been unable to get any information from Merritt Tire.

Because of this, and because of Alameda County's ability and authority to demand such information, we had verbally and in our September and October letters, requested that both you and our Lessor, PLEASE demand the information, copies of permits, etc. directly from the responsible parties of Merritt Tire, and also include them in any and all correspondence and notices or demands. We are very surprised and concerned by your continuing refusal to do so include the one responsible party which has caused this problem in the first place.

We again want to respectfully and officially request that you include Merritt Tire and its principals, BOTH in the Notice of Requirement to Reimburse and demand from them the preparation of the Preliminary Site Assessment (PSA), as well as the production of all the required permits, manifests, soil tests, etc. from their removal of the UST, as well as any remediation requirements to get closure of this site. As we indicated, we can NOT force this issue with them on our own, but you as the responsible governmental authority in this matter, have all the necessary power on your side. YOUR HELP IN THIS MATTER IS GREATLY APPRECIATED.

Based on the information we have received, and which we previously provided to you and the Lessor, the two principal partner-owners of Merritt Tire & Brake are living at:

Richard A Gorkosky
1680 Yama Lane
Los Osos, CA 93402 OR 819 Highland Drive
Los Osos, CA

AND:

Ben Tsurumoto & Yoko Ann Tsurumoto
13993 Aurora Drive
San Leandro, CA 94577

With this request, and the time required to get the notices out, and of course, the need to get all the necessary information back, there is just no way, even if we would be able to hire a qualified consultant immediately, that the requested PSA could be completed within the 45 day period you have indicated, which is really down to 30 days already by the time we received your letter. Therefore we are also requesting your indulgence and help to extend the deadline for the PSA at least to 60 days beyond the receipt from you or Merritt, of the requested info as to what happened to the UST, along with all the required documents. Your help and understanding is requested and appreciated. THANKS.

As we advised you both verbally and in writing, we do not have any problem living up to our legal obligations, but before we handle any required studies, reports, and remediation, which could be quite costly, we do want to make sure that the parties responsible for this possible contamination, are held responsible for their actions, by the only authority that can do it, that's you - Alameda County. Again THANKS for your help.

In the meantime, should you have any questions or need any further information from us, which can help your investigation and our request to hold the correct parties responsible, please advise.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY



W J Ingthorfer
Field Real Estate Manager

The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

Fax: (216) 796-8836

Facsimile Transmission

This transmittal is strictly intended for delivery only to the person listed below. It may contain confidential or privileged information, the disclosure of which is prohibited. If you have received this facsimile and are not the intended recipient, you are hereby notified that the copying, distribution, or other unauthorized use of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone to arrange for return of the document.

Date: August 2, 1994**To:** Scott Seery
Alameda County
Department of Environmental Health**Fax #:** (510) 337-9335**From:** Bertram Bell
Attorney
Law Department
The Goodyear Tire & Rubber Company
Akron, Ohio
(216) 796-1818Number of pages transmitted: 3
INCLUDING this cover sheet

If problems with transmission, please call number above.

Message:

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 1715

May 19, 1994

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

Aimee L. West Trust et al
c/o Geoffrey C. Etnire
4900 Hopyard Road
Pleasanton, CA 94588

W.J. Ingelhofer
The Goodyear Tire & Rubber Company
7301 Ambassador Row
P.O. Box 660245
Dallas, TX 75266-0245

RE: (FORMER) MERRITT TIRE SALES, 3430 CASTRO VALLEY BOULEVARD,
CASTRO VALLEY, ALAMEDA COUNTY, CALIFORNIA

Dear Messrs. Etnire and Ingelhofer:

This office has completed a review of the case file for the referenced Castro Valley site. The entries in the cited file primarily document interactions between Goodyear and the property owners or their representatives between January 1990 to the present.

Among these file entries are the results of laboratory analyses performed on soil samples reportedly collected from shallow soil borings advanced through or proximal to the former waste oil underground storage tank (UST) pit by a consultant contracted by Goodyear. These results, if valid, clearly substantiate that a release, or releases, from the subject UST has (have) occurred.

Goodyear has prematurely concluded that, because the sample analyses identified the presence of fuel-range compounds and fuel components in addition to oil and grease, the source of these substances must be an adjoining property's fuel tanks, and not the subject waste oil UST. The term "waste oil" should not be construed to mean that the sole component of such is exclusively oil and grease, however. On the contrary, "waste oil" is a complex mixture of compounds which does include oil, but also potentially includes: solvents, both hydrocarbon-based and halogenated; fuel and fuel-range compounds, including gasoline, diesel, and the aromatic components benzene, toluene, ethylbenzene, and xylenes (BTEX), among others; certain toxic metals; and, semivolatile organic compounds (SVOC).

Messrs. Etnire and Ingelhofer
RE: 3430 Castro Valley Blvd.
May 19, 1994
Page 2 of 4

This complex mixture reflects not only the potential composition of drained crankcase oil, but also represents the universe of waste products which inevitably end up being placed into waste oil tanks, such as spent solvent, brake and carburetor cleaners, waste antifreeze, etc. Hence, until further investigation of the subject site reveals clear evidence of a release at the adjoining property, this office's only conclusion at this time, based substantially on the data submitted by the parties to date, and as indicated previously in this letter, is that a release has occurred at this site.

Please be advised that the San Francisco Bay Regional Water Quality Control Board (RWQCB), and the Corrective Action Regulations, Article 11, Title 23, California Code of Regulations (CCR), require additional environmental investigations to be performed when unauthorized releases are discovered. The initial investigation is in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by the PSA is used to determine the extent of the environmental impact resulting from the release, and whether further assessment or cleanup are necessary. A PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, the State Water Resources Control Board (SWRCB) Leaking Underground Fuel Tank (LUFT) Field Manual, and Article 11 of 23CCR.

A PSA is required at this site.

In order to proceed with a PSA, you should obtain the professional services of a reputable environmental consultant. Your responsibility is to have the consultant submit a PSA work plan outlining planned activities pertinent to meeting the criteria described in the referenced guidance documents. These criteria are broadly outlined in the attached **Appendix A** from the RWQCB.

This Department, through an agreement with the RWQCB, will oversee the assessment and remediation of your site as the lead agency. Our oversight will include the review of and comment on work proposals and technical guidance on appropriate investigative approaches and monitoring schedules. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, in Pleasanton. The RWQCB may choose to take over as lead agency if

Messrs. Etnire and Ingelhofer
RE: 3430 Castro Valley Blvd.
May 19, 1994
Page 3 of 4

it is determined following the completion of the initial assessment that there has been a substantial impact to ground water.

The PSA work plan is due within 45 days of the date of this letter, or by July 5, 1994. Work should commence no later than 30 days following work plan approval.

A report must be submitted within 45 days of the completion of field activities associated with this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for final RWQCB "sign off."

The referenced initial and quarterly reports must describe the status of the investigation and include, among other elements, the following:

- o Details and results of all work performed during the designated reporting period: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed (including QA/QC data), tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination and characterization
- o Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps for each target compound, geologic cross sections, etc.
- o Recommendations for additional work

All reports and proposals must be submitted under seal of a California-registered geologist or civil engineer with the appropriate environmental background. Please include a statement of qualifications for each lead professional involved with this project.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond may result in the referral of this case to the RWQCB or other appropriate agency for enforcement action.

Messrs. Etnire and Ingelhofer
RE: 3430 Castro Valley Blvd.
May 19, 1994
Page 4 of 4

Please feel free to call me at 510/271-4530, should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Assistant Agency Director, Env. Health
Gil Jensen, Alameda County District Attorney's Office
Edward Laudani, Alameda County Fire Department
Brit Johnson, ACDEH

BSK & Associates

FAX TRANSMITTAL

DATE: 05/02/94

FROM: Tim Berger

(510) 462-4000 (phone)

(510) 462-6283 (fax)

PAGES: 02 Including Cover Sheet

Re: Nakas OST Assessment

Comments: Any?

I'll be in w/ Juliette Blake doing a file review
from 0900 -> ? on Tue. 5/3.

TO: Mr. Scott Seery

COMPANY: ACDEH

(fax #) (510) 569 4757

(phone #) _____

If you do not receive all the indicated pages, please give me a call.

1181 Quarry Lane, Building 300, Pleasanton, CA 94566





1181 Quarry Lane
Building 300
Pleasanton, CA 94566
(510) 462-4000
(510) 462-6283 FAX

May 2, 1994

BSK Job No. P94117.4

Alameda County Health Agency
Division of Hazardous Material
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Attention: Mr. Scott Seery

Subject: Temporary Sample Points
R.T. Nahas Company Underground Storage Tank
20630 Redwood Road
Castro Valley, California

Dear Scott:

At the request of Mr. Randal Nahas of the R.T. Nahas Company, BSK & Associates wishes to obtain soil and groundwater samples adjacent to an underground gasoline storage tank owned by the R.T. Nahas Company. The primary purpose of the soil and groundwater samples is to assess the possibility of release of gasoline to the subsurface. It has come to Mr. Nahas' attention that a potential exists for the presence of diesel, oil & grease and lead concentrations near his UST, as these contaminants have been detected a short distance east at the location of a former UST at the Goodyear auto center. Therefore, Mr. Nahas wishes also to test soil and groundwater for these potential contaminants.

The sample points would comprise one soil sample from the upper portion of the capillary zone, as determined in the field, and one sample of groundwater obtained within a stainless steel sample screen driven into the upper-most water bearing horizon. The water sample would be obtained from within the screen via a polyethylene disposable bailer. The sample borings would be made on the east and south sides of the UST, within ten feet of the tank. Upon boring and sampling completion, the borings would be backfilled to the surface with neat cement. As stated previously, the soil and water samples would be chemically analyzed for indicators of gasoline, diesel, oil and grease and total lead. Borings and sampling are planned to be performed Wednesday, May 4, 1994.

This letter constitutes formal notification by R.T. Nahas Company to perform borings and obtain soil and groundwater samples adjacent to their underground storage tank. If there are questions or concerns of the Alameda County Department of Hazardous Materials regarding the work to be performed, please contact the undersigned at (510) 462-4000.

Respectfully submitted,
BSK & Associates

A handwritten signature in cursive script that reads "Tim W. Berger".

Tim W. Berger, C.E.G.
Project Geologist

TWB:ndp
(Misc\NHS\UST.LTR)

Please assign new
STID# and transfer
to LOP.

DATE: 4-27-94
TO : Local Oversight Program
FROM: Scott
SUBJ: Transfer of Eligible Local Oversight Case

STID 1715

(former)
Site name: Merritt Tire Sales
Address: 3430 Castro Valley Blvd city C. V. zip 94546

TO BE ELLIGIBLE FOR LOP A CASE MUST MEET 3 QUALIFICATIONS:

1. Number of Tanks: 1 removed? Y N Date of removal UNK
 2. Samples received? Y N Contamination level: 1400 ppm Pb
(ppm and type of test) 6100 ppm TOC
2400 ppm TPH-D
- Contamination should be over 100 ppm TPH to qualify for LOP
3. Petroleum Y N Types: Avgas Jet leaded unleaded Diesel
fuel oil waste oil kerosene solvents
- DepRef remaining \$ NA Closed with Candace/Leslie? Y N
(If no explain why?)

IF YOUR SITE MEETS ALL OF THE ABOVE QUALIFICATIONS YOU SHOULD DO THE FOLLOWING TO TRANSFER THE SITE:

1. YOU MUST CLOSE THE DEPOSIT REFUND CASE AT THIS TIME. YOU MUST ACCOUNT FOR ALL TIME YOU HAVE SPENT ON THE CASE AND TURN IN THE ACCOUNT SHEET TO LESLIE. IF THERE ARE FUNDS STILL REMAINING IT IS STILL BETTER TO TRANSFER THE CASE TO LOP AS THE RATE FOR LOP ALLOWS THE ADDITION OF MANAGEMENT AND CLERICAL TIME. DO NOT ATTEMPT TO CONTINUE TO OVERSEE THE SITE SIMPLY BECAUSE THERE ARE FUNDS REMAINING!
2. COMPLETE THE A AND B PERMIT APPLICATION FORMS AND GIVE TO CONNIE/ELAINE
3. GIVE THE ENTIRE CASE TO THE PROPER LOP STAFF UPSTAIRS FOR THEM TO DO THE REST OF THE TRANSFER AND YOU ARE DONE!

4/27/94

①

W.J. Inghofer 214/637-9208

Merritt Tine

- sub leased site from Goodyear
- Inghofer knows nothing of UST removal
- bankruptcy?

suggests I contact

Al Pilliod (510) 667-4247

~~accountant~~ credit mgr for Goodyear
knows about bankruptcy stuff

Aimee West et al

- owns tank, installed ~ 20 y.o.
-

UST "expert" (Goodyear)

Joie Smerdla (716) 796-7898

②

Geoff Etnive 734-9950

- property owner's attorney

③

Nick Achimato (ACFD) 670-5853

- says no records located
- UFC infraction
- indicates someone contacted FD to inquire about

⑤ Al Pilliod

- ~~personally guaranteed~~
~~contract with~~ ~~insurance~~

Richard Conkosky (dead a month ago)
divorced before Chp. 7.

Corporate +
personal Chp. 11
bankruptcy filed

\$800K house sold (near Tassejana)
- assets eaten up by creditors; tax
lien, mortgages, wife got \$30-40K

Ben Tsunamoto

left co. ~6 y.o.

one of originators of company, personal guarantee

- personal bankruptcy filed

~~at [redacted]~~

⑥ Randy Nahas - RT Nahas Co 538-9600

- doesn't recall any UST removal activity at
site, but will check w/ others

→ CPCA analysis did not have an evaluation
for construction worker exp., Soil & GW
Context, is shallow ~5' bgs.

Also, indoor radon was not evaluated
since it is currently not a P/W concern.

^{need}
→ Analytical results for free-product evaluation.

→ Need analyticals for gw sampled from MW-4
Sample date 12/31/96

- Missing Table 3 (1st referenced on pg 6) ✓
 - ↳ Exposure parameters
- MW-4 appears to be screened inappropriately for HVOCs.
- Missing analyticals for analyses of free product & gw samples from MW-3 & MW-4. also, missing analyticals for Soil Sample PB-1 HVOCs ~~analyticals~~
- Construction worker exp should be evaluated — "i" be aware since free product is present, then a risk cannot really be evaluated until it is removed.
- Re: Table 1
 - Monitoring date for groundwater analytes.
 - Analytical ^{Result} & analysis date for free-product?
 - Where did they get all the RBSLs for the listed HVOCs — need a reference.

8/22/16

Discussed site issues w/ J. Seery:

- ① → Suggested to have RP analyze FP to confirm if w/o⁴/or if it contains contaminants that ~~are being~~ have been detected in gw. This would confirm or eliminate the possibility of 8010 constit. migrating from another source.
- ② → Could also check Castro Valley Sanitary Dist. (located near Payless off CV Blvd) maps to locate sewer lines. Will do this after we receive results from ① above. Per Scott dry cleaner invest. going on east of site on CV Blvd.
- ③ → Eliminate sampling/analyzing MW1 + MW2, at this time, but use for gw gradient determinations.
- ④ → Eliminate analysis for 8270 for MW-3 if ~~after~~ analysis of FP confirms ~~that~~ these constituents are not present in sig. quantities.
- ⑤ → Discuss w/ M. Logan the sig. of the 8010's found. Would further invest. be warranted/needed? - what kind of invest.? Health & Safety concerns? Or, if RWQCB is not concerned w/ H₂O quality issues, could site be closed?

VC & 0.9195
VP 2600 mm

TCE VP 100 mm
Acetone 400 mm
iso-alcohol →

→ Soil samples from MW-3 had TOB (55026' & 1300210')
(∵ TOB was not detected in gw - is this why we have stopped this analysis.)

→ Free product found in MW-3 3 out of 5 times.
DTW related? Look over results boring log.
Confused on this pt.

→ 8010 Constit. found in MW-3 - see results.
MW-3 appears to be screened adequately for detecting DNAPLs. Right?

→ Cis-1,2-DCE & vinyl chloride have consistently been detected above MCLs - see results.
∴ this gw not likely to be used for drinking water, ∴ because conc. are relatively low I would not recommend further defining the extent of contamination down gradient (S/SW) of MW-3 but continue FP removal (rock enough?) & semi-annual monitoring. Annual monitoring for MW1 & MW2?
Given that VC's are carcinogenic can we close or continue monitoring & further define?

~~Plan to~~ ^{continue} monitoring & FP removal

→ If we continue to monitor, could we eliminate 8270 analysis ~~from~~ for all wells?

Eliminate 8270, & sampling of 142

Review status of site 8/22/96:

See boring log / soil results

MW-3 screen (10' - 20') well screened down to a very stiff silty clay.

- Free product was found in MW-3 three out of ~~six~~ ^{five} sampling events. ∴, H₂O has been analyzed twice.
- Of the 2 ~~log~~ ^{gw was in MW-3} times analyzed, ~~8010~~ 8010 constituents have been identified including vinyl chloride.
- Since 8270's have not been detected during the 2 sampling ^{→ MW-3} events, ^{+ 5 events for MW1 + MW2} can they discontinue sampling for 8270's? ^{FP}
- Per 1QMR96, FP suspected to be hydraulic / oil fluid. 3QMR95 FP was described as used motor oil.
- Given that ~~8010~~ gw from MW-3 ~~was~~ has identified ~~8010~~ 8010 constituents, is well adequately screened 4/02 should add'l invest. be performed by (S/SW)? Also, could reduce monitoring freq. for MW1 + MW2.
- Chloroform has been intermittently found in MW1 + MW2 - lab contamination?
- Why discontinue sampling for O&G? Soil samples were hot!

CALL w/ Geoff Etnire

4/28

- ~~hints~~
- 2-3 y.o Tanks tank removed
- started to give Goodyear grief ~ 1 year ago when they determined UST had been removed previously
- required some sampling to be done by Goodyear after the fact (SEMCO samples?)
- claims Goodyear requested property owner sign release to allow UST closure

① Erinoi G. Rousseau
Law Offices of King & Rousseau
Dublin, CA

Attys for Debtor (Merritt Time & Brake, Inc.)
in Chp 11 bankruptcy

Richard Gorkoski, Pres., Merritt Time

Trustee ?

② Estate of Richard Gorkoski

Trustee ?

Atty ?

atty for debtor in bankruptcy

③ Estate of R. Gorkoski

(if name of wife found, serve it
with certified letter / proof served)

Letter to Etwise + Goodyear (Inglhofen)

- 30 days to allow an opportunity to submit any additional info
- RWQCB letter should wait until Touchstone letter is submitted

A

The Goodyear Tire & Rubber Company

7301 AMBASSADOR ROW

P. O. BOX 660245

DALLAS, TEXAS 75266-0245

October 7, 1993

TELEPHONE: (214) 679-1000

VIA FACSIMILE & U S MAIL

AIMEE L WEST, ET AL
c/o Geoffrey C Etnire, Esq
4900 Hopyard Road, Suite 260
Pleasanton, CA 94588

Subject: UST - Goodyear Dealer Expansion #9578
3430 Castro Valley Boulevard
Castro Valley, California 94546

93 OCT 18 AM 11:50

Dear Mr Etnire:

Please reference our letters of September 30, 1993, and October 5, 1993, which responded to your letter of September 10, 1993. As with most past correspondence, the threats and assertions of your October 6, 1993, letter are not only unwarranted but without any foundation.

The facts established both through action and various correspondence quite clearly indicate that Goodyear has "stepped up to the plate" and has NOT pursued "any further denial or delay." We ARE complying fully "with federal, state and local laws and regulations specifying particular procedures". But obviously you want to continue to pursue intimidation, uncalled for threats and demands, rather than proceeding to handle the resolution of this work in a good workmanlike manner following prudent guidelines and procedures.

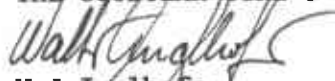
Whether you agree or not, we could only accomplish the proper required determination of what work will be required by first having SEMCO take the soil tests. As the results clearly indicate, Lessor now has some very critical work cut out for itself in its responsibilities with the fuel contamination discovered from the adjoining property's fuel tanks and pumps.

Please use your efforts and demands to resolve that problem and "take immediate and responsible action" to handle the resolution of that matter with the neighbors, rather than wasting it on your continuous completely unwarranted threats of bringing an eviction proceeding. We can NOT have SEMCO prepare an action plan until this matter is addressed and resolved.

Please advise what positive action you or your client have taken with the neighbor. THANKS.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY


W J Inghofer
Field Real Estate Manager

cc: AIMEE L WEST, ET AL, 935 "A" Street, Hayward, CA 94541

Mr Scott Seery, Hazardous Materials Specialist, ALAMEDA COUNTY,
Dept. of Environmental Health, 80 Swan Way, Room 200, Oakland, CA 94621

The Goodyear Tire & Rubber Company

7301 AMBASSADOR ROW

P. O. BOX 660245

DALLAS, TEXAS 75266-0245

93 OCT 13 AM 8:45

TELEPHONE: (214) 637-9100

October 5, 1993

Mr Scott Seery
Hazardous Materials Specialist
ALAMEDA COUNTY
Dept of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Subject: Report of Apparent Contamination Problem
Goodyear Dealer Expansion #9578
3430 Castro Valley Boulevard
Castro Valley, CA 94546

Dear Mr Seery:

As you can deduce from recent correspondence on which we copied you, someone - we do NOT know who, has removed our Lessor's UST at subject location several years ago. Our former dealer, Merritt Tire & Brake, who went bankrupt had been the operator of this facility and used the UST to store used oil in his standard operation of an auto service center.

In an effort to resolve this matter with our Lessor, Aimee L West, ET AL, and their attorney, Mr Geoffrey C Etnire, we had contracted with and authorized SEMCO Environmental Consultants and Contractor to bore two test holes and take soil samples and have them analyzed to see whether there may have been any contamination left behind.

We have included copies of the test results for your information. Although there appears to be some oil and grease levels that may have been caused by our former operator's use, we are very concerned about the levels of Gasoline, Benzene, Toluene, Ethyl, Benzene, Xylene, and Diesel Fuel which were found. This contamination could NOT have come from our operators use of Lessor's UST and the facilities.

In checking this matter out we have found that along the West property line of our leased property on the neighbor's property and the 20' Roadway Easement, there still is a gasoline or diesel fuel pump and evidence of underground fuel tanks. Since these are only about 30' to 40' from the former location of the UST and where these samples were taken, it is quite obvious that this contamination is probably coming from either these tanks leaking or any past overflow or spillage.

We have requested that our Lessor resolve this matter immediately since this is NOT our responsibility, nor do we have the right to do so. We are however, hereby also requesting your help in getting this matter investigated, the contamination stopped and resolved and the remediation of their contamination handled.

We are sure you will agree that we cannot get SEMCO to prepare and finalize a remediation until this matter is handled. We would appreciate being kept apprised of your findings and the progress to resolving this matter.

In the meantime, if we can answer any questions or be of any further help, please feel free to contact me at my Dallas office at (214) 637-9208. THANKS for your help.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY


W. Ingthofer
Field Real Estate Manager

cc: AIMEE L WEST, ET AL, 935 "A" Street, Hayward, CA 94541
Geoffrey C Etnire, Esq., 4900 Hopyard Rd, Suite 260, Pleasanton, CA 94588

The Goodyear Tire & Rubber Company

7301 AMBASSADOR ROW
P. O. BOX 660245

93 OCT 13 AM 9:00

DALLAS, TEXAS 75266-0245

TELEPHONE: (214) 637-9100

September 30, 1993

AIMEE L WEST, ET AL
c/o Geoffrey C Etnire, Esq
4900 Hopyard Road, Suite 260
Pleasanton, CA 94588

Re: UST - Your Letter of 9-10-93
Goodyear Dealer Expansion #9578
3430 Castro Valley Boulevard
Castro Valley, CA 94546

Dear Mr Etnire:

Without lowering ourselves to the level of mudslinging and pursuing the obfuscation, let us just state that IF our responses to your clients were inappropriate and useless, it must have been that you didn't like the answers you received, NOT that we didn't answer clearly.

We will also attempt to answer each of your points so clearly that there will be no misunderstandings.

1. Correct - There was, formerly, an underground storage tank (UST) on the property which was owned and installed by Lessor.
2. Correct - There was a form letter sent out on 1-18-1990 by H W Balsat to ALL our Lessors who according to our records owned USTs on our leased facilities. In case of an emergency we wanted to have the various Lessor's permissions to remove their UST, if necessary, without having to chase the responsible parties, partners, etc down.

The part you left out in your quote is "Business considerations MAY lead Goodyear to CONSIDER removing the tank at some time in the future." The letter also clearly stated...."SHOULD we elect to proceed...." No where in that letter did it state that we actually WILL remove the UST. It only asked for permission IF WE DECIDED TO.

3. Correct - the tank was removed according to the confirmation we received after our investigation.
4. Correct - Goodyear did not obtain any permits from the County of Alameda since WE did NOT remove the UST, did NOT contract for or request anyone else to remove the UST, nor do we have any idea who removed the tank.
5. We take your word regarding your findings that the County of Alameda reports that the previous operator - Merritt Tire & Brake, Inc - did not obtain any necessary permits.
6. Again, we take your word that the County of Alameda reports to you that no party obtained such permits.
7. We are very familiar with federal, state and local laws and regulations specifying particular procedures relating to the removal of UST's and the clean-up of the sites. That's why IF WE contract for the work, authorize the work or are in any way aware or involved in the UST removal and related work, we only use or recommend competent, fully licensed environmental contractors who do the work in a good workmanlike manner in compliance with all applicable laws and ordinances.

As stated, IF WE ARE INVOLVED, we always comply with these provisions, so there is no need for you to demand it. If however you are demanding that we produce copies of permits, reports, tests results, disposal documents, etc, let me re-state again why we can NOT meet that demand:

- a) Goodyear did NOT remove the UST, authorize its removal or contract for its removal, nor were we aware of its removal, so do NOT have any copies of any of the requested documents.
- b) We do NOT know when the UST was removed, who removed it, who authorized its removal, and what happened to the UST, nor whether any permits were taken and the appropriate authorities notified. We have NOT been able to get anything from the previous operator.
- c) We were NOT the OPERATOR-Responsible Party, nor the generator of the used oil disposed in the UST. That was Merritt.
- d) We are NOT the OWNER-Responsible Party. That is the Lessor, your client.
- e) We do NOT know, but suspect that the previous operator, Merritt Tire had someone remove the UST, but have been unable to get any confirmation or documents from them. In previous discussions and correspondence, you had indicated that the families of the operator and your client were friends, and you pursue getting the information and share with us. Apparently you haven't done so.

We were and are enjoined by the bankruptcy proceedings and now discharge, both company and personal, by the former operators, to pursue them further on their liabilities and obligations. However, we have tried to get the information of their present whereabouts, so maybe you, your client and the County of Alameda, can try to get the demanded information, copies of permits, etc, directly from them. If successful, we would request that we be provided with copies of anything received.

To the best of our ability and knowledge, the information we have now received is that the two principal partner-owners of Merritt Tire & Brake supposedly are living at:

Richard A Gorkosky
1680 Yama Lane
Los Osos, CA 93402

OR

819 Highland Drive
Los Osos, CA

One may be his home and the other work. Telephone is unlisted.

Ben Tsurumoto &
Yoko Ann Tsurumoto
13993 Aurora Drive
San Leandro, CA 94577

8. Partly correct - Federal, state and local laws and regulations require that the owner of the UST, your client, and the operator, Merritt Tire and its principals, and their authorized contractors, be in contact with the governmental agencies with regard to any UST removal. It does NOT specifically require GOODYEAR, who is none of the above parties.

However, we had already advised you that we had authorized SEMCO Environmental Contractors and Consultants to bore two test holes in the area where the UST was previously located and take soil samples to determine if there was any contamination. The test results are expected any day now. IF any contamination levels are detected which could have been caused by our former dealer's use of the facility, SEMCO will be asked to prepare the required remediation plans and will contact the appropriate authorities and will follow all the appropriate and necessary procedures.


Per your request, we will copy the County of Alameda, Department of Environmental Health on this letter. And, of course, would and will copy them and correspond with them regarding any required matters.

9. We will be glad to send you copies of any correspondence on this matter that we may have with the County of Alameda and other appropriate agencies. Being copied on that correspondence will give you regular status reports.

As previously indicated, we have always lived up to our end and have proceeded directly to the solution of any problem, even though you and your client have NOT lived up to their end of the bargain, except in the form of sending uncalled for, unwarranted and incorrect demand letters. We will keep you advised of our progress in resolving this matter.

Sincerely,

THE GOODYEAR TIRE & RUBBER COMPANY


W. J. Ingthofer
Field Real Estate Manager

cc: AIMEE L WEST, ET ALL, 935 "A" Street, Hayward, CA 94541

Mr Scott Seery, Hazardous Materials Specialist, ALAMEDA COUNTY,
Dept of Environmental Health, 80 Swan Way, Rm 200, Oakland, CA 94621

H W Balsat, Real Estate Administrator, Akron #824

GEOFFREY C. ETNIRE

REAL ESTATE LAW

4900 HOPYARD ROAD, SUITE 260
PLEASANTON, CALIFORNIA 94588
TELEPHONE: 510-734-9950
FAX: 510-734-9170

FAX MEMO

TO:

FAX NUMBER:

W. J. Ingelhofer
Field Real Estate Manager
GOOD YEAR TIRE & RUBBER COMPANY

(214) 637-9170

cc: Rich K. Houseman
Area Sales Manager
GOOD YEAR TIRE & RUBBER COMPANY

(510) 667-4249

FROM: GEOFFREY C. ETNIRE

(510) 734-9170

DATE: March 17, 1993

RE: GOOD YEAR LEASED FACILITY #1748
3430 Castro Valley Boulevard, Castro Valley, CA

DOCUMENTS: None

OF PAGES: 1 (including this page)

MESSAGE:

During our telephone conversation on March 12, 1993, we did not discuss the pollution problem at the rear of the property -- it appears that used oil or other petro chemical substances has contaminated the soil in an unpaved area. Bob Williams acknowledged that there is some surface contamination of the soil. West Properties demands that you take care of this contamination and provide West Properties with certification that the property is clean as soon as possible and prior to paving this portion of the property.

GCE:sc:8057-3.079
cc(mail): West Properties

Original Will Not Follow

GEOFFREY C. ETNIRE

REAL ESTATE LAW

4900 HOPYARD ROAD, SUITE 260
PLEASANTON, CALIFORNIA 94588
TELEPHONE: 510-734-9950
FAX: 510-734-9170

FAX MEMO

TO:

FAX NUMBER:

W.J. Ingelhofer
Field Real Estate Manager
GOOD YEAR TIRE & RUBBER COMPANY

214-637-9170

cc: Rich K. Huseman
Area Sales Manager
GOOD YEAR TIRE & RUBBER COMPANY

510-667-4249

FROM: GEOFFREY C. ETNIRE

510-734-9170

DATE:

RE: GOOD YEAR LEASED FACILITY #1748
3430 Castro Valley Boulevard, Castro Valley, CA

DOCUMENTS: None

OF PAGES: 2 (including this page)

MESSAGE:

I would like to confirm certain elements of today's telephone conversation.

First, you represented that the facility is being readied for a new dealer. You could not promise that the projected opening date of April 15, 1993 would be met, but you indicated that progress is being made and you would expect occupancy on or shortly after April 15, 1993.

Second, you indicated that a remodel is presently under way and that you will obtain all necessary inspections and permits and that the improvements will be up to code. I told you that my clients will probably ask the Building Department to do an inspection of improvements already in place.

Third, you informed me that the dealer pulled the tank several years ago, after getting permission from West Properties. You told me, further, that you had no information with regard to the pulling of the tank, as you have not been able to obtain any documentation

WHITE — ENV. HEALTH
YELLOW — FACILITY
PINK — FILES

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

County Use Only
[] Daily

Hazardous Material Inspection Form

Site ID# 1715 Site Name Merritt Tire & Brake Date: 11/9/87
Site Address 3430 Castro Valley Blvd. EPA ID# _____
City, Zip Castro Valley 94546 Phone 886-9424

463 MAX AMT stored >
500 lbs, 55 gal., 200 cft.?

- Inspection Categories:**
- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
 - II. Business Plans, Acute Hazardous Materials
 - III. Underground Tanks

The marked items represent violations of the Calif. Administrative Code (CAC) or the Health & Safety Code (HS&C)

- 1a. GENERATOR (Title 22)**
 - ___ 1. Waste ID 66471
 - ___ 2. EPA ID 66472
 - ___ 3. >90 days 66508
 - ___ 4. Labels 66493
 - ___ 5. Biennial 66492
- Manifest**
 - ___ 6. Records 66480
 - ___ 7. Correct 66484
 - ___ 8. Copy sent 66492
 - ___ 9. Exception 66484
 - ___ 10. Copies Rec'd 66492
- Misc.**
 - ___ 11. Treatment 66371
 - ___ 12. On-site Disp. (H.S.&C) 25189 5
 - ___ 13. Ex Haz. Waste 66570
- Prevention**
 - ___ 14. Communication 67121
 - ___ 15. Aisle Space 67124
 - ___ 16. Local Authority 67126
 - ___ 17. Maintenance 67120
 - ___ 18. Training 67105
- Contin. gency**
 - ___ 19. Prepared 67140
 - ___ 20. Name List 67141
 - ___ 21. Copies 67141
 - ___ 22. Emg. Coord. Trng. 67144
- Containers, Tanks**
 - ___ 23. Condition 67241
 - ___ 24. Compatibility 67242
 - ___ 25. Maintenance 67243
 - ___ 26. Inspection 67244
 - ___ 27. Buffer Zone 67246
 - ___ 28. Tank Inspection 67259
 - ___ 29. Containment 67245
 - ___ 30. Safe Storage 67261
 - ___ 31. Freeboard 67257
- 1b. TRANSPORTER (Title 22)**
 - ___ 32. Application 66428
 - ___ 33. Insurance 66428
 - ___ 34. Comp. Cert. 66448
 - ___ 35. CHP Insp. 66448
 - ___ 36. Containers 66465
- Manifest**
 - ___ 37. Vehicles 66465
 - ___ 38. EPA ID #s 66531
 - ___ 39. Correct 66541
 - ___ 40. HW Delivery 66543
 - ___ 41. Records 66544
- Cont'rs**
 - ___ 42. Name 66545
 - ___ 43. Covers 66545
 - ___ 44. Recyclables 66800

Comments:
Waste oil is stored in an underground tank.
Cleaning solvent is stored in a 55gal drum.

Contact: _____ Applied Time: 11:00 am
Title: _____ Inspector: Carolyn Sells
Signature: [Signature] Signature: [Signature]