

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



05-13-03

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



07-31-02

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. Inghofer
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. Inghofer:

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.

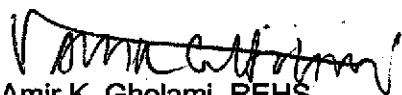
You are advised to seek the professional services of a reputable environmental consultant who will submit for review a proposal outlining planned activities regarding the floating product within MW-3 well as well as sampling and analysis of groundwater to include Oil and Grease, TPHg, BTEX, MTBE, and 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



12-7-01

20474

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,



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



07-11-01

RO474

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

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

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

Dear Mr. Etnire and Mr. Inghofer:


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

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

20474

July 20, 1999

STID 1715

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

ENVIRONMENTAL HEALTH SERVICES

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

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

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Etnire:

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

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

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

LANDOWNER NOTIFICATION

Re: 3430 Castro Valley Blvd., Castro Valley

July 20, 1999

Page 2 of 2

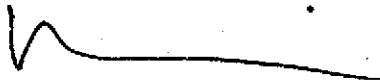
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

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

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

Please call me at (510) 567-6876 if you have any questions about the content of this letter.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
W.J. Inghofer, The Goodyear Tire & Rubber Company, 7301 Ambassador Row
PO Box 660245, Dallas TX 75266-0245

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 474

Std 1715

November 13, 1996

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

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

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

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

Dear Messrs. Etnire and Inghofer:

This office has completed a review of EMCON's *Workplan for Expanded Assessment and Risk Based Corrective Action*, dated November 11, 1996, for the subject site. This workplan is acceptable. Please incorporate the following additions/comments into the workplan:

1. In order to confirm the composition of the floating product and that the HVOCs detected in groundwater in the vicinity of monitoring well MW-3 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). This request was initially made in our letter to you dated August 22, 1996; however to date, we have not received results or confirmation that these analyses were performed at the site.
2. Monitoring wells must be surveyed to an established benchmark (i.e. mean sea level) with an accuracy of 0.01 foot.
3. If a RBCA Tier 2 evaluation is anticipated, you may want to consider collecting site specific data (e.g. total organic carbon and soil porosity and density) to assist in a RBCA Tier 2 evaluation as part of the proposed field activities for the expanded assessment.

A final report describing this investigation is due to this office no later than February 5, 1997. Please feel free to call me at (510)567-6755 if you have any questions or comments.

Sincerely,

Amy Leech
Hazardous Materials Specialist

c: John Young, EMCON, 1921 Ringwood Ave., San Jose, CA 95131-1721
Bertram Bell, Goodyear Tire & Rubber Co., Law Dept., 1144 E Market St., Akron OH 44316
Bob Chambers, Alameda County District Attorney's Office
Ed Laudani, Alameda County Fire Department
ALL/ File

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0474

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. Inghofer
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 Inghofer:

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 Ingelhofer
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

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0474

RAFAT A. SHAHID, Director

STID 1715

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

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)
- 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

DAVID J. KEARS, Agency Director

R0474

RAFAT A. SHAHID, Assistant Agency Director

STID 1715

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

December 20, 1994

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

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.

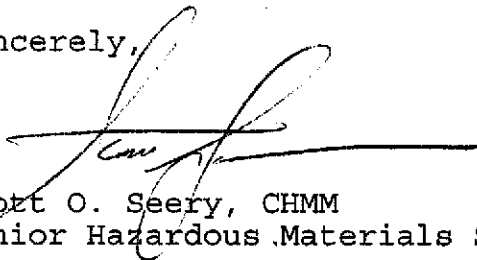
In the specific case addressed herein, RP designation has been disputed by the noted parties. Following the October PERP, the record was allowed to remain open for an additional 30 days to give the parties the opportunity to present supplemental information for consideration by the panel.

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 94301

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0474

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:

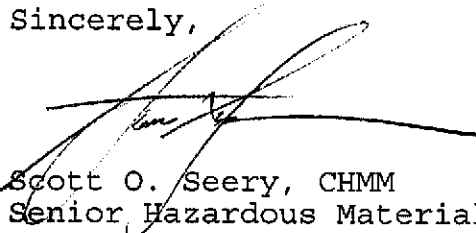
Today a Reset Pre-Enforcement Review Panel (PERP) convened to discuss the current status of the environmental and regulatory issues associated with the referenced site. Representatives from the San Francisco Bay Regional Water Quality Control Board (RWQCB), Alameda County District Attorney's Office, 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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0474

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. 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 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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0474

RAFAT A. SHAHID, Assistant Agency Director

STID 1715

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

August 10, 1994

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

DAVID J. KEARS, Agency Director



R0474

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:

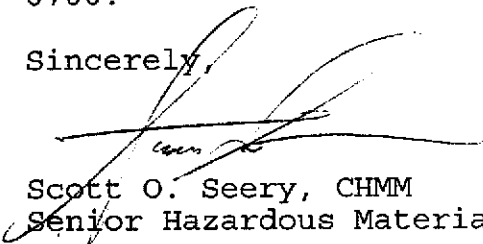
- 1) The Aimee L. West Trust et al is owner of record of the subject site. The facts suggest that the trust may have owned the subject UST (although, because this tank was never registered with this office, we cannot be certain).
- 2) The Goodyear Tire & Rubber Company appears to have had some level 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. Inglhofer
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

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0474

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:

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 Inglhofer
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

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



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July 7, 1994

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4900 Hopyard Road
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Messrs. Etnire and Inghofer
RE: 3430 Castro Valley Blvd.
July 7, 1994
Page 2 of 3

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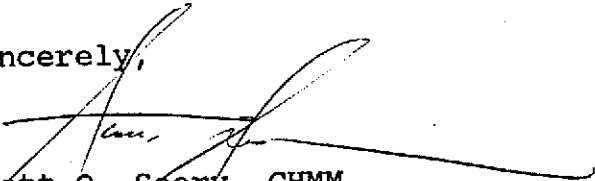
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Messrs. Etnire and Inghofer
RE: 3430 Castro Valley Blvd.
July 7, 1994
Page 3 of 3

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attachment

cc: Rafat A. Shahid, Assistant Agency Director
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ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0474

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
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STID 1715

May 19, 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:

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 Inghofer
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 Inghofer
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
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Brit Johnson, ACDEH