

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0675

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

April 19, 1993
STID# 4201

REGIONAL BOARD REFERRAL

Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster St., 4th Floor
Oakland, CA 94612

SUBJECT: Catholic Diocese of Oakland, 2220 - 10th Ave., Oakland, CA
94606

This office has reviewed site investigation and remedial action for contamination from the underground storage tank at the above site. With the provision that the information provided to this agency was accurate and representative of existing conditions, it is the position of this office that no further action is required at this time.

This office requests that the Regional Water Quality Control Board reviews this site and gives final site closure and/or remedial action completion. This agency also requests notification of final site closure.

If you have any questions regarding this matter, please contact this office.

Sincerely,

Thomas F. Peacock, Supervising HMS
Hazardous Material Division

cc: Lincoln & Kit Leung, 1243 E. 14th St., Oakland, CA 94606
Ms. Janice Jones, Catholic Diocese of Oakland, 433 Jefferson
St., Oakland, CA 94607
Edgar Howell, Chief - Files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0676

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 4257

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

January 12, 1993

William J. Nesbitt
Cynthia R. Voegle
5800 Murrietta Avenue
Van Nuys, CA 91401

-NOTICE OF VIOLATION-

RE: JOSEPH NESBITT COMPANY, 2542 SAN CARLOS AVENUE, CASTRO
VALLEY, ALAMEDA COUNTY

Dear Mr. Nesbitt and Ms. Voegle:

You were advised in correspondence dated January 14, 1991 and again August 12, 1991 that a preliminary site assessment (PSA) must be performed at the referenced site. The PSA was required following closure of an underground storage tank (UST) on June 13, 1990. The PSA work plan was initially due for submittal by February 15, 1991; the second PSA work plan request indicated the work plan was due September 12, 1991. To date, no PSA work plan has been submitted.

Presently you are in violation of Section 2722(c)(1) of Title 23, California Code of Regulations for failure to submit the requested work plan. Additionally, you were advised in the two prior notices that the PSA work plan was a request for technical reports pursuant to California Water Code Section 13267(b), and that failure to respond would result in the referral of your case to the appropriate agency for enforcement action.

Please be advised that should you fail to appropriately respond to this notice by way of submittal of the requisite PSA work plan, your case will be referred to the Alameda County District Attorney's Office for enforcement action. Please be further advised that the District Attorney's Office is being advised of this case by way of copy of this letter.

A PSA work plan must be submitted to this office within 45 days of the date of this letter, or by **February 26, 1993**.

Mr. Nesbitt / Ms. Voegle
RE: 2542 San Carlos Avenue, Castro Valley
January 12, 1993
Page 2 of 2

Please feel free to call me at 510/271-4320 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
Rich Hiatt, RWQCB
Bob Bohman, Castro Valley Fire Department
Ed Howell - files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SITE: 2542 San Carlos Ave.

R0676

Certified Mailer # P 367 604 323

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

August 12, 1991

Mr. William Nesbitt
Joseph Nesbitt Company
5800 Murrietta Avenue
Van Nuys, CA 91401

RE: JOS. NESBITT COMPANY, SAN CARLOS AVENUE SITE, CASTRO VALLEY,
ALAMEDA COUNTY

Dear Mr. Nesbitt:

You were notified by this Department in correspondence dated January 14, 1991, sent under certified mailer # P 062 128 356, that the Jos. Nesbitt Company was required to conduct a Preliminary Site Assessment (PSA) of the referenced Castro Valley site. This requirement was imposed as a result of a review of the facts associated with the closure of a 250-gallon fuel underground storage tank (UST) from this site which suggested the probability of an unauthorized release of product from the UST system.

The January 14 notice required the submittal of a PSA proposal by February 15, and the initiation of field activities no later than March 15, 1991. To date, the requisite PSA proposal has not been submitted nor has any further work been initiated at the site.

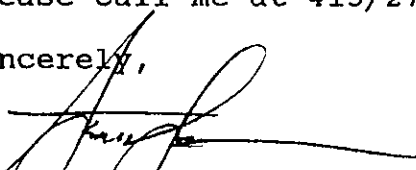
At this time you are directed to submit the requisite Preliminary Site Assessment proposal in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks within 30 days, or by the close of business on September 12, 1991. Accompanying this proposal must be a check totalling \$432 to offset expenses incurred by this Department during oversight of 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 or a late response will result in the referral of this case to the RWQCB or the Alameda County District Attorney's Office for enforcement action, possibly subjecting the responsible party to civil penalties to the extent provided by law. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Mr. William Nesbitt
RE: Jos. Nesbitt Co., 2544 Castro Valley Blvd
August 12, 1991
Page 2 of 2

Should you have any questions about the content of this letter,
please call me at 415/271-4320.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Richard Mendonca
Jeffory Scharff, Esq.
files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0676

Certified Mailer # P 062 128 356

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

January 14, 1991

Mr. William Nesbitt
Joseph Nesbitt Company
5800 Murrietta Avenue
Van Nuys, CA 91401RE: JOS. NESBITT COMPANY, SAN CARLOS AVENUE SITE, CASTRO VALLEY,
ALAMEDA COUNTY

Dear Mr. Nesbitt:

This letter follows a telephone conversation I shared January 11, 1991 with Mr. Jeffory Scharff, an attorney with the law firm of Dufour & Scharff. It is my understanding that Mr. Scharff was originally contacted by Mr. Richard Mendonca, the proprietor of the Jos. Nesbitt Company feed store in Castro Valley, to assist him in researching the regulatory requirements for and developing a Preliminary Site Assessment (PSA) proposal for review by this Department. The performance of a PSA was deemed necessary following the review of facts associated with the removal of a 250-gallon former fuel tank from the San Carlos Avenue site during June 1990. Please reference the attached August 2, 1990 correspondence from this Department addressed to Mr. Mendonca describing these events.

Before my January 11 conversation with Mr. Scharff, this Department was under the impression that Mr. Mendonca was the owner of both the tank and subject property. Mr. Scharff indicated that the subject property is still owned by the Jos. Nesbitt Company. As we understand the facts, you are the controlling partner in this company. We further understand that Mr. Scharff, following his notification of your ownership interest in the property, has failed in a number of attempts over the last several weeks to contact you by phone to discuss the issues with this case.

Now that this Department is aware that you are the appropriate representative for the Jos. Nesbitt Company, you are required to arrange for the performance of a PSA. The scope of such an investigation shall be in accordance with the requirements outlined in the attached August 2 correspondence to Mr. Mendonca (and reiterated in this letter), and the San Francisco Bay Regional Water Quality Control Board (RWQCB) Staff Recommendations for the Initial Investigation of Underground Tanks. The major elements of a PSA are summarized in Appendix A (also attached).

Mr. William Nesbitt
RE: 2544 Castro Valley Blvd., Castro Valley
January 14, 1991
Page 2 of 3

In order to proceed with a site investigation, you should obtain professional services of a reputable environmental/geotechnical firm. Your responsibility is to have the consultant submit for review a proposal outlining planned activities pertinent to meeting the criteria broadly outlined in this letter and the attached Appendix A.

This Department will oversee the assessment for this site. This oversight will include our review and comment on work proposals and technical guidance on appropriate investigative approaches. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7. The RWQCB may choose to take over as lead agency if it is determined following the completion of the initial assessment that there has been a substantial impact upon ground water.

This PSA proposal is due within 30 days of the date of this letter, **or by February 15, 1991**. Once this proposal has been reviewed and approved, **work should commence no later than March 15, 1991**. Accompanying this proposal must be a check payable to Alameda County totalling \$432 to offset the initial expenses incurred by this Department in oversight of this project.

A report must be submitted within 30 days after the completion of this phase of work at the site. Subsequent reports must be submitted quarterly until this site qualifies for final RWQCB "sign off". Such quarterly reports are due the first day of the second month of each subsequent quarter (i.e., November 1, February 1, May 1, and August 1). These reports should describe the status of the investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: 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, tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination characterization
- o Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation

Mr. William Nesbitt
RE: 2544 Castro Valley Blvd., Castro Valley
January 14, 1991
Page 3 of 3

All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. 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 or a late response could result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Should you have any questions about the content of this letter, please call me at 415/271-4320.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Alameda County
Department of Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Richard Mendonca
Jeffory Scharff, Esq.
files

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

R0676

Certified Mailer # P 062 127 744

August 2, 1990

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415)Mr. Richard Mendonca
Joseph Nesbitt Company
2544 Castro Valley Blvd.
Castro Valley, CA 94546RE: UNDERGROUND STORAGE TANK CLOSURE REPORT; JOS. NESBITT COMPANY,
SAN CARLOS STREET SITE, CASTRO VALLEY: REQUEST FOR PRELIMINARY
SITE ASSESSMENT (PSA) PROPOSAL

Dear Mr. Mendonca:

This Department has completed review of the report of laboratory analyses and chain-of-custody forms, as submitted under SEMCO cover dated June 29, 1990. This report documents the analyses performed upon a single soil sample collected June 13, 1990 during the closure of one 250 gallon fuel tank at the San Carlos Street site.

The results of the laboratory analyses indicate that those motor fuel constituents for which analyses were performed were not detected in the sample collected at the time of closure. However, observations made of the tank during closure identified the presence of numerous holes along the bottom of the tank, and that fuel odors were evident in proximity to the excavation. Such observations identify the likelihood that an unauthorized release has occurred at this site.

As a result of these observations, you are requested to perform additional investigative work to ensure that there has not been an impact to ground water underlying this site. This preliminary site assessment (PSA) will help to define the vertical and lateral impact upon ground water and soils resulting from any releases from the tanks prior to their removal. The information gathered by this investigation will be used to determine an appropriate course of action to remediate the site, if necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks. The major elements of such an investigation are summarized in the attached Appendix A.

In order to proceed with a site investigation, you should obtain professional services of a reputable environmental/geotechnical firm. Your responsibility is to have the consultant submit for review a proposal outlining planned activities pertinent to meeting the criteria broadly outlined in this letter and the attached Appendix A.

Mr. Richard Mendonca
RE: Jos. Nesbitt Co., San Carlos Street site
August 2, 1990
Page 2 of 3

This Department will oversee the site assessment for the referenced facility. This oversight will include our review and comment on work proposals and technical guidance on appropriate investigative approaches. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7. The RWQCB may choose to take over as lead agency if it is determined following the completion of the initial assessment that there has been a substantial impact upon ground water.

This PSA proposal is due within 30 days of the date of this letter, or by September 2, 1990. Once this proposal has been reviewed and approved, work should commence no later than October 2, 1990. Accompanying this proposal must be a check payable to Alameda County totalling \$375 to offset expenses incurred by this Department in oversight of this project.

A report must be submitted within 30 days after the completion of this phase of work at the site. Subsequent reports must be submitted quarterly until this site qualifies for final RWQCB "sign off". Such quarterly reports are due the first day of the second month of each subsequent quarter (i.e., November 1, February 1, May 1, and August 1). These reports should describe the status of the investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: 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, tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination characterization
- o Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation

All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. Please include a statement of qualifications for each lead professional involved with this project.

Mr. Richard Mendonca
RE: Jos. Nesbitt Co., San Carlos Street site
August 2, 1990
Page 3 of 3

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267 (b). Failure to respond or a late response could result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Should you have any questions about the content of this letter, please call me at 415/271-4320.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Alameda County
Department of Environmental Health
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