

ALAMEDA COUNTY  
**HEALTH CARE SERVICES**

AGENCY

DAVID J. KEARS, Agency Director



RO#697

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

November 3, 1998  
StID # 3953

Mr. Nick Mehta c/o  
R. W. Thayer Food Products  
962 87<sup>th</sup> Ave.  
Oakland CA 94621

**Re: Closure of Monitoring Wells at 962 87<sup>th</sup> Ave., Oakland CA 94621**

Dear Mr. Mehta:

This letter is to inform you that in regards to the subsurface investigation of the petroleum release from the former underground storage tank, our office has received Regional Water Quality Control Board concurrence for site closure of the above referenced site. Prior to issuing a closure letter, our office requires the proper closure of the existing three (3) monitoring wells at the above site.

Please contact Alameda County Public Works for the specific requirements for well closure. Their contact is Mr. Andreas Godfrey, who can be reached at (510) 670-5575.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

C: B. Chan, files  
Mr. R. Kitay, Aqua Science Engineers, 208 West El Pintado, Danville CA 94526

W1c1962-87

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro#697

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

FAX (510) 337-9335

March 26, 1998

StID #3953

R. W. Thayer Food Products, Inc.

C/o Mr. Nick Mehta

962 87<sup>th</sup> Ave.

Oakland CA 94621

Re: Work Plan for Soil and Groundwater Sampling and RBCA Assessment at R. W. Thayer  
Food Products, 962 87<sup>th</sup> Ave., Oakland CA 94621

Dear Mr. Mehta:

Our office has received and reviewed the above referenced work plan provided by Aqua Science Engineers Inc., (ASE), your consultant. This work plan addresses Alameda County's concern regarding additional data and risk assessment modification stated in my March 6, 1998 letter. This work plan proposes the advancement of one additional boring and the sampling of both soil and groundwater from this boring for the analytes; TPHg, BTEX and MTBE. The results of this additional investigation will then be incorporated in a revised risk based corrective action (RBCA) assessment.

Our office approves this work plan with the condition that the boring be moved approximately 5' south of the proposed location, if possible. Enclosed, please find a revised site map indicating the preferred location.

Please contact me at (510) 567-6765 or Ms. Madhulla Logan at (510) 567-6764 if you have any questions.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

Enclosure

C: B. Chan, files

Mr. R. Kitay, Aqua Science Engineers, Inc., 2411 Old Crow Canyon Rd., San Ramon CA 94583

2ssi962

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Ro# 697

March 6, 1998  
StID # 3953

R. W. Thayer Food Products, Inc.  
c/o Mr. Nick Mehta  
962 87th Ave.  
Oakland CA 94621

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

**Re: Risk Based Corrective Action (RBCA) Assessment for R. W.  
Thayer, 962 87th Ave., Oakland CA 94621**

Dear Mr. Mehta:

The December 29, 1997 RBCA Assessment by Aqua Science Engineers Inc. has been received and reviewed by our Risk Assessor, Ms. Madhulla Logan. She has spoken with Mr. Robert Kitay of Aqua Science and has requested that the following items be addressed:

\* In regards to evaluating the risk of vapor intrusion from soil, additional evaluation of soil in the area of the former pump area is necessary given the lack of past sampling and the past high benzene concentration (3.1 ppm) found in boring BH-C, near the former pump. Both soil and groundwater samples should be collected from the additional boring. The results from this investigation will be used to evaluate vapor intrusion from soil and groundwater to indoor air.

\* A bioattenuation factor was used to calculate risk from vapor intrusion from groundwater to residences based upon the dissolved oxygen concentration. Both values of risk, with and without the bioattenuation factor will be evaluated in the next RBCA.

Please submit a work plan to advance an additional soil boring near the former dispenser **within 30 days or by April 6, 1998.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: B. Chan, files  
Mr. R. Kitay, Aqua Science Engineers, Inc., 2411 Old Crow  
Canyon Rd., San Ramon, CA 94583

ssi962

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#697

August 22, 1997

StID #3953

R.W. Thayer Food Products, Inc.  
Mr. Nick Mehta  
962 87th Ave.  
Oakland CA 94621

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

FAX (510) 337-9335

**Re: Status of Subsurface Investigation at R. W. Thayer Food  
Products, 962 87th Ave., Oakland CA 94621**

Dear Mr. Mehta:

Our office has reviewed the August 12, 1997 Aqua Science Engineers Inc. (ASE) quarterly groundwater monitoring report for the above site. This report recommends that the County consider this site for case closure. Unfortunately, our office cannot concur with this recommendation based upon the following observations:

\* Groundwater contamination concentration **has not** stabilized as illustrated by the increase in gasoline and BTEX concentration in MW-2.

\* In regards to a risk assessment, not every potentially complete exposure pathway has been investigated. This report only refers to the pathway: groundwater vapor intrusion to buildings for a commercial setting. You must also evaluate soil vapor intrusion to buildings for a commercial setting and perhaps residential; if the neighboring property contains residences. You are, therefore, requested to prepare a Tier 1 or Tier 2 human health risk assessment (HHRA) evaluating residual soil and groundwater via **all** potential pathways and exposure scenarios. Please be aware, this may require obtaining site specific data to incorporate in your Tier 2 HHRA.

Please provide a work plan for a HHRA within 30 days or by **September 23, 1997.**

Please be aware that California assumes a higher slope factor for benzene, (1), when compared to the federal standard (0.29). This entails a higher risk. Therefore, the concentration of benzene quoted for a 1E-5 risk should actually be  $739 \times (0.29/1) = 214$  ppb.

\* Please continue to monitor this site until groundwater concentrations stabilize.

You may contact me at (510) 567-6765 if you have any questions.

Mr. N. Mehta Food Products, Inc.  
962 87th Ave.  
StID # 3953  
August 22, 1997  
Page 2.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

c: B. Chan, files  
Mr. R. Kitay, ASE Inc., 2411 Old Crow Canyon Rd., #4, San  
Ramon, CA 94583

HHRA962

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#697

February 10, 1997  
StID # 3953

Mr. Nick Mehta  
R. W. Thayer Food Products  
962 87th Ave.  
Oakland CA 94621

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

**Re: Quarterly Groundwater Monitoring Report at R. W. Thayer Food Products, 962 87th Ave., Oakland CA 94621**

Dear Mr. Mehta:

Our office has received and reviewed the February 3, 1997 Quarterly Groundwater Monitoring Report prepared by Aqua Science Engineers Inc., (ASE). This report details the second monitoring event for the above site. Significant reduction in groundwater contamination was observed in monitoring wells MW-1 and MW-3. Our office concurs with ASE's recommendation to continue quarterly groundwater monitoring for two additional sampling periods. Should the groundwater concentrations remain constant or continue to decline, a Risk-Based Corrective Action (RBCA) assessment should be performed to determine if any risk to human health exists. At that time, the assessment should include all potential exposure pathways.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: B. Chan, files

Mr. D. Allen, ASE Inc., 2411 Old Crow Canyon Rd., #4, San Ramon, CA 94583

2qmr962

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#697

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

FAX (510) 337-9335

October 28, 1996

StID # 3953

Mr. Nick Mehta  
R. W. Thayer Food Products  
962 87th Ave.  
Oakland CA 94621

**Re: Soil and Groundwater Assessment at R. W. Thayer Food  
Products, 962 87th Ave., Oakland CA 94621**

Dear Mr. Mehta:

Our office has received and reviewed the October 14, 1996 Soil and Groundwater Assessment report for the above referenced site as prepared by Aqua Science Engineers Inc., (ASE). This report details the installation of three (3) groundwater monitoring wells and the sampling of both soil and groundwater.

Our office agrees with the recommendation of ASE, ie groundwater monitoring should continue on a quarterly basis. Please continue to analyze your water samples for Total Petroleum Hydrocarbons as gas (TPHg), BTEX (benzene, toluene, ethyl benzene and xylenes) and MTBE (methyl tert-butyl ether). Should continuing results show a trend of stabilizing or decreasing concentrations over the next three sampling events, our office will review the case for closure.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: B. Chan, files

Mr. R. Kitay, ASE Inc., 2411 Old Crow Canyon Rd., #4, San  
Ramon, CA 94583

qmr962

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



20697

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

September 19, 1996  
StID # 3953

R. W. Thayer Food Products, Inc.  
Mr. Nick Mehta  
962 87th Ave.  
Oakland CA 94621

**Re: Work Plan for Well Installation for Thayer Food Products, 962  
87th Ave. Oakland, CA 94621**

Dear Mr. Mehta:

Our office has received and reviewed the September 13, 1996 Work Plan for Soil and Groundwater Assessment for the above site as prepared by Aqua Science Engineers, ASE. This report proposes to install three (3) monitoring wells within three borings at this site. A minimum of one soil boring will be analyzed per boring and the wells will be sampled as part of the subsurface investigation. Please be aware that quarterly groundwater monitoring should be initiated after the installation of these wells. With the condition that the wells be surveyed to mean sea level (msl), the work plan is accepted and should be implemented as soon as possible. Please notify our office prior to the actual field work.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: Mr. R. Kitay, ASE Inc., 2411 Old Crow Canyon Road, Suite 4,  
San Ramon, CA 94583

B. Chan, files

wpap962

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

20697

July 5, 1996  
StID # 3953

ENVIRONMENTAL HEALTH SERVICES  
ENVIRONMENTAL PROTECTION  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510) 567-6700

R. W. Thayer Food Products, Inc.  
Mr. Nick Mehta  
962 87th Ave.  
Oakland CA 94621

**Re: Workplan for Soil and Groundwater Assessment at R.W. Thayer  
Food Products, 962 87th Ave. Oakland, CA 94621**

Dear Mr. Mehta:

Our office has received and reviewed the June 27, 1996 workplan referenced above as prepared by Aqua Science Engineers, ASE. This workplan calls for the installation of five temporary borings within and around the former gasoline tank at the above site. Both soil and groundwater samples will be taken from each boring. These samples will be analyzed for Total Petroleum Hydrocarbons as gasoline, BTEX and MTBE. This workplan is acceptable with the condition that at least one boring outside the tankpit be logged continuously in order to determine the subsurface geology. This may be done using an acetate liner within a Geoprobe boring.

Please contact me at least 48 working hours prior to your field work so I may arrange to be onsite if possible.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: Mr. R. Kitay, ASE Inc., 2411 Old Crow Canyon Road, Suite 4,  
San Ramon, CA 94583  
G. Coleman, files

wpap962

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#697

Alameda County CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700 FAX(510)337-9335

May 17, 1996  
StID # 3953

R. W. Thayer Food Products, Inc.  
Mr. Nick Mehta  
962 87th Ave.  
Oakland CA 94621

**Re: Request for Work Plan Extension for 962 87th Ave.,  
Oakland, CA 94621**

Dear Mr. Mehta:

Our office has received your May 15, 1996 request for a 90 day extension for the provision of a work plan for subsurface investigation. During our conversation today, I informed you of the County's enforcement policy and the "built-in" extension. You informed me that your extension request was due to the need to obtain the three bids required by the State Cleanup Fund. Realistically, this could be done sooner than 90 days. Therefore, our office will grant a thirty (30) day extension for the submittal of your subsurface investigation work plan. **Please submit your work plan by July 5, 1996.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

c: Mr. D. Allen, ASE Inc., 2411 Old Crow Canyon Road, Suite 4,  
San Ramon, CA 94583  
G. Coleman, files

ext962

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Ro#697

RAFAT A. SHAHID, DIRECTOR

April 22, 1996  
StID # 3953

DEPARTMENT OF ENVIRONMENTAL HEALTH  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577  
(510)567-6700

R. W. Thayer Food Products, Inc.  
Mr. Nick Mehta  
962 87th Ave.  
Oakland CA 94621

**Re: Request for Subsurface Investigation for 962 87th Ave.,  
Oakland, CA 94621**

Dear Mr. Mehta:

Our office has received and reviewed the April 5, 1996 underground tank removal report as prepared by Aqua Science Engineers Inc. This report documents the removal of the 1000 gallon gasoline tank at this site on February 9, 1996. Based on analytical results of the tank removal, an additional soil and groundwater investigation is requested. This request is consistent with the recommendations of the Regional Water Quality Control Board (RWQCB) on their requirements for a "low risk soil and groundwater case". Specifically an additional investigation is required due to:

1. Shallow groundwater is anticipated for this site. Sites near this one have detected groundwater from approximately 10-15' below ground surface (bgs) and therefore a high potential for groundwater contamination exists.
2. This site has not been adequately defined. Analytical results from the tank removal and the 1994 borings investigation indicate that soil contamination has not yet been defined.
3. The evaluation of residual benzene contamination in the 1984 soil borings exceed the Risk-Based Screening Levels (RBSL) provided in the ASTM Risk-Based Corrective Action (RBCA) Guide to address petroleum fuel release sites.

Our office recommends the use of rapid site assessment tools (Hydropunch, Geoprobe, CPT etc.) to define the extent and magnitude of the soil and groundwater petroleum contamination prior to installation of permanent monitoring well(s).

In addition, please complete the enclosed Underground Storage Tank Unauthorized Release (Leak) report (ULR). Please submit this completed form to our office **within 10 days of receipt.**

Please submit your work plan for additional subsurface investigation **within 45 days or by June 4, 1996.**

Mr. N. Metha  
R.W. Thayer Food Products, Inc.  
962 87th Ave.  
April 22, 1996  
Page 2.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

enclosure

c: Mr. D. Allen, ASE Inc., 2411 Old Crow Canyon Road, Suite 4,  
San Ramon, CA 94583  
G. Coleman, files

ssi962

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, DEPARTMENT OF  
ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION DIVISION

IN RE THE PROPERTY KNOWN AS :

962 87th Avenue  
Oakland, CA 94621

) PROOF OF SERVICE BY MAIL  
) OF DIRECTIVE  
) TO COMPLY  
)

I KEVIN TINSLEY, do hereby certify

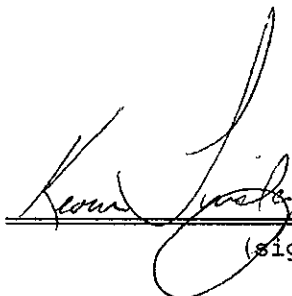
that I served R.W. THAYER, PRESIDENT

with a copy of the attached Directive to Comply on

NOVEMBER 29, 1995 by certified

mailer # Z 196 176 928.

Dated: 11-29-95



(signature)

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

In re the Property Known As:	)	
	)	Directive to Comply
962 87th Avenue	)	
Oakland, CA 94621	)	
_____	)	

R.W. Thayer, as an individual  
962 87th Avenue  
Oakland, CA 94621

R.W. Thayer, President  
dba R. W. Thayer Food Products  
962 87th Avenue  
Oakland, CA 94621

A Pre-Enforcement Review Panel was held at the Alameda County Department of Environmental Health Offices on November 22, 1995. At the Pre-Enforcement Review Panel it was determined that you are the owner of the tanks on the property. As the owner of the tanks, the Pre-Enforcement Review Panel has found you to be responsible for the violations at the property in question. Pursuant to Health and Safety Code (HSC) Chapters 6.7, sections 25284, 25292.1, 25293, 25298 and California Code of Regulations Title 23, you are required to either permit the underground storage tanks or remove them. You are hereby directed to take one of the following actions:

1. Apply for the permit to operate and maintain the tank as required by section 2710 of Title 23. The following documents are required in your application:
  - a. State Permit Application forms A and B
  - b. Certification of financial responsibility
  - c. A monitoring program plan and a spill response plan
  - d. Proof of integrity test of tanks and pipes
2. Submit a completed application for underground tank closure as required by section 2670 of Title 23. You are required to contract with a licensed contractor for the closures of the underground storage tanks. The application and workplan must be reviewed and accepted by this office before closure is commenced.

**You are hereby directed to take one of the above actions within 30 days of the date of this directive. Based upon your representations and other evidence available to the Panel, it is determined that permitting the tanks (option #1), while not precluded by the law, does not**

**conform to your current use of the tanks and would require your commitment to continuous monitoring and reporting until such time that you remove these tanks. Therefore the Panel has determined that option #2 is in your and the public's best interest.**

Please be advised that this directive is being issued pursuant to California Health and Safety Code Chapter 6.7 and that failure to comply is punishable by civil penalties of up to **\$5,000 per day per tank per violation** as provided in HSC Section 25299.

Please contact me at (510) 567-6000 should you have any questions.

Dated: November 29, 1995

Alameda County Health Officer  
for The Pre-Enforcement Review Panel

By Kevin Tinsley  
Kevin Tinsley  
Hazardous Materials Specialist  
Alameda County Department of  
Environmental Health

cc: Gil Jensen, Senior Deputy District Attorney, Alameda County District Attorney's Office

Britt Johnson, Senior Hazardous Materials Inspector, City of Oakland Fire Department

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, DEPARTMENT OF  
ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION DIVISION

IN RE THE PROPERTY KNOWN AS :

962 87th Avenue  
Oakland, CA 94621

) PROOF OF SERVICE BY MAIL  
) OF DIRECTIVE  
) TO COMPLY  
)

I KEVIN TINSLEY, do hereby certify

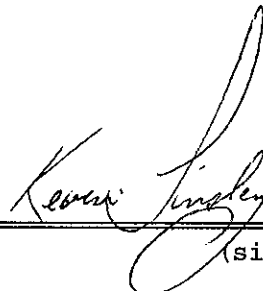
that I served R.W.THAYER, as an individual

with a copy of the attached Directive to Comply on

NOVEMBER 29, 1995 by certified

mailer # Z 196 176 927.

Dated: 11-29-95

  
(signature)

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

In re the Property Known As:	)	
	)	
962 87th Avenue	)	Directive to Comply
Oakland, CA 94621	)	
_____	)	

R.W. Thayer, as an individual  
962 87th Avenue  
Oakland, CA 94621

R.W. Thayer, President  
dba R. W. Thayer Food Products  
962 87th Avenue  
Oakland, CA 94621

A Pre-Enforcement Review Panel was held at the Alameda County Department of Environmental Health Offices on November 22, 1995. At the Pre-Enforcement Review Panel it was determined that you are the owner of the tanks on the property. As the owner of the tanks, the Pre-Enforcement Review Panel has found you to be responsible for the violations at the property in question. Pursuant to Health and Safety Code (HSC) Chapters 6.7, sections 25284, 25292.1, 25293, 25298 and California Code of Regulations Title 23, you are required to either permit the underground storage tanks or remove them. You are hereby directed to take one of the following actions:

1. Apply for the permit to operate and maintain the tank as required by section 2710 of Title 23. The following documents are required in your application:
  - a. State Permit Application forms A and B
  - b. Certification of financial responsibility
  - c. A monitoring program plan and a spill response plan
  - d. Proof of integrity test of tanks and pipes
2. Submit a completed application for underground tank closure as required by section 2670 of Title 23. You are required to contract with a licensed contractor for the closures of the underground storage tanks. The application and workplan must be reviewed and accepted by this office before closure is commenced.

**You are hereby directed to take one of the above actions within 30 days of the date of this directive. Based upon your representations and other evidence available to the Panel, it is determined that permitting the tanks (option #1), while not precluded by the law, does not**



**conform to your current use of the tanks and would require your commitment to continuous monitoring and reporting until such time that you remove these tanks. Therefore the Panel has determined that option #2 is in your and the public's best interest.**

Please be advised that this directive is being issued pursuant to California Health and Safety Code Chapter 6.7 and that failure to comply is punishable by civil penalties of up to **\$5,000 per day per tank per violation** as provided in HSC Section 25299.

Please contact me at (510) 567-6000 should you have any questions.

Dated: November 29, 1995

Alameda County Health Officer  
for The Pre-Enforcement Review Panel

By Kevin Tinsley  
Kevin Tinsley  
Hazardous Materials Specialist  
Alameda County Department of  
Environmental Health

cc: Gil Jensen, Senior Deputy District Attorney, Alameda County District Attorney's Office

Britt Johnson, Senior Hazardous Materials Inspector, City of Oakland Fire Department

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, DEPARTMENT OF  
ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION DIVISION

R0697

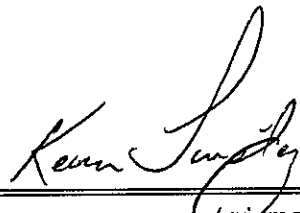
IN RE THE PROPERTY KNOWN AS :

962 87th Avenue  
Oakland, CA 94621  
\_\_\_\_\_

) PROOF OF SERVICE BY MAIL  
) OF NOTICE  
) PRE-ENFORCEMENT  
) REVIEW PANEL

I KEVIN TINSLEY, do hereby certify  
that I served R.W. THAYER, President  
with a copy of the attached Notice of Pre-Enforcement Review  
Panel on NOVEMBER 06, 1995 by certified  
mailer # Z 296 048 383.

Dated: Nov. 06, 1995

  
(signature)

THE ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY, DEPARTMENT OF ENVIRONMENTAL HEALTH,  
ENVIRONMENTAL PROTECTION DIVISION

**IN RE THE PROPERTY KNOWN AS :**

962 87TH AVENUE  
OAKLAND, CA 94621

NOTICE  
OF PRE-  
REFERRAL AND  
PRE-ENFORCEMENT  
REVIEW PANEL

Notice is hereby given that upon the motion of the County of Alameda, Health Care Services Agency Department of Environmental Health, a REVIEW PANEL will convene on November 22, 1995 at 4:00pm in the offices of the Alameda County Environmental Protection Division located at 1131 Harbor Bay Parkway, Alameda, CA 94502.

This REVIEW PANEL will convene for the purpose of determining legally responsible parties, and whether the following actions should be taken and/or findings should be made:

1. a determination whether as a result of the alleged violations and /or conditions of non compliance with the permitting, and/or monitoring, and/or all other provisions of Chapters 6.7 of the California Health and Safety Code (**The Underground Storage of Hazardous Substances Law**) found to exists at the above named location, there is cause to believe that said responsible parties have or may discharge wastes which have or could affect the quality of waters of the State of California, so that there is good cause to issue a **Legal Request for Technical Information pursuant to the California Water Code section 13267 (b)** by the San Francisco Bay Regional Water Quality Control Board.

2. a finding of the extent of harm resulting from said violation(s), the nature and persistence of the violation, the length of time of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the responsible party, in order to recommend to the administrating agency the appropriate civil penalty of up to \$5,000 per day per violation which may be assessed pursuant to California Health and Safety Code section 25299 (a) (b) (c) (d).

3. a finding of the responsibility for the alleged violation of Health and Safety Code Sections 25299.31 and/or Section 25299.37 and other provisions of Chapter 6.75 of the California Health and Safety Code, (The Barry Keene

Underground Storage Tank Cleanup Fund Act of 1989) in that said responsible parties failed to submit and/or maintain evidence of financial responsibility for taking corrective action and/or failed to undertake required corrective action, and a finding whether there is good cause to issue a **Legal Request for Information** pursuant to Health and Safety Code Section 25299.78.

4. a finding of the extent of harm resulting from said violation(s), the nature and persistence of the violation, the length of time of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the responsible party, in order to recommend to the administering agency the appropriate civil penalty of up to \$10,000 per day per storage tank which may be assessed pursuant to California Health and Safety Code section 25299.76.

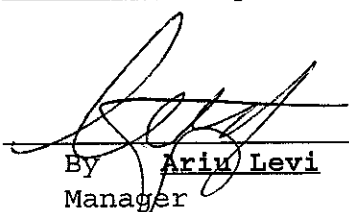
The County of Alameda, Health Care Services Agency Department of Environmental Health have named and served notice of this **REVIEW PANEL** on the following persons and/or entities as having proposed responsibility for current ownership and/or operation, proposed future ownership and/or operation, contemporaneous ownership and/or operation, of said property and/or business, 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, PARTIES IN INTEREST AND PROPERTIES NAMED HEREIN FROM SAID RESPONSIBILITY OR OBLIGATIONS:

R.W. Thayer, as an individual  
962 87th Avenue  
Oakland, CA 94621

R.W. Thayer, President  
dba R.W. Thayer Food Products  
962 87th Avenue  
Oakland, CA 94621

Dated: November 3, 1995

S/Alameda County Health Officer

  
By Ariu Levi  
Manager

Department of Environmental  
Protection

ENVIRONMENTAL  
OF PROTECTION  
ON  
5 NOV


95 NOV -2 AM 9:13

962 87th Avenue  
Oakland, CA 94621

PROOF OF SERVICE BY MAIL  
OF NOTICE  
PRE-ENFORCEMENT  
REVIEW PANEL

I KEVIN TINSLEY, do hereby certify  
that I served R.W. THAYER, as an individual  
with a copy of the attached Notice of Pre-Enforcement Review  
Panel on NOVEMBER 06, 1995 by certified  
mailer # Z 296 048 382.

Dated: Nov. 06, 1995

  
(signature)

Underground Storage Tank Cleanup Fund Act of 1989) in that said responsible parties failed to submit and/or maintain evidence of financial responsibility for taking corrective action and/or failed to undertake required corrective action, and a finding whether there is good cause to issue a **Legal Request for Information** pursuant to Health and Safety Code Section 25299.78.

4. a finding of the extent of harm resulting from said violation(s), the nature and persistence of the violation, the length of time of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the responsible party, in order to recommend to the administering agency the appropriate civil penalty of up to \$10,000 per day per storage tank which may be assessed pursuant to California Health and Safety Code section 25299.76.

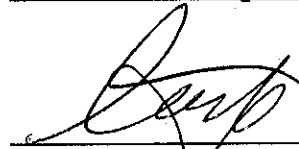
The County of Alameda, Health Care Services Agency Department of Environmental Health have named and served notice of this **REVIEW PANEL** on the following persons and/or entities as having proposed responsibility for current ownership and/or operation, proposed future ownership and/or operation, contemporaneous ownership and/or operation, of said property and/or business, 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, PARTIES IN INTEREST AND PROPERTIES NAMED HEREIN FROM SAID RESPONSIBILITY OR OBLIGATIONS:

R.W. Thayer, as an individual,  
962 87th Avenue  
Oakland, CA 94621

R.W. Thayer, President  
dba R.W. Thayer Food Products  
962 87th Avenue  
Oakland, CA 94621

Dated: November 3, 1995

S/Alameda County Health Officer

  
By Ariu Levi  
Manager  
Department of Environmental  
Protection



ALAMEDA COUNTY  
HEALTH CARE SERVICES

DATE: 12/28/1993

December 28, 1993

CERTIFIED MAILER #: P 422 218 207

R.W. Thayer Food Products, Inc  
962 - 87th Ave.  
Oakland, 94621  
UGTID:3953

R0697

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

**Re: FIVE-YEAR PERMITS FOR OPERATION OF UNDERGROUND STORAGE TANK(S)**  
**962 - 87th Ave. Oakland, 94621**

Dear Owner/Operator:

According to our records your facility referenced above has not received a five-year permit to operate UST's. In order to obtain a permit you must complete the following items marked below and return them within 30 DAYS. The necessary forms are enclosed. You may complete a "Consolidated Underground Tank Management Plan" which will assist you in preparing a monitoring plan, site plot plan and spill response plan for your tank(s). If supplemental information or forms are required, please submit it to this office with the completed questionnaire and application forms:

- \_\_\_ 1. An accurate and complete plot plan.
- \_\_\_ 2. A written spill response plan. (enclosed)
- \_\_\_ 3. A written tank monitoring plan. (enclosed)
- \_\_\_ 4. Results of precision tank test(s), (initial and annual).
- \_\_\_ 5. Results of precision pipeline leak detector tests (initial and annual).
- \_\_\_ 6. Complete UST PERMIT FORM A-one per facility. (enclosed)
- \_\_\_ 7. Complete UST PERMIT FORM B-one per tank. (enclosed)
- \_\_\_ 8. Complete UST PERMIT FORM C-one per tank if information is available. (enclosed)
- \_\_\_ 9. Letter stating how the tank is to be maintained during one year closure.

Be advised that Title 23 of the California Code of Regulation prohibits the operation of "ANY" UST without a permit. If our records are in error, you must contact this office immediately TO AVOID POSSIBLE ENFORCEMENT ACTION. Please feel free to contact this office at (510) 271-4320; to answer any questions which may arise in completing the mandatory five-year permit process. Be prepared to provide your zip code to speak with the Hazmat Specialist handling your case.

Sincerely,

*Paul M. Smith*

PAUL SMITH  
HazMat Specialist

c: Edgar Howell, Chief, Hazardous Materials Div. (files)

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0697

Certified Mail # P 062 127 964

February 13, 1991

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

Mr. R. W. Thayer  
962-87th Ave.  
Oakland, CA 94621

Re: 962 87th Ave., Oakland Ca 94621, dba Thayer Egg Co.

**SECOND NOTICE OF VIOLATION**

Dear Mr. Thayer:

You were first informed of your legal obligation regarding the underground tank at the above referenced site on the December 26, 1990 Notice of Violation. In this letter you were told to either complete the forms A and B to register the tank or complete the underground tank removal/modification form to initiate the tank removal. You were requested to submit the appropriate forms within 30 days or notify our agency in writing within ten (10) days as to your intentions. To this date, our agency has not received any of the requested information.

Please submit the appropriate forms and contact our agency in writing within ten (10) days as to your intentions to correct this violation.

You are reminded that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

You may contact me at 271-4320 if you have any questions regarding this letter.

Sincerely,

*Barney M Chan*

Barney M. Chan  
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Edgar Howell, Chief, Hazardous Materials Division

OR

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0697

CERTIFIED P 062128113

December 26, 1990

Mr. R. W. Thayer  
962-87th Avenue  
Oakland, CA 94621

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

Re: 962 87th Ave., Oakland CA 94621 dba Thayer Egg Co.

NOTICE OF VIOLATION

Dear Mr. Thayer:

An inspection was conducted on November 19, 1990 of the above referenced business by Barney Chan, Hazardous Materials Specialist from our office. It is apparent that an underground tank exists at this facility, which is not registered and permitted by the state and our agency. Forms A and B were given to you at this time in the event you chose to register and permit the tank. You were requested to return these forms to our office within 30 days unless the tank was to be removed within this timeframe. Enclosed is a removal / modification form for the tank.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

Please notify our agency in writing within ten (10) days as to your intentions to correct this violation.

If you have any questions concerning this matter, please contact the undersigned at 271-4320.

Sincerely,

Barney M. Chan  
Hazardous Materials Specialist

enclosure

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Edgar Howell, Chief, Hazardous Materials Division

JB