

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO700

RAFAT A. SHAHID, Assistant Agency Director

STID 5011

September 6, 1994

Ms. Marcie Gudebski  
701 Crocker Road  
Sacramento, CA 95864

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

RE: BERGEN TIRE SALES, 700 PERALTA AVENUE, SAN LEANDRO

Dear Ms. Gudebski:

This letter follows our telephone conversation today during which we briefly discussed the case history for the referenced San Leandro site. I understand that you are one of the trustees and executor for the estate of the late Marilyn Bergen Lott, the owner of record for this site.

Below please find a summary of salient data and events as I can best describe them gleaned from the in-house case file for this site. I have additionally attached copies of three recent letters describing, among others, the requirement to perform an assessment of the site, per our conversation today.

- o 4/25/90 Two (2) underground storage tanks (UST) removed. Holes reportedly observed in the smaller (1000 gallon?) of two tanks. Four soil samples collected, two from below each tank; one sample collected from below former dispenser island. One sample, collected below one end of small UST (designated sample #3), exhibited 1600 parts per million (ppm) of total petroleum hydrocarbons characterized as gasoline (TPH-G).
- o 5/22/90 ACDEH inspector B. Faulhaber contacted by Walker's Hydraulic, indicating plans to excavate soil from the area of the UST pit from which sample #3 was collected, and allow resulting soil pile to aerate in order to evaporate fuel compounds from soil. Walker informs Faulhaber that such action (aeration) has been cleared through the Bay Area Air Quality Management District (BAAMQB). Faulhaber agreed to this action.
- o 5/22/90 State Water Resources Control Board (SWRCB) *Underground Storage Tank Unauthorized Release (Leak) / Contamination Site Report* issued by Walker's Hydraulic to the SWRCB and local agencies.

Ms. Gudebski  
RE: 700 Peralta, San Leandro  
September 6, 1994  
Page 2 of 3

- o 5/31/90 Walker's Hydraulic letter informing of intent to overexcavate area of sample #3 to a depth of 14 feet below grade. A soil sample will be collected. Walker indicates that "... [i]f further petroleum products are found [they] will drill to water, or 40 feet, taking samples at 25, 30 and 40 feet. [They] will install a 2" monitor well and close the hole using excavated material." [Note: The well installation work apparently never performed.]
- o 6/5/90 Following vertical overexcavation in the area of sample #3 in order to remove contaminated soil, a soil sample was collected at an approximate depth of 18 feet below grade. This sample (designated sample #3 18') upon laboratory analysis exhibited 89 ppm TPH-G.
- o 6/27/90 Walker's Hydraulic cover letter to 6/25/90 soil analysis data indicating intent to aerate soil, desire to close excavation, and notification of BAAQMD of this activity.
- o 1/17/91 Walker's Hydraulic cover letter to laboratory report presenting result of post aeration stockpile soil sample analysis. Samples were reportedly collected 12/26/90. Report indicates the presence of no detectable target compounds in this stockpiled soil. Walker states "[T]his concludes this project and the site is closed." [Note: Site closure never granted by ACDEH.]
- o 4/27/94 Notice to Marilyn B. Lott that this site was now part of the SWRCB Local Oversight Program (LOP) and that she would be invoiced for a percentage of direct costs associated with the local agency oversight of this case.
- o 5/3/94 ACDEH request for a preliminary site assessment (PSA) work plan as a result of the confirmed release of fuel from the UST system at this site. Work plan due within 90 days.
- o 8/9/94 Pre-enforcement letter reminding of requirement for PSA work plan. Requests written response within 15 days.

Ms. Gudebski  
RE: 700 Peralta, San Leandro  
September 6, 1994  
Page 3 of 3

An additional, undated file entry (apparently penned by Mr. Faulhaber) indicates, among other topics evaluated, that a subsurface investigation is required, including the installation of a ground water well and monitoring schedule.

Please note that this site lies within the jurisdiction of the city of San Leandro (the City). The City is the local agency with the authority to issue UST operating permits and to oversee their removals. When a release is discovered during routine UST removals, at the discretion of the the City, cases are referred to ACDEH for further oversight. Such occurred with this site.

More detailed information regarding the actual operation and removal of these tanks may be available by contacting Mr. Michael Bakaldin with the San Leandro Fire Department. Mr. Bakaldin may be reached by calling (510) 577-3331.

In approximately 2 -3 weeks I will contact you to discuss how we may resolve the outstanding issues with respect to the required assessment of this site. In the meanwhile, please feel free to contact me at 510/567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM  
Senior Hazardous Materials Specialist

attachments

cc: Rafat A. Shahid, Assistant Agency Director  
Gil Jensen, Alameda County District Attorney's Office  
Mike Bakaldin, San Leandro Fire Department  
Rob Weston, ACDEH  
Dean Chapman, Ashley, Chapman & DeVoe  
1349 "A" Street, Hayward, CA 94541

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



R0700

RAFAT A. SHAHID, Assistant Agency Director

STID 5011

August 9, 1994

Ms. Marilyn B. Lott  
Bergen Tire Sales  
P.O. Box 775  
San Leandro, CA 94577

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

RE: BERGEN TIRE SALES, 700 PERALTA AVENUE, SAN LEANDRO

Dear Ms. Bergen:

Your attention is directed to the May 3, 1994 correspondence from this office in which was requested the submittal of a preliminary site assessment (PSA) work plan, pursuant to provisions of Article 11 of Title 23, California Code of Regulations (CCR). A copy of this letter is attached for your reference.

Please note that the requested PSA work plan was to be submitted to this office within 90 days. This work plan, therefore, should have been submitted no later than August 2, 1994. To date, no such work plan has been received. You are currently in violation of this request and, hence, in violation of Section 2722(c) of 23CCR, among other possible provisions.

Please be advised that Section 25299(b) of the California Health and Safety Code allows, upon conviction, for significant civil penalties for such violations of 23CCR. Additionally, such noncompliance will significantly impact your eligibility for reimbursement through the State Water Resources Control Board (SWRCB) underground storage tank fund for monies spent on this project.

Please contact this office **in writing**, within 15 days of the date of this letter, to advise us of your intent to comply with our request for a PSA work plan, as outlined in the attached correspondence.

Should you have any questions, you may reach me by calling 510/567-6700.

Sincerely,



Scott O. Seery, CHMM  
Senior Hazardous Materials Specialist

Ms. Marilyn B. Lott  
RE: 700 Peralta Avenue  
August 9, 1994  
Page 2 of 2

attachment

cc: Rafat A. Shahid, Assistant Agency Director  
Gil Jensen, Alameda County District Attorney's Office  
Kevin Graves, RWQCB  
Donna Turcotte, SWRCB  
Mike Bakaldin, San Leandro Fire Department

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director  
STID 5011

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0700

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

May 3, 1994

Ms. Marilyn B. Lott  
Bergen Tire Sales  
P.O. Box 775  
San Leandro, CA 94577

RE: BERGEN TIRE SALES, 700 PERALTA AVENUE, SAN LEANDRO -  
REQUEST FOR PRELIMINARY SITE ASSESSMENT

Dear Ms. Lott:

The Department has completed review of the case file for this site. Our review included, among other pertinent documents, the May 11, 1990 Trace Analysis Laboratory, Inc. (TAL) analyses report for soil samples collected April 25, 1990 during closure of two (2) underground storage tank (UST) at the referenced site. This 1990 UST closure was performed under oversight of the San Leandro Fire Department (SLFD).

The results of cited TAL laboratory report, as well as other facts, indicate that a release of petroleum hydrocarbons has occurred at this site. Fuel hydrocarbons, specifically, total petroleum hydrocarbons as gasoline (TPH-G), were detected at a concentration of 1600 parts per million (ppm) in soil sample No. 3, collected from below one end of the 1,000 gallon tank. Further, this tank was noted to have several throughgoing holes. We understand that some additional excavation of the UST pit, to a reported depth of 18 feet below grade, transpired with some success in reducing contaminant concentrations from 1600 to 89 ppm TPH-G. Nevertheless, as a result of this confirmed release, an Underground Storage Tank Unauthorized Release Report was issued by the SLFD on May 22, 1990.

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. The 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.

Ms. Marilyn B. Lott  
RE: 700 Peralta Avenue, San Leandro  
May 3, 1994  
Page 2 of 3

**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 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 90 days of the date of this letter.** 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.

Ms. Marilyn B. Lott  
RE: 700 Peralta Avenue, San Leandro  
May 3, 1994  
Page 3 of 3

- 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 for enforcement action.

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  
Mike Bakaldin, San Leandro Fire District  
Robert Weston, ACDEH