## ALAMEDA COUNTY HEALTH CARE SERVICES





DAVID J. KEARS, Agency Director

May 11, 2004

Mr. Kelly Engineer All Star Inc. 1791 Pine St. Concord, CA 94620 **ENVIRONMENTAL HEALTH SERVICES** 

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

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0002541, 1220 W. Tennyson Road, Hayward, CA 94544

Alameda County Environmental Health (ACEH) has reviewed the case file for the subject site including the April 26, 2004 Limited Subsurface Investigation Report and the March 2004 Groundwater Monitoring Report prepared by ACC Environmental Consultants. These reports summarize the soil and groundwater results of the subsurface investigation performed at the site on October 6, 2003 and the first quarter monitoring results performed on March 22, 2004. Additional work will be required to progress your site towards closure. We request that you address the following technical comments when performing the requested work and submit the technical reports requested below.

#### TECHNICAL COMMENTS

#### TECHNICAL REPORT SUBMISSION

1. The Limited Subsurface Investigation Report was granted a three-week extension for submittal and was due on September 29, 2003. Therefore, this report was submitted over six months past its deadline. You are requested to submit all reports according to their respective due dates.

#### SENSITIVE RECEPTOR SURVEY

2. The location(s) of off-site wells has been an on-going question. ACEH understands that interviews have been made with residents and one well is believed to have been destroyed. Our office requests a formal sensitive receptor report be submitted. A survey of neighboring properties within a ¼ mile down-gradient radius of this site should be performed to confirm the absence of irrigation/domestic wells and subsurface basements. Please note the method of decommissioning all wells. If basements exist, note the presence or absence of a cement foundation. Minimally, the residences on Pompano Ave., Mantilla Ave., Havana Ave., Pensacola Ave. and Cortez St. should be surveyed. The location of the one well referenced above and any others should be noted on the final sensitive receptor report. The report should be submitted as requested below.

### BORING LOGS AND CROSS-SECTIONS

3. Nine borings were drilled in the October 2003 investigation, however, the report only provides the boring logs for borings SB1, SB2 and SB6. Please provide the logs for the other borings. In addition, we request that cross-sectional diagrams be submitted in north-south and east-west directions for the site.

Mr. Engineer RO0002541, 1220 W. Tennyson Rd., Hayward 94544 May 11, 2004 Page 2 of 3

#### ISOCONCENTRATION CONTOURS

4. Please provide iso-concentration plots for TPHg, BTEX and MTBE in soil for the site. These figures should be used to support your conclusions made regarding the extent of delineation of petroleum contamination.

#### ETHER OXYGENATES AND LEAD SCAVENGER ANALYSIS

5. It is noted that the other ether oxygenates, TBA, DIPE, ETBE and TAME have only been analyzed for once at this site, during the 4/01 monitoring of MW-3. TBA was reported at 1500 ppb while MTBE was reported at 760 ppb. Significant MTBE has been detected in wells and grab groundwater samples subsequent to this. Therefore, future monitoring well and grab groundwater samples should be analyzed for these other ether oxygenates. In addition, the lead scavengers EDB and EDC should also be tested at least once in the highest impacted well.

#### **OBSERVATION WELLS**

6. It was further noticed that an observation well, OB-2 was also sampled during the 4/01 event. During the 2/24/03 monitoring event, an observation well was sampled by accident instead of MW-2. Please indicate on a figure the location(s) of all observation wells and note which ones were sampled. Up to 100,000 ppb MTBE was reported in these wells in 4/01. Please determine whether these wells can still be sampled, whether they still represent a source of contamination and whether they can be used for remediation.

#### ADDITIONAL ON AND OFF-SITE INVESTIGATION

7. Our office does not concur with the conclusions in April 26, 2004 Limited Subsurface Investigation Report. The limited soil and groundwater data does not suggest that the vertical extent of contamination in soil has been defined (see B-3-12.0). Prior investigations have been limited in their vertical delineation. In addition, the extent of contamination in groundwater has not been defined. Elevated TPH grab groundwater samples from SB6, SB7 and elevated MTBE in SB9 indicate the plume has migrated offsite. This plume cannot be characterized by only one groundwater result, ie that from boring SB8. Without additional groundwater sampling, you cannot assume that TPHg, BTEX and MTBE concentrations have attenuated down-gradient of the site. Our office concurs that additional investigation and remedial action should be performed. However, the installation of one additional well is not sufficient to complete site characterization. A minimum of one additional onsite well and multiple off-site wells and borings should be considered. In addition, a feasibility study should be performed prior to recommending ORC injections as the best remedial action.

Mr. Engineer RO0002541, 1220 W. Tennyson Rd., Hayward 94544 May 11, 2004 Page 3 of 3

### TECHNICAL REPORT REQUEST

- June 14, 2004-Boring logs, cross-sectional diagrams, soil iso-concentration contours
- June 30, 2004- Second quarter 2004 monitoring report include ether oxygenates and lead scavenger analysis, information regarding observation wells, work plan for additional on and off-site investigation and feasibility study.
- September 30, 2004- Third quarter 2004 monitoring report and Sensitive Receptor survey
- December 30, 2004- Fourth quarter 2004 monitoring report

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

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

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C.B. Chan, D. Drogos

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621

Mr. H. Murphy, City of Hayward Fire Dept., 777 B St., Hayward, CA 94541

Mr. P. Rosenstein, Esq., 55 Santa Clara Ave., Suite 250, Oakland, CA 94610

Ms. S. Torrence, Alameda County District Attorney Office, 7677 Oakport, Suite 400, Oakland 94621

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Signature:

## ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

<b>Hazardous</b>	Materials	Inspection	<b>Form</b>

***	***************************************		Site Site	Today's (6/03
II.A	BUSINESS PLANS (Title 19)  1. Immediate Reporting 2. Bus. Plan Stds. 3. RR Cars > 30 days 4. Inventory information 5. Inventory Complete 6. Emergency Response 7. Irdining 8. Deficiency 9. Modification	2703 25503(b) 25503.7 25504(a) 2730 25504(b) 25504(c) 25505(a) 25505(b)	Site Address DD W Tenu  City tay wax Zip 94  MAX AMT stored > 500 lbs.  Inspection Categories:	Date//
II.B	ACUTELY HAZ MATLS 10. Registration Form Filed11. Form Complete12. RMPP Contents13. Implement Sch. Req'd? (Y/N14. OrfSite Conseq. Assess15. Probable Risk Assessment16. Persons Responsible17. Certification18. Exemption Request? (Y/N)	25533(a) 25533(b) 25534(c) ) 25524(c) 25534(d) 25534(d) 25534(f) 25534(f) 25536(b) 25538	II. Haz. Mat/Waste GENERATO II. Business Plans, Acute Haza III. Underground Tanks	I A UST GA TUM  Ne Health & Safety Code (HS&C)
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Signature:

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# ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

### **Hazardous Materials Inspection Form**

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

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## ALAMEDA COUNTY HEALTH CARE SERVICES

AGENCY





**ENVIRONMENTAL HEALTH SERVICES** 

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

August 18, 2003

Mr. Kelly Engineer All Star Inc. 1791 Pine St. Concord, CA 94620

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0002541, 1220 W. Tennyson Road, Hayward, CA 94544

Alameda County Environmental Health, Local Oversight Program (LOP) staff has received the August 11, 2003 Request for Time Extension-Subsurface Investigation submitted on your behalf by ACC Environmental Consultants (ACC). This letter approves the requested three (3) week extension for the submittal of a subsurface investigation report for the subject site. Your due date is now September 29, 2003.

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

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

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C. B. Chan, D. Drogos

Mr. E. Giacometti, ACC Environmental Consultants, 7977 Capwell Dr., Suite 100, Oakland, CA 94621

Mr. P. Rosenstein, Esq., 55 Santa Clara Ave., Suite 250, Oakland, CA 94610

Ms. S. Torrence, Alameda County District Attorney Office, 7677 Oakport, Suite 400, Oakland, CA 94621

Mr. H. Murphy, City of Hayward Fire Department, 777 B St., Hayward, CA 94541

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Environmental, Energy & Software Services

Northern California Office 7977 Capwell Drive, Suite 100 Oakland, CA 94821 (510) 638-8400 Fax: (510) 638-8404

RO 2541



## **Facsimile**

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## ACC provides the following services:

- Asbestos Consulting
- Lead-paint Consulting
- Indoor Air Quality Consulting
- Mold & Water Intrusion Inspections
- Health & Safety Training
- Compliance Software
- Environmental Site Assessments
- Soil & Groundwater Remediation
- Underground Storage Tank Services
- Energy Consulting

Original to follow by:
No Hard Copy to Follow
Via US Mail
Via Evener

Via Courier

August 11, 2003

Mr. Barney Chan Alameda County Health Care Services 1131 Harbor Bay Parkway, Suite 250 Alameda, CA 94502-6577

RE:

Request For Time Extension - Subsurface Investigation

1220 W. Tennyson Road, Hayward, CA

Fuel Leak Case; RO0002541

ACC Project Number: 6651-004.00

Dear Mr. Chan.

ACC Environmental Consultants, Inc., (ACC) would like to request a three-week time extension on your September 8, 2003 deadline to prepare a Subsurface Investigation Report for the subject site. ACC only received a forwarded copy of your work plan approval letter around August 1, 2003. Keeping in mind the time it will take to complete the permitting process, schedule a driller, submit samples and receive analytical data, verify and sample the downgradient offsite well, and finalize the report itself, ACC feels the request for a time extension is valid.

ACC is aware of the intense regulatory scrutiny this site is under and believes that this extension will allow ACC the time needed to properly characterize and document the extent of contamination in and around the subject site.

If you have any questions, please contact me at (510) 638-8400, extension 114.

Sincerely.

Edward Giacometti Staff Geologist

/ejg;trb

**Enclosures** 

cc: Mr. Kelly Engineer, All Star Inc., 1791 Pine Street, Concord, CA 94620 Mr. Paul Rosenstien, Esq., 55 Santa Clara Avenue, Suite 250, Oakland, CA 94610

AGENCY

DAVID J. KEARS, Agency Director



July 21, 2003

Mr. Kelly Engineer All Star Inc. 1791 Pine St. Concord, CA 94620 **ENVIRONMENTAL HEALTH SERVICES** 

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

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0062541, 1220 W. Tennyson Rd., Hayward, CA 94544

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the July 11, 2003 Revised Work Plan – Limited Subsurface Investigation for the referenced site prepared by ACC Environmental Consultants. This work plan responds to technical comments included in my June 11, 2003 which comments on our office's evaluation of the original May 28, 2003 ACC work plan. The revised work plan is approved with the following technical comments and conditions.

#### **Technical Comments**

- Please note that all soil and groundwater samples should be analyzed for the constituents TPHg, BTEX, MTBE, ether oxygenates and lead scavengers by EPA 8260.
- Our office requests that two additional borings be advanced to determine potential impact to the neighboring residential properties. One boring should be approximately 40 feet north of proposed boring B10 and the other approximately 50 feet west of proposed boring B4. In addition, the location of proposed boring B1 should be moved approximately 30 feet to the west. To limit the number samples analyzed, you may consider putting on hold (and not running) those samples that are down-gradient of samples with non-detectable (ND) concentrations of contaminants of concern. Both soil and groundwater samples should be collected from these two additional borings.

#### Technical Report Request

Based upon this work plan approval it appears that your consultant will be prepared to perform this work and submit a technical report of findings and recommendation to our office within 40 days of work plan approval. Therefore, please submit the following technical reports according to the following schedule.

- June 30, 2003- 2<sup>nd</sup> Quarter 2003 QMR
- September 8, 2003- Subsurface Investigation Report
- September 30, 2003- 3<sup>rd</sup> Quarter 2003 OMR
- December 30, 2003- 4<sup>th</sup> Quarter 2003 QMR

Mr. Kelly Engineer RO0002541, 1220 W. Tennyson Rd., Hayward, CA 94544 July 21, 2003 Page 2

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

Sincerely,

Earney M. Cha\_Barney M. Chan

Hazardous Materials Specialist

C. B. Chan, D. Drogos

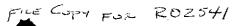
Mr. D. Dement, ACC Environmental Consultants, 7977 Capwell Drive, Suite 100, Oakland 94621

Mr. Hugh Murphy, Hayward Fire Department, 777 B Street, Hayward, CA 94541

Mr. Paul Rosenstein, Esq., 55 Santa Clara Ave., Suite 250, Oakland, CA 94610

Ms. S. Torrence, Alco District Attorney Office, 7677 Oakport St., Suite 400, Oakland, CA 94621

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ENVIRONMENTAL HEALTH SERVICES

**ENVIRONMENTAL PROTECTION** 

Alameda, CA 94502-6577

(510) 567-6700 FAX (510) 337-9335

1131 Harbor Bay Parkway, Suite 250

# ALAMEDA COUNTY HEALTH CARE SERVICES

**AGENCY** 



DAVID J. KEARS, Agency Director

June 13, 2003

Mr. Kelly Engineer All Star Inc. 1791 Pine Street Concord, CA 94620

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0000089, 3820 San Leandro St., Oakland, CA 94601

#### NOTICE OF VIOLATION

Alameda County Environmental Health, Local Oversight Program (LOP) requested in their May 8, 2003 letter, copy enclosed, that you provide specific technical reports according to a stated schedule. This notice confirms that you are delinquent in providing a written comment to the Technical Comments in the May 8, 2003 letter by the requested date, June 9, 2003. Please provide the requested technical comment letter to our office, within two weeks or no later than June 30, 2003. You are also reminded that the soil and groundwater investigation report is due by July 7, 2003, therefore, you should be making progress in obtaining the required permits for this work.

You are also notified that our office has taken over the oversight of your 1220 W. Tennyson Road, Hayward site from the City of Hayward Fire Department. Our office recently sent you a Notice of Responsibility letter informing you of this administrative action. This letter was returned to our office and marked refused by the addressee at 5:41pm on June 9, 2003. Please explain why this occurred. I have enclosed this document in this letter.

It appears that there have been significant delays in the submission of reports and performance of requested investigations. The District Attorney Office shall be informed of such delays in report submission for possible enforcement actions.

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

Sincerely,

Kawes M Cha-Barney M. Chan

Hazardous Materials Specialist

Enclosures (Mr. Engineer only)

C.B. Chan, D. Drogos

Mr. D. Dement, ACC Env. Consultants, 7977 Capwell Drive, Suite 100, Oakland, CA 94621

Ms. S. Torrence, Alameda County DA Office, 7677 Oakport St., Suite 400, Oakland, 94621

Mr. H. Gomez, City of Oakland Fire Services, 1605 MLK Jr. Dr., Oakland, CA 94612

Mr. Paul Rosenstein, Attorney at Law, 55 Santa Clara Ave., Suite 250, Oakland CA 94610

Mr. H. Murphy, Hayward Fire Dept., 777 B St., Hayward, CA 94541-500

NOVWp3820SanLeandroSt

**AGENCY** 



DAVID J. KEARS, Agency Director

**ENVIRONMENTAL HEALTH SERVICES** 

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

June 11, 2003

Mr. Kelly Engineer All Star Inc. 1791 Pine St. Concord, CA 94620

Dear Mr. Engineer:

Subject: Fuel Leak Case RO0002541, 1220 W. Tennyson Rd., Hayward, CA 94544

Please be informed that the Hayward Fire Department has transferred the oversight of your underground storage tank fuel leak case to Alameda County Environmental Health, Local Oversight Program (LOP). Our office has reviewed the case file for the subject site including the May 28, 2003 Work Plan- Limited Subsurface Investigation from ACC Environmental Consultants. We have also spoke with the Hayward Fire Department (HFD) staff. We anticipate working with the HFD and providing them current case information to help them with site operating decisions. We recommend you copy the HFD on your correspondences and keep them informed of all site activities. The ACC work plan proposes to advance numerous Geoprobe borings in the assumed down and cross-gradient directions of the site and collect soil and groundwater samples for chemical analysis. The intent of the investigation is to define the lateral extent of the groundwater contamination and obtain a cross-sectional profile of the subsurface soils to better understand the migration potential of contamination. Our office generally approves of the work plan, however, we request that you address the following technical comments in the form of a work plan addendum and submit the technical reports requested below.

#### **Technical Comments**

- 1. The extent of the groundwater plume must be defined both up- and down-gradient of the site. The presence of residences adjacent to the site requires delineation to verify the potential impact to these sensitive receptors. Please add appropriate additional borings to complete this investigation. We note that the three monitoring wells represent the minimum number of wells to determine gradient and therefore, may not totally represent the site conditions.
- 2. We concur that the ether oxygenates should be run by EPA Method 8260. The entire suite of ether oxygenates plus the lead scavengers (EDB and EDC) should be run regardless of the concentration of MTBE detected. Please note that some ether oxygenates. All future groundwater monitoring should run the ether oxygenates using EPA 8260 not EPA 8021.
- 3. Our office concurs with the recommendation to sample the known domestic well located on the residential property down-gradient of the site. Please indicate the location, address and property owner of this residence and inform our office if you need us to contact the owner. We request that you perform a sensitive receptors (wells, basements, surface water, vaults, etc.) and utilities survey. We recommend that a door-to-door survey be performed since wells may have been installed without regulatory permits.

\* The top instead of other as free expenses.

Mr. Kelly Engineer RO0002541, 1220 W. Tennyson Rd., Hayward, CA 94544 June 11, 2003 Page 2

4. We request that you sample the observation wells located within the former tank pit. These water samples should be analyzed for the same analytes as those samples from the Geoprobe borings. These wells offer information and points for potential remediation. Please include these well locations, an outline of the former UST pit and all existing and former dispenser islands on your site figures for easy reference.

Please provide our office with copies of the quarterly monitoring reports for the events of 11/25/02 and 2/24/03, missing from our files, and all future monitoring events.

6. Because of the elevated MTBE reported at this site, up to 59,000 ppb (parts per billion), you are required to perform interim remediation at the site. Please address this requirement in your work plan addendum. Please note future requirements will include performance of a human health and ecological risk assessment and a proposal for a Corrective Action Plan (CAP).

### **Technical Report Request**

Please submit the following technical report to our office according to the following schedule.

- July 11, 2003- Work plan addendum, requested QMRs and response to above items.
- June 30, 2003- 2<sup>nd</sup> Ouarter 2003 OMR
- September 30, 2003- 3<sup>rd</sup> Quarter 2003 QMR
- December 30, 2003- 4<sup>th</sup> Quarter 2003 QMR

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

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

Barnez M Cha-

C: B. Chan, D. Drogos

Mr. D. Dement, ACC Environmental Consultants, 7977 Capwell Drive, Suite 100, Oakland 94621

Mr. Hugh Murphy, Hayward Fire Department, 777 B Street, Hayward, CA 94541

Mr. Paul Rosenstein, Esq., 55 Santa Clara Ave., Suite 250, Oakland, CA 94610

Ms. S. Torrence, Alco District Attorney Office, 7677 Oakport St., Suite 400, Oakland, CA 94621

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## ALAMEDA COUNTY HEALTH CARE SERVICES

**AGENCY** 



DAVID J. KEARS, Agency Director

June 5, 2003

Mr. Kelly Engineer 1791 Pine Street Concord, CA 94520

Dear Mr. Engineer:

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

Subject: Fuel Leak Case No. RO0002541, Five Star Auto Care, 1220 W. Tennyson Rd., Hayward, CA 94544

### LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS:

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, Exxon Co., USA c/o yourself, has 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. In addition, our office is considering your request for site closure. Please also complete and submit a "notice of proposed action submitted to local agency" form. You may use sample letter 3, enclosed.

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 RO0002541, 1220 W. Tennyson Rd., Hayward, 94544 June 5, 2003 Page 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) 567-6765 should you have any questions about the content of this letter.

Sincerely,

Barney M. Chan Hazardous Materials Specialist

Attachments

cc: Betty Graham, RWOCB

	of local agency address
	ECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (Site Name ddress)
	: Fill out item 1 if there are multiple site landowners. If you are the sole site wner, skip item 1 and fill out item 2.)
1.	In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (name of primary responsible party), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:
2.	In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, ( <u>name of primary responsible party</u> ), certify that I am the sole landowner for the above site.
Since	rely,

•

Name of local agency	
Street address	
City	
SUBJECT: NOTICE OF FOR (Site Name and Add	PROPOSED ACTION SUBMITTED TO LOCAL AGENCY (ress)
In accordance with section	n 25297,15(a) of Chapter 6.7 of the Health & Safety Code, I,
(name of primary respons	cable party), certify that I have notified all responsible ed proposed action. Check space for applicable proposed
cleanup proposal (con	rrective action plan)
site closure proposal	
local agency intention	n to make a determination that no further action is required
local agency intention	n to issue a closure letter
Sincerely,	
Signature of primary resp	onsible party
Name of primary responsi	

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Contact Information    KELLY ENGINEER   NA  17S1 PINEST: CONCORD, CA 94520		
Responsible Party Type BO Business Switer  Primary PR RP has been named a Primary RP BOPO,TO Multiple		
Contact 7/pc/ CON RP Contact Start Date // bit End Date // bit		
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### **Track & Confirm**

**Current Status** 

You entered 7001 0320 0002 7818 6054

Your item was refused by the addressee at 5:41 pm on June 09, 2003 in ALAMEDA, CA 94502 and is being returned to the sender. Status is updated every evening. Please check again later.

Shipment Details >

Track & Confirm
Enter label number:

Track & Confirm FAQs : (

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**Notification Options** 

▶ Track & Confirm by email

What is this?

Go>

POSTAL INSPECTORS
Preserving the Trust

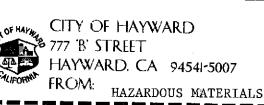
site map contact us government services
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ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY

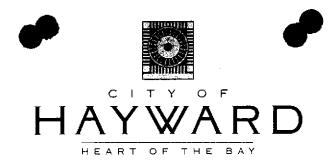
Environmental Health Services Administration 1131 Harbor Bay Parkway, Suite 250 Alameda, CA 94502-6577

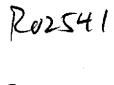




DELIVER TO:

BARNEY CHAN
ALA. CO. DEPT. OF ENVIRONMENTAL HEALTH
1131 HARBOR BAY PKWY, SUITE 250
ALAMEDA, CA 94502-6577





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May 5, 2003

Mr. Kelly Engineer Five Star Auto Care 362 Rivera Drive Union City, CA 94587

Subject:

Site Contamination Case No. RB 01-0643

Five Star Auto Care at 1220 Tennyson Road West, Hayward

Dear Mr. Engineer:

We would like to inform you that today, we transferred oversight of the Underground Storage Tank (UST) Site Contamination Case captioned above to the Alameda County Department of Environmental Health (ACDEH). From hereon you will work with ACDEH in the investigation, delineation and remediation of the contamination until you obtain case closure. We have delivered all pertinent documents we have on this case to the ACDEH offices in Alameda.

The ACDEH will work with you on your case under its Local Oversight Program (LOP). Where we, as agents of the Regional Water Quality Control Board (RWQCB) could only recommend closure of your case to the RWQCB who grants final closure, the ACDEH can and does directly grant final closure to cases under their LOP.

Your contact at ACDEH is -

Scott Seery, Hazardous Materials Specialist Local Oversight Program Alameda County Department of Environmental Health 1131 Harbor Bay Parkway, 2<sup>nd</sup> Floor Alameda, CA 94502 Tel: (510) 567-6700

If you have any questions, please call us at (510) 583-4925.

Sincerely,

Danilo M. Galang

**Environmental Specialist** 

Copy: √ACDEH

20-2541

## HAYWARD FIRE DEPARTMENT

## Transfer of Local Oversight Case (LUFT) To Alameda County Department of Environmental Health

RB File No: 01-0643	Date Transferred: $4/30/03$
Site Name: Five STAR Auto	CARE
Site Address: 1220 Tennyson	Road West Hayward, CA 9454 4
BASIC CASE INFORMATION:	
(1) Tank(s) Removed? Y N	If YES, How Many? 4 When? 10/10/90
(2) Material Released:	When? 10/10/10
Avgas Leaded Gas Unl	eaded Gas 📮 Fuel Oil 📮 Jet Fuel
☐ Diesel ☐ Waste Oil ☐ Kero	osene
(3) Verification Samples Received? Y N	If YES, Give Maximum Contamination Levels:
In Soil (ppm): 4,300 In Water (ppb): 59,000	29000; (6000); 68000; 280000
Name of Responsible Party (RP): KELLY  Contact:	FHGINEER, OWNER/OPERATOR
RP is: Tank Owner	Tank Operator Property Owner
Contact Address for Responsible Party:	362 RIVIERA De. UNION CITY, CA 94587 Tel: 782-5010



July 17, 2002

Mr. Kelly Engineer 1220 Tennyson Road, West Hayward, Ca 94544

Mrs. Perrin Engineer 362 Riviera Drive Union City, CA 94587

Dear Mr. and Mrs. Engineer:

Subject: Notice of Revocation of Permit to Operate Underground Storage Tanks
All Star, Inc. dba All American Oil, 1220 Tennyson Road, West, Hayward, CA

Your facility is out of compliance with California state law requirements for maintaining an underground storage tank permit. Under authority of the California Fire Code, Section 103.4 and the Health & Safety Code, Section 25285.1, your underground storage tank operating permit is hereby revoked. Fuel dispensing operations must stop *immediately* and the fuel tanks must be emptied of fuel by a qualified professional. The following violations must be corrected before an underground storage tank operating permit can be issued:

- 1. Proof of financial responsibility for the cleanup of leaking underground storage tank systems.
- 2. Current hazardous materials business plan.
- 3. Underground storage tank fees and application are overdue.
- 4. A completed groundwater investigation related to the previous leaking underground storage tank.
- 5. Failure to submit written agreement between tank owner and operator.

Please note that under the California Health & Safety Code, Section 25299, the owner/operator of an underground tank system shall be liable for civil penalties of

Notice of Revocation July 17, 2002 Page 2 of 2

not less than five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) per day per underground storage tank including, but not limited to, operating an underground storage tank without a permit.

If there are any questions, contact the City of Hayward Fire Department, Hazardous Materials Office at (510) 583-4910.

Sincerely,

Hugh Murphy

Hazardous Materials Program Coordinator

Notified of permit revocation on: \_\_\_\_\_\_ by:\_\_\_\_\_\_

cc: Larry Arfsten, Fire Chief
Dean Montevago, Fire Marshal
Danilo Galang, Environmental Specialist
Steven Buscovich, Hazardous Materials Investigator
Susan Torrance, Alameda County District Attorney's Office

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT HAS STATE OFFICE OF EMERGENCES FOR LOCAL AGENCY USE ONLY EMERGENCY REPORT BEEN FILED? THEREBY CERTIFY THAT IT HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE YES NO YES DISTRIBUTION SHOWN ON THE BUSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM REPORT DATE SIGNED NAME OF INDIVIDUA aincev COMPANY OR AGENCY NAME REGIONAL BOARD REPORTED REPRESENTING OWNER/OPERATOR OTHER LOCAL AGENCY ADDRESS RESPONSIBLE SITE LOCATION 510 PHONE QUANTITY LOST (GALLONS) SUBSTANCES INVOLVED UNKNOWN UNKNOWN HOW DISCOVERED SUBSURFACE MONITORING NUISANCE CONDITIONS INVENTORY CONTROL DISCOVERY/ABATEMENT TANK REMOVAL TANK TEST OTHER 0 ml Zol3 METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) DATE DISCHARGE BEGAN REMOVE CONTENTS CLOSE TANK & REMOVE REPAIR PIPING LINKNOWN HAS DISCHARGE BEEN STOPPED ? CLOSE TANK & FILL IN PLACE CHANGE PROCEDURE REPAIR TANK REPLACE TANK OTHER & YES NO IF YES, DATE SOURCE OF DISCHARGE CAUSE(S) **RUPTURE/FAILURE** SPILL TANK LEAK UNKNOWN OVERFILL 징정 PIPING LEAK OTHER CORROSION UNKNOWN OTHER CHECK ONE ONLY DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED) **SOIL ONLY** GROUNDWATER UNDETERMINED CHECK ONE ONLY POLLUTION CHARACTERIZATION CURRENT STATUS PRÉLIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED NO ACTION TAKEN POST CLEANUP MONITORING IN PROGRESS LEAK BEING CONFIRMED PRELIMINARY SITE ASSESSMENT UNDERWAY CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) CLEANUP UNDERWAY REMEDIATION PLAN CHECK APPROPRIATE ACTION(S) ENHANCED BIO DEGRADATION (IT) REMOVE FREE PRODUCT (FP) EXCAVATE & DISPOSE (ED) PUMP & TREAT GROUNDWATER (GT) REPLACE SUPPLY (RS) CAP SITE (CD) **EXCAVATE & TREAT (ET)** VENT SOIL (VS) NO ACTION REQUIRED (NA) TREATMENT AT HOOKUP (HU) CONTAINMENT BARRIER (C8) VACUUM EXTRACT (VE) OTHER (OT)

HSC 05 (8/90)

EIVED BY

P02541

1990 10/10/90 4 USTS . 3-4K , 1-6K gasoline removed GW w/ sheen observed @n12 Soil contam up to 4300 pm 7 PHS 29/160/68/200ppm B70x GW 26,000 pph TOHE, 2400, 1800, NO, 5200 pph 18782 3/25/91 WP for: · Soil exc o install 3 wells + que spling (Beta Snu) 12/31/91 re Submittal modefred up (Artesian and) o drill 11.00. o drill wells " pumpont tank put & sample capturage every 15 lises " We accepted 1/12/92 by HM. 3/3/92 3 mai installed to depth of 19,5 - 22,5 bgs + 9 soil sples (P-1 thun P-2) around exe pet scheinlefter) GW enequitered @ 13-15', grad - SE, wells screened to bottom 10' of well - Resideal Sout Contamento in P-1, P-2 &P-9 MW3 most impacted well OWR-9(20/02 Also sampled OB-2 (obswell) - location not noted THE 65,000 pps, X-12Wph, MTBE 100,000 pps (8020) RMR 12/11/02 ((Spled 11/25/02)) ~ 16 mis after 7/16/01 event THIS + MOIRMW2 MTBEA MW( & MW 2 (20,000pph) Grader South & 4000pph minus in 12/11/12 - City of Hayward requested addit site invest

+ rendeating at site

(P2)

Requirements to wp Run ether oxy 5 y 8260 locate & sample observation wellsom of former X site maps should enclude for UST pat + USTS, + pump islands. · delineate extent of TPH + ether oxys. In loftate X Consider intermi remedentar - for MTBE V " L. CAP for MTBE copies of all correspondences (from City of Hayward) - none copies of "1/25/02 & 2/24/03 suns X Needtrantinie amrs. · Provide Seniture regardles of MTPE are. o Recommend were borning to delimate plune



### CITY OF HAYWARD . FIRE DEPARTMENT

September 6, 1990

Kelley Engineer Five Star 1220 W. Tennyson Road Hayward, Ca 94544

Dear Mr. Engineer:

\*Nonnertol Healths This letter is to notify you that a hazardous situation exists in groundwater within 100 yards of your facility. The source may be a of activities associated with hazardous materials use or storage on your premisses.

#### HISTORY

On August 31, 1990, I investigated a complaint on Pompano Avenue that a backyard groundwater well was contaminated with petroleum products. Upon investigation, the well water appeared to be contaminated with a gasoline-like substance. During my investigation, I discovered that your business was the closest possible source of the contamination.

On the same day, I told you that an investigation to determine if your underground tanks were the source of contamination would be required on Tuesday and that we would have to talk on that day regarding the details. On Tuesday and Wednesday, I contacted the two telephone numbers that you provided to me. The first, Mr. Damussia's telephone number (786-0370), I contacted eight times with no answer. The second, which you identified as your home telephone number (782-0370), I called five times. Each time I called this number, a person from your service station answered and denied knowing how to get in contact with you. Mr. Hussaini at this telephone number told me he was directed by you not to give out your telephone number to anyone, even if the fire or the police department were to come in person and request it. Since other letters sent registered mail to him were not claimed, I asked Mr. Hussaini if he would accept a letter if I were to deliver it in person. He said he was just someone who worked there in the shop and not a person of responsibility and he would not accept the letter. After this final conversation with Mr. Hussaini on Wednesday afternoon, he contacted you and you called my office. You indicated that Mr. Hussaini is, in fact, a responsible party and that he was an officer in the corporation that operates the station. You also told me that you were considering, with your lawyer, filing for Chapter 11 and that you may have problems getting a company to do work testing the tank systems because you were filing for bankruptcy.

The above interaction with you and your employees, along with the following, indicate that you are not demonstrating good faith in trying to resolve this <u>immediate issue</u> or any other environmental compliance issues:

- a) not submitting required information to our department or the Regional Water Quality Control Board demonstrating that your tank is not a source of the contamination (i.e., tank monitoring results, precision tests results);
- not supplying a path of communication (i.e., refusing to accept a notice of violation mail from this Department, not allowing employees to supply phone numbers to this department);
- c) a history of non compliance to this department (i.e., never obtaining an annual hazardous materials permit, never submitting a Hazardous Materials Management Plan, never providing a monitoring plan for the underground tank system);
- d) a history of noncompliance with other agencies (i.e., City of Hayward Business License Department, Bay Area Air Quality Management District, Alameda County Health Agency, City of Hayward Zoning Department); and
- e) <u>possible violation of release reporting requirements</u> Chapter 6.95 of Health and Safety Code and Chapter 6.6 of Health and Safety Code (Proposition 65).

#### REQUIREMENT

As a result of the immediate hazardous situation existing in an active groundwater aquifer and a demonstrated lack of past or current environmental compliance with this agency by you or other representatives of your business, on September 13, 1990, under the authority of the Fire Department, gas and electric power will be terminated at your facility on 1220 West Tennyson Road if you do not respond in writing regarding all the issues on the attached notice of violation:

In addition, you must submit proof that your tank systems are not the source of contamination by providing:

- a) results of a precision tank test for all tanks with in two weeks,
   and
- b) a plan for the installation of a groundwater monitoring well must be submitted to this office and the Regional Water Quality Control Board and the well must be installed within 30 days.

If you have any questions regarding this letter, please feel free to contact me at 784-8695

Sincerely,

Hugh Marphy

Environmental Specialist

HM/11t Attachment

cc: Steve Faelz, Hazardous Materials Coordinator
Paul Valencia, Captain
Steve Montevago, Assistant Fire Marshal
Ed Franke, Fire Marshal
John Hutchins, Deputy Fire Chief
Jay Swardenski, Hazardous Materials Investigator
Bob Gillis, Detective
Richard Hiett, Regional Water Quality Control Board
Ravi Arulanantham, Alameda County Health Agency
Gilbert Jensen, Alameda County District Attorney
Hector Dumasia, Business Owner
Mozy Hussaini, Business Manager/Corporate Officer
Perrine P. Engineer, Business License Applicant

-182-2685 Print a prints new systam 30 year hew systa 27659 Pompano Ave 30 ft down and gravel water at 101 - only for garden 30' cortex well installed 1977 20' deep - uses it 2x a week Jesus - more in summer 11 deep - static water level
2 years as a masurer
25 Great Bowner says Estrada monday nothing - friday contarements 27629 Parporo Lawrence Morphy + +me Gas Station Alor Former 6W Stoly JUN 1 3 2003 Environmental Health Verryson Housan 464-1043 Mach Idenson 469 - 0305 Diane Herre 464 - 06 29