

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



03-26-04
ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

March 26, 2004

Mr. John Nady
Nady Systems
6701 Shellmound St.
Emeryville, CA 94608

Dear Mr. Nady:

Subject: Fuel Leak Case RO0000082, 1137-1167 65th Ave., Oakland, CA 94608

Alameda County Environmental Health staff has received and reviewed the March 17, 2004 *Well Installation Work Plan Addendum* from Cambria Environmental. The work plan responds to prior County comments and proposes the installation of two additional shallow screened wells, MW-7A and MW-8A to further investigate the area near and down-gradient of boring SB-8. These wells are approved as are the six wells previously proposed and described in Cambria August 26, 2003 *Investigation Workplan*.

The soil gas probe sampling and soil matrix sampling portion of the investigation workplan shall be temporarily placed on-hold until groundwater sampling data is evaluated.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos
Mr. Bob Clark-Riddell, Cambria Environmental, 5900 Hollis St., Suite A, Emeryville,
CA 94608

Wellwpaddn11371167 65thAve

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



9-18-03

September 17, 2003

Mr. John Nady
6701 Shellmound St.
Emeryville, CA 94608

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

Dear Mr. Nady:

Subject: Fuel Leak Case RO0000082, 1137-1167 65th St., Oakland, CA 94608

Alameda County Environmental Health, Local Oversight Program (LOP), staff has reviewed the August 26, 2003 Cambria Environmental Technology, Inc. (Cambria) *Investigation Work Plan* and met with your consultant, Cambria on September 11, 2003. The referenced work plan provides an interpretation of previous geologic data and proposes a comprehensive approach to determine the lateral and vertical extent of soil and groundwater contamination at this site. Based upon our discussion with your consultant, our office approves the investigation work plan with the following technical comments and conditions.

TECHNICAL COMMENTS

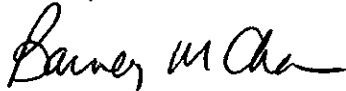
- Our office concurs with the proposal to perform a sensitive receptor survey and an underground utilities survey.
- Our office concurs in performing a soil and groundwater investigation to fill in data gaps. The proposed locations of soil borings and monitoring wells are acceptable. Additional step out borings may be warranted depending on the investigation results. However, specific changes and amendments to the work plan shall include the following:
 1. The borings identified in the Cambria work plan as SB-14, SB-16, SB-18, SB-20, SB-23 and SB-25 shall be advanced to the C zone. These deep borings shall be completed first and, based on their results, will dictate whether other planned borings will also be advanced to the C zone. Soil and groundwater, if encountered, should be collected for chemical analysis from each discrete horizon and water-bearing zone, as appropriate.
 2. Based upon the results of these initial borings, the final, multi-level monitoring plan shall be modified, as appropriate. Our office will be informed for concurrence prior to well installations, the locations and configurations of which will be proposed at a later date. Final configurations of well clusters, i.e., the zones across which the individual screens will be constructed, will be based on the outcome of this current phase of the investigation.
 3. Drilling will be performed in such a manner to prevent the potential for cross contamination while advancing borings through water bearing units.

September 17, 2003
Mr. John Nady
Fuel Leak Case RO0000082
1137-1167 65th St., Oakland, CA 94608
Page 2

- The proposed soil gas probe installation and sampling plan is not approved at this time. Additional research into the appropriate clean-up levels for the contaminants of concern should be done to verify the need for such sampling. Once the data from this investigation is received we will meet with the RWQCB to discuss whether the site-specific conditions warrant this type of evaluation.
- Our office concurs with the cost control recommendation to analyze soil samples from only the deepest well of any well cluster. We also concur that free product, if encountered, should be sampled and analyzed for identification.
- Soil samples are proposed for collection for physical property analyses. In accordance with the DTSC/LARWQCB January 23, 2003 *Active Soil Gas Investigations Advisory*, samples should be collected from a minimum of 3 locations in non-impacted areas and at depths corresponding to detected VOCs and for each soil type within this depth.

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

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos, S. Seery
Mr. Bob Clark-Riddell, Cambria Environmental, 5900 Hollis St., Suite A, Emeryville, 94608
Wpap1137 65th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



00-30-03

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

June 30, 2003

Mr. John Nady
Nady Systems
6701 Shellmound St.
Emeryville, CA 94608

Dear Mr. Nady:

Subject: Fuel Leak Case RO0000082, 1137-1167 65th Ave., Oakland, CA 94608

This letter confirms the receipt of the June 27, 2003 e mail from Cambria Environmental, your consultant, requesting an extension for the submittal of the work plan for additional soil and groundwater characterization at the referenced site. Our office approves the extension date of August 8, 2003. This will allow the completion of a geophysical survey and preparation of geologic cross sections, which are instrumental in determining the construction of future monitoring wells.

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

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos

Mr. B. Clark-Riddell, Cambria Environmental, 5900 Hollis St., Suite A, Emeryville,
94608

1137-1167 65thwprqext

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



5-20-03

May 19, 2003

Mr. John Nady
Nady Systems
6701 Shellmound St.
Emeryville, CA 94608

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

Dear Mr. Nady:

Subject: Fuel Leak Case RO0000082, 1137-1167 65th Ave., Oakland, CA 94608

Alameda County Environmental Health, Local Oversight Program (LOP) staff has received and reviewed the February 13, 2003 Soil and Groundwater Investigation Report prepared by Cambria Environmental. We have also discussed the results with Mr. Clark-Riddell of Cambria. We have determined that additional information and investigation is needed to progress your site towards case closure. We request that you address the following technical comments and submit the technical report requested below.

Technical Comments

1. Elevated total petroleum hydrocarbons (TPH) as motor oil, diesel, stoddard solvent or gasoline were observed in groundwater samples from borings SB-8, SB-6, SB-7 and SB-1. In addition, halogenated volatile organic compounds (HVOC) were detected in groundwater samples from SB-10, SB-6 and SB-7. The extent of this contamination should be determined.
2. Results from soil and groundwater samples taken from the former underground tank pits detected elevated TPH of various boiling point range and HVOCs. The extent of this contamination should be determined.
3. Free petroleum product was observed in soil boring SB-4. The extent of this free product should be determined and removed to the extent possible.
4. In addition to determining the extent of soil and groundwater contamination, the source area (piping, tanks, dispensers, etc) locations should be verified and sampled appropriately.
5. Site-specific groundwater gradient is needed for site characterization. Therefore, monitoring wells should be installed. Previous results indicate that groundwater may appear as lenses of perched water beneath the site, therefore, additional temporary borings may be necessary prior to permanent well installation. Specify the screen interval if both perched and deep groundwater is being investigated.

Technical Report Request

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

- June 23, 2003- Work plan for the additional soil and groundwater characterization and monitoring well installation.

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

Mr. John Nady
RO0000082
1137-1167 65th Ave., Oakland, CA 94608
May 19, 2003
Page 2

Sincerely,

A handwritten signature in cursive script that reads "Barney M. Chan".

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, D. Drogos
Mr. B. Clark-Riddell, Cambria Environmental, 5900 Hollis St., Suite A, Emeryville, 94608
1137-1167 65thwprq

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



12-0402
ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

December 3, 2002

Mr. John Nady
Nady Systems, Inc.
6701 Shellmound St.
Emeryville, CA 94608

Dear Mr. Nady:

Subject: Work Plan for Soil and Groundwater Investigation, RO0000082, 1137-1167 65th St.,
Oakland, CA 94608

This letter serves to clarify the sampling and analysis of soil and groundwater samples performed in accordance to the November 21, 2002 work plan addendum submitted by Cambria Environmental and approved in my 11/22/02 letter. Originally, up to eleven (11) borings were to be advanced at or near the referenced site and two soil samples and one groundwater sample collected from each boring. This assumed that groundwater would be encountered at approximately 10-15' below ground surface (bgs) based upon the results of the tank removals. However, during the drilling of the borings groundwater was encountered at variable depths, some shallow as anticipated, some deeper and several boreholes did not encounter any groundwater at all. Based upon these results, I authorized your consultant to analyze more than the two soil samples per borehole in some instances. Although, the number of total samples is close to the anticipated, there may be a few "additional" samples more than originally anticipated. This total number of soil and groundwater samples collected for analysis is considered "approved" by our office prior to submission to the laboratory.

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. B. Clark-Riddell, Cambria, 1144 65th St., Suite B, Oakland CA 94608
Mr. S. Ramdass, SWRCB Cleanup Fund, 1001 I St., 17th Floor, Sacramento, CA 95814-2828
Mr. H. Gomez, City of Oakland Fire Dept., 1605 MLK Jr. Way, Oakland, CA 94612
Ms. S. Torrence, Alameda County District Attorney Office

Wpsamples1137-1167 65th

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



12-2-02
ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

November 22, 2002

Mr. John Nady
Nady Systems
6701 Shellmound St.
Emeryville, CA 94608

Dear Mr. Nady:

Subject: Fuel Leak Case No. RO0000082, 1137-1167 65th St., Oakland, CA 94608

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the November 21, 2002 Work Plan Addendum- Soil and Groundwater Investigation prepared by Cambria Environmental. We have discussed the changes to the original July 12, 2002 work plan with your consultant and approve of the work plan addendum. Please note, however, that you should also determine the relative site gradient by taking multiple groundwater elevations from the borings as mentioned in my fourth bullet in the July 12, 2002 letter.

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. B. Clark-Riddell, 1144 65th St., Suite B, Oakland, CA 94608

Mr. H. Gomez, Oakland Fire Dept., 1605 MLK Jr. Way, Oakland, CA 94612

Wpapadd1137-1167 65thSt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



8-7-02

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

August 7, 2002

Mr. John Nady
Nady Systems
6701 Shellmound St.
Emeryville, CA 94608

Dear Mr. Nady:

Subject: Fuel Leak Case No. RO0000082, 1137-1167 65th Ave., Oakland, CA 94608

Alameda County Environmental Health, Local Oversight Program (LOP), has received and reviewed the July 12, 2002 Work Plan- Soil and Groundwater Investigation prepared by Subsurface Consultants/Fugro. We have discussed our comments and concerns with your consultant and approve of the work plan with the following conditions:

- The number and locations of the proposed borings will be modified to include additional borings adjacent, in the presumed down-gradient direction to UST 5, and at the 90 degree bend of the pipeline emanating from UST1. In addition, the location of the boring in the vicinity of the former fuel oil tank will be within the former tank pit.
- The piping run from USTs 5 & 6 will be identified in the future by a geophysical survey and investigated if possible.
- Two soil samples will be collected and analyzed from each boring, one within the vadose zone and one at the bottom of the boring.
- The relative site gradient will be determined by taking multiple groundwater elevation readings from the borings and
- All information available will be provided regarding the gasoline tank reportedly removed from the site in 1982. It is assumed the "gas pump" noted on one of the provided figures is related to this tank.

Please notify our office prior to conducting this field work. You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Ms. J. Alexander, Subsurface Consultants/Fugro, 1000 Broadway, Suite 200, Oakland, CA 94607
Mr. H. Gomez, Oakland Fire Dept., 1605 MLK Jr. Way, Oakland, CA 94612

Wpap1137-1167 65thSt

SENT 6-19-2000

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO82

June 15, 2000

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

Mr. John Nady, Property Owner
6701 Bay Street
Emeryville, CA 94608
STID 6394

RE: 1137-1167 65th Street, Oakland, CA 94608

Dear Mr. Schrag:

I have received a copy of a letter dated June 1, 2000 from Special Counsel Frederic D. Schrag with Nady Systems to Mr. Hernan E. Gomez with City of Oakland Fire Services. In addition, I have reviewed the **Draft Project Status Report/ Project Workplan** dated December 1998 that was prepared by Artesian Environmental. This report identified a 750 gallon heating oil tank was removed from the site. Soil sample T-1 was collected approximately 2 feet below the tank. This sample contained concentrations of BTEX below laboratory detection limits and TPH(d) at 14 mg/Kg. The two-point composite soil sample of excavated soil contained up to 220 ppm TPH(d). BTEX was below detection limits. It appears the soil surrounding this tank has been slightly impacted, therefore this is one of my low priority cases.

This report also identified up to eight underground storage tanks, some with product still exist on-site. **The City of Oakland Fire Department has jurisdiction over any issues regarding the permitting or the removal of these tanks.** They can be contacted at (510) 238-7253 or (510) 238-7759.

If you have any questions, please contact me at (510) 567-6774

Sincerely,

Larry Seto
Sr. Hazardous Materials Specialist

- Cc: Frederic D. Schrag, Special Counsel, Nady Systems, 6701 Bay Street, Emeryville, CA 94608
- Hernan Gomez, City of Oakland Fire Services, 1605 Martin Luther King, Oakland, CA 94612
- Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King, Oakland, CA 94612

Files

**NADY SYSTEMS, INC.**

6701 Bay Street
Emeryville, CA 94608 USA
510/652-2411
FAX: 510/652-5075

please reply to extension 263

Via Fax (510) 337-9335 [2 pages] and U.S. Mail

November 10, 1999

Larry Seto
Alameda County Health Care Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Your StID# 6394
1137-1167 65th Street, Oakland CA 94608

Dear Mr. Seto:

You have asked me to provide you with the mailing address and contact person for Trans-Western if it is available.

My investigation shows that Trans-Western Service Industries, Inc. is now a mere shell of a corporation with no assets, no current address, and that has been suspended by the California Franchise Tax Board since 1991.

Trans-Western Service Industries, Inc. was formerly named Marshall Steel Company. Marshall Steel/Trans-Western was a large company that operated a chain of dry-cleaners, including the plant at the 65th Street site ("the Property").

While the plant (which contained the subject underground storage tanks) was in operation, Dymo Industries, Inc. (now named Esselte Corporation) owned Trans-Western, and owned the Property. In 1978, Dymo sold Trans-Western to Coit Drapery Cleaners, Inc. (now named Coit Services, Inc.) and then granted the Property to Trans-Western. Coit Services, Inc. admits to owning the Property in 1978 (see Declaration of Louis Kearn attached to Coit's Petition to the State WRCB).

In 1978, Coit, who at that time controlled Trans-Western, began bleeding Trans-Western of all its assets, including the Property. In 1981 Coit sold the empty shell of the Trans-Western corporation to Glenn Fink. That year the California Secretary of State certified Trans-Western as being a delinquent corporation. That certification continued up to 1991 when the Franchise Tax Board finally suspended Trans-Western.

Glenn Fink was the last President of Trans-Western whose corporate address is listed with the California Secretary of State as 4225 Park Boulevard, Oakland, CA. I visited that address in December 1998 and found only a café there. I inquired at the café and was told

Larry Seto
November 10, 1999
Page 2

by its operators that no one named Glenn Fink had anything to do with that address at that time, nor had they heard the name Glenn Fink before.

Coit hoped to avoid liability for the environmental condition of the Property by hiding its control over the underground storage tanks on the Property it owned behind the cloak of Trans-Western. However, 23 California Code of Regulation §2720 subdivision (4) places liability for underground storage tanks on anyone who had "control over" it when an unauthorized release *may* have occurred, not limiting liability, as does subdivision (2), to those who used, operated or owned the tanks immediately before discontinuation of its use.

"Control" has been held by the State Water Board to exist where a person had the legal ability to direct management of the property on which the tank was located. (See Exhibit 1 to Nady's Response to Coit's Petition to the State WRCB, p.2.) Subdivision (4)'s requirement that the control be at the time of or following an unauthorized release of a hazardous substance does not apply to properties on which the use of the tanks was discontinued prior to November 8, 1984. (See Exhibit 1 to Nady's Response to Coit's Petition to the State WRCB, p.3.) In those cases it is sufficient for liability to attach that an unauthorized release may have occurred before November 8, 1984 during ownership of the property by the putative Responsible Party. That definition fits Coit, who had control over the tanks/Property in 1978, after their use had been discontinued.

Coit should be held to be a Responsible Party so that Nady, who has less responsibility than Coit (Nady did not profit, as Coit did, from Trans-Western's assets, or even know that the tanks existed), is not held by the Water Board pursuant to Coit's Petition to be the only Responsible Party should Esselte Corporation somehow later avoid liability. Further, any liability by Nady could be diminished if the liability were split three ways instead of two. "Local agencies must name all persons who meet any of the four sets of circumstances (subdivisions) listed in Section 2720." (See Exhibit 1 to Nady's Response to Coit's Petition to the State WRCB, p.3.) "All" includes Coit who fits the definition of Responsible Party set forth in subdivision (4) of 23 CCR §2720 as it is interpreted by the Water Board.

Very truly yours,


Frederic D. Schrag
Special Counsel

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sent 11-10-99
Including cc's

2082

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

November 10, 1999

Ms. Lori Casias
State Water Resources Control Board
Local Oversight Program
PO Box 944212
Sacramento, CA 94244-2120

RE: STID 6394, Nady Systems Inc., 1137-1167 65th Street, Oakland, Alameda County

Dear Ms Casias:

Enclosed is a letter dated November 10, 1999 that I received from Frederic D. Schrag, Special Counsel for Nady Systems, Inc. Please review this letter and contact me @ (510) 567-6774 so that we can discuss the contents.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Frederic D. Schrag, Nady Systems, 6701 Bay Street, Emeryville, CA 94608
John Nady, Nady Systems, 6701 Bay Street, Emeryville, CA 94608
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

November 5, 1999

Mr. John Nady, Property Owner
C/o Mr. Frederic D. Schrag
6701 Bay Street
Emeryville, CA 94608
STID 6394

RE: 1137-1167 65th Street, Oakland, CA 94608

Dear Mr. Nady:

I would like to introduce myself as the new caseworker for this site. I have reviewed Coit Services, Inc. petition to the State Water Resources Control Board in regards to their determination as a responsible party for the clean up at the above address. Ms. Lori Casias with the State Water Resources Control Board and I discussed at length the site history and ownership of the above address.

At this time, no information has been provided to this office which would suggest an unauthorized release occurred from the underground storage tanks during the time Coit Services, Inc. owned the subject site. Also, it is our understanding that Coit never operated the tanks. For these reasons, we will remove Coit from the responsible party list. However, please be aware if information is provided in the future which indicates a release did occur during Coit's ownership of the site, Coit will be added to the responsible party list.

This office will send Esselte Corporation a Notice of Responsibility pertaining to the subsurface investigation and remediation at the above address. Under federal law (42 USC Section 6991(3)(B)), the person who owned a tank which was not used after November 8, 1984 immediately before the discontinuance of its use may be named a responsible party, even though substantial evidence does not exist to show that the leak occurred before discontinuance of use.

Both you and Esselte Corporation are considered jointly and severally responsible for site cleanup.

In a letter dated April 5, 1999 from Frederic D. Schrag, Esq. to Susan Hugo, it appears that Trans-Western Services Inc. is a potential Responsible Party. Please forward to this office the mailing address and contact person for Trans-Western if it is available.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: Frederic D. Schrag, Special Counsel, Nady Systems, Inc. 6701 Bay Street,
Emeryville, CA 94608
Lori Casias, State Water Resource Control Board, PO Box 944212,
Sacramento, CA 94244-2120
Hernan Gomez, City of Oakland Fire Services, 1603 Martin Luther King,
Oakland, CA 94612
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



2082

ENVIRONMENTAL HEALTH SERVICES

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

November 5, 1999

Mr. Robert K. Scribner
Esselte Corporation
71 Clinton Road
Garden City, New York 11530
STID 6394

RE: 1137-1167 65th Street, Oakland, CA 94608

Dear Mr. Scribner:

I would like to introduce myself as the caseworker that is overseeing the subsurface investigation/remediation of the hazardous waste release at the above address. Esselte Corporation (Dymo Industries, Inc.) has been identified as a previous property owner and underground tank operator of the above site by Mr. Frederic D. Schrag, Special Counsel for Nady Systems, Inc., the current property owner.

State Water Resources Control Board, California Environmental Protection Agency regulations define "Responsible Party" for purposes of underground storage tank corrective action requirements as one of the following:

- (1) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance;
- (2) In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuation of its use;
- (3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and
- (4) Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance.

In addition, under federal law (42 USC Section 6991(3)(B)), the person who owned a tank which was not used after November 8, 1984 immediately before the discontinuance of its use may be named a responsible party, even though substantial evidence does not exist to show that the leak occurred before discontinuance of use.

This office has been notified that Esselte Corporation (Dymo Industries) owned and operated the underground storage tank immediately before the discontinuation of its use.

Esselte Corporation and Nady Systems, Inc. are considered jointly and severally responsible for site cleanup. The enclosed Notice of Responsibility identifies your role as a responsible party.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: John Nady, C/o Mr. Mr. Frederic C. Schrag, 6701 Bay Street, Emeryville,
CA 64608
Lori Casias, State Water Resource Control Board, PO Box 944212,
Sacramento, CA 94244-2120
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



2082

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

October 28, 1999

Mr. Louis Kearn
Coit Services, Inc.
897 Hinckley Road
Burlingame, CA 94010
STID 6394

RE: 1137 - 1167 65th Street, Oakland, CA 94608

Dear Mr. Kearn:

I have reviewed your petition to the State Water Resources Control Board in regards to the determination of Coit Services, Inc. as a responsible party for the clean up at the above address. Ms. Lori Casias with the State Water Resources Control Board and I discussed the site history and your petition at length.

At this time, with the information and data available to our office, your request to have Coit Services removed as a responsible party is granted. However, in the future if additional information becomes available that Coit Services maybe a responsible party, your company will be notified.

If you have any questions, please contact me at (510) 567-6774.

Sincerely,



Larry Seto
Sr. Hazardous Materials Specialist

Cc: John J. Allen, Sonnenschein Nath & Rosenthal, 601 S. Figueroa Street,
Los Angeles, CA 90017-5704
Lori Casias, State Water Resources Control Board, PO Box 944212,
Sacramento, CA 94244-2120
Hernan Gomez, City of Oakland Fire Services, 1603 Martin Luther King,
Oakland, CA 94612

Files