AGENCY



05-26-06

DAVID J. KEARS, Agency Director

May 25, 2006

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583

Ms. Ann Johnston 222 Kearny St., 7th Floor San Francisco, CA 94108-4510

Mr. Charles Duval Franchise Realty Interstate Corp. 5344 Golden Gate Ave. Oakland, CA 94618-2034

Dear Ladies and Gentleman:

Subject: Fuel Leak Case RO0000116, 6623 San Pablo Ave., Oakland, CA 94608

Alameda County Environmental Health staff has recently reviewed the case file for the subject site and determined that additional investigation/information is required at this site to progress toward case closure. It appears that the technical request of our November 1, 2001 has not been addressed and that no further work has been done since this time. If this is not the case, you are requested to provide all technical reports for this site since the Baseline Environmental September 24, 2001, Report on Passive Gas Sampling and Work Plan for Additional Investigation. I refer you to our November 1, 2001 letter (attached) wherein four items were noted. These items included a request for an additional well in the area near MW-1A, evaluation of aerial photos by your consultant, continued quarterly monitoring and performance of a sensitive receptor survey. In addition to reiterating our request for the November 1 items, please address the following technical comments and submit the technical reports requested below.

TECHNICAL COMMENTS

 Please provide a site map indicating the location of the additional well requested east of MW1A. Describe the construction of the well and the rationale used to determine if multi-level sampling is recommended. Please note that atthough the existing multi-level wells are nested wells, our office requests that any future multi-level sampling use either well clusters or a multi-level wells.

2. Please clarify the location of the former UST system(s) at this site using Sanborn maps, aerial photos, etc. Is the current analytical data consistent with assumed former source areas? If not, how else can the data be explained?

Please provide a Site Conceptual Model (SCM) consisting of your understanding
of the release and exposure scenario. Of particular interest is site geology,
potential artificial groundwater gradient and the existence of multiple water
bearing zones.

ENVIRONMENTAL HEALTH SERVICES ENVIRONMENTAL PROTECTION 1131 Harbor Bay Parkway, Suite 250

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

Alameda, CA 94502-6577

Ms. Loreto, Johnson & Duval May 25, 2006 Page 2 of 4

4. We request that your sensitive receptor survey also include a conduit study that details the potential migration pathways and potential conduits (utilities, storm drains, etc.) that may be present in the vicinity of the site. Provide a map showing the location and depth of all utility lines and trenches including sewers and storm drains within and near the plume area. The conduit study shall include a well survey of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering, drainage, and cathodic protection wells within a ½ mile radius of the subject site.

5. Your co-operation with the neighboring site, the former St. Francis Pie @1125 67th St., is requested since it appears that contaminant plumes may be commingled. We are disappointed to hear that a recent 2006 request by the consultant for the former St. Francis Pie Shop to perform an environmental investigation on your site was denied. Be aware that you may be requested to perform the additional investigation, at your own expense, if you do not allow the adjacent property owner access to your property.

6. Your September 2001 Passive Gas Sampling and Work Plan for Additional Investigation from Baseline proposed to install two additional shallow wells in areas identified as being "hot" in the gas sampling survey. Please note a well screen of no longer than 10' is recommended.

7. Groundwater Monitoring- Our office has not received a groundwater monitoring report since February 2001. We request you reinstate quarterly monitoring at this site immediately and submit the technical reports as requested below.

8. Electronic Submittal of Reports- You are required to submit your reports electronically to the Geotracker database as well as the County's ftp Please follow the enclosed instructions for submittal of all reports.

TECHNICAL REPORT REQUEST

- June 26, 2006- Provide figure with new well location, documentation of former UST system locations and sensitive receptor survey
- July 26, 2006- Monitoring well installation report and Site Conceptual Model
- June 26, 2006- 2nd Qtr. 2006 Groundwater Monitoring Report
- September 26, 2006- 3rd Qtr. 2006 Groundwater Monitoring Report
- January 2, 2007- 4th Qtr. 2006 Groundwater Monitoring Report

ELECTRONIC SUBMITTAL OF REPORTS

Effective January 31, 2006, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Ms. Loreto, Johnson & Duval May 25, 2006 Page 3 of 4

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker

website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic reporting).

In order to facilitate electronic correspondence, we request that you provide up to electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

Ms. Loreto, Johnson & Duval May 25, 2006 Page 4 of 4

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6765.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

November 1, 2001 letter

C: files, D. Drogos

Mr. Bruce Abelli-Amen, Baseline, 5900 Hollis St., Suite D, Emeryville, CA 94608

Mr. John Buschini, 1260 Shell Circle, Clayton, CA 94517

Mr. Matthew Spielmann, TEC Accutite, 262 Michelle Court, So. San Francisco,

CA 94080-6201

5_25_06 6623 San Pablo



11-1-01

DAVID J. KEARS, Agency Director

November 1, 2001 StID 6627/ RO0000116

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 ENVIRONMENTAL HEALTH SERVICES

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

Re: Work Plan for Additional Investigation at 6623 San Pablo Ave., Oakland 94608

Dear Ms. Loreto:

Our office has received and reviewed the September 24, 2001 Report on Passive Gas Sampling and Work Plan for Additional Investigation for the referenced site prepared by Baseline, your consultant. The report provides the results of the passive soil gas survey performed at this site. The results give a general distribution of gasoline, BTEX and benzene in the shallow vapors. This is a rough estimate of the locations of potential soil or groundwater contamination, which is indistinguishable by this method. There are obvious differences in this screening investigation, since groundwater concentrations do not correlate with the soil gas results. Therefore, even if the soil gas results indicate no petroleum contamination, groundwater contamination may be present in this same area.

Baseline proposes to install two permanent monitoring wells in areas of elevated benzene and gasoline as indicated in the soil gas survey. These locations are down-gradient of the assumed former underground tanks and between the former tanks and the existing restaurant building. Because of the potential risks to commercial workers and patrons of the restaurant and the need to define the limits of the contaminant plume, our office approves these wells.

You are also requested to address the following additional concerns:

- The up-gradient extent of the contaminant plume should also be defined, particularly that area near MW-1A. An additional well should be considered.
- Baseline previously stated they had reviewed aerial photos of this site. They stated
 that the cost of providing copies would be significant. In lieu of providing copies of
 the photos, please have your consultant describe the findings of their review of these
 photos. Does it corroborate the Sanborn maps?
- Our office has not approved semi-annual monitoring for this site as mentioned in the Baseline report. Because of elevated TPH and MTBE concentrations, please continue quarterly monitoring.
- Please perform a sensitive receptor survey for this site in order to determine appropriate remediation requirements.

Ms. Helen Loreto 6623 San Pablo Ave., Oakland 94608 StID 6627/ RO0000116 November 1, 2001 Page 2

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. A. Johnston, Coblentz, Patch, Duffey & Bass, LLP, 222 Kearny St., 7th Floor, San Francisco, CA 94108-4510

Mr. B. Abelli-Amen, Baseline, 5900 Hollis St., Suite D, Emeryville, CA 94608 Wp6623SanPablo

AGENCY

DAVID J. KEARS, Agency Director



June 6, 2001 StID #6627/RO0000116

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 ENVIRONMENTAL HEALTH SERVICES ENVIRONMENTAL PROTECTION 1131 Harbor Bay Parkway, Suite 250 Alameda, CA 94502-6577 (510) 567-6700 FAX (510) 337-9335

Re: Subsurface Investigation at McDonald's, 6623 San Pablo Ave., Oakland CA 94608

Dear Ms. Loreto:

Our office has received and reviewed the May 31, 2001 Work Plan for Continued Subsurface Quality Investigation prepared by Baseline Environmental Consulting. As you are aware, this report responds to questions in my April 23, 2001 letter and provides a work plan for further site characterization.

In regards to the Sanborn Fire Insurance Maps provided, these maps provide little additional information regarding the location of former underground tanks, piping and dispensers. Two areas in the northern portion of the site are labeled gas and oil. It is assumed that this is where the former underground tanks were, however, no other information can be discerned. I was informed by Mr. Abelli-Amen of Baseline, the aerial maps reviewed provided no useful information.

A passive soil gas survey using Gore-Sorber Modules is proposed to further characterize the site. Samples will be collected from grid points equally distributed across the site. After the collection and analysis of desorbed samples, a map will be provided estimating the contaminant concentrations at the site. Conclusions as to the location of hot spots, sources or other subsurface conduits will be made as well as recommendations for additional investigation and permanent well locations. This work plan is accepted with the following condition:

- An estimate of total petroleum hydrocarbons as gasoline must also be performed on the samples in addition to BTEX and MTBE.
- Groundwater monitoring shall not be discontinued during the time of this investigation.
 Monitoring may, however, be done semi-annually, in the second and fourth quarters.

Please contact me at (510) 567-6765 with questions and prior to performing the investigation.

Sincerely,

Barney M. Chan

Hazardous Materials Specialist

Barrey as Cha

C: B. Chan, files

Mr. B. Abelli-Amen, Baseline Environmental, 5900 Hollis St., Suite D, Emeryville, CA 94608 Ms. A. Johnston, Coblentz, Patch, Duffey & Bass, LLP, 222 Kearny St., 7th Floor, San Francisco, CA 94108-4510 wpap6623SanPablo



DAVID J. KEARS, Agency Director

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ENVIRONMENTAL HEALTH SERVICES ENVIRONMENTAL PROTECTION

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

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

April 23, 2001 StID # 6627

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583

Re: Subsurface Investigation at McDonald's, 6623 San Pablo Ave., Oakland CA 94608

Dear Ms. Loreto:

This letter serves to respond to a recent request made on your behalf by Baseline, your consultant. It also addresses a number of questions and issues that have surfaced after my review of the historical files for this site.

As requested by Baseline, our office agrees that the analyte, total petroleum hydrocarbons as diesel, TPHd, may be omitted from future groundwater analysis since the historical data indicates that which was identified as diesel by the laboratory is likely the "heavy ends" of gasoline.

Upon review of the site history, our office has the following observations and requests:

- There have been references to past Sanborn Fire Insurance maps and aerial photographs
 which were used to determine the location of former underground tanks. Please provide
 copies of those maps and photos, which indicate the location of the past underground tanks
 and dispensers.
- The groundwater gradient has varied significantly at this site, nearly 180 degrees. What is your explanation for this? What is the extent of the shallow water bearing zone where the shallow wells are installed?
- The concentration of gasoline, BTEX and MTBE in the shallow groundwater is elevated. As mentioned in previously (5/12/00 letter from Mr. Larry Seto), additional subsurface investigation is required to determine the limits of this contamination. The elevated concentration of MTBE is unexpected since the former underground tanks were presumed removed in the late 1970s prior to its usage. The current MTBE concentrations exceed levels that would normally require remediation. Additional off-site investigation is necessary, particularly if another responsible party is being implicated.
- Before proceeding with any health risk assessment, the site must be further characterized. In addition, a site conceptual model should be performed to determine the potential impacts of the MTBE release.

Please provide the requested maps/photographs and a work plan for further site characterization to our office within 45 days or no later than June 5, 2001.

Ms. Helen Loreto 6623 San Pablo Ave., Oakland CA 94608 StID #6627 April 23, 2001 Page 2

Please be advised I am your new case worker and you may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Parney M. Chan

Barney M. Chan

Hazardous Materials Specialist

C: B. Chan, files

Mr. B. Abelli-Amen, Baseline Environmental Consulting, 5900 Hollis St., Suite D, Emeryville, CA 94608

Ms. A. Johnston, Coblentz, Patch, Duffey & Bass, LLP, 222 Kearny St., 7th Floor, San Francisco, CA 94108-4510

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

FAX (510) 337-9335

January 5, 2001

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 STID 6627

RE: McDonald's, 6623 San Pablo Avenue, Oakland, CA 94608

Dear Ms. Loreto:

I have reviewed your Quarterly Groundwater Monitoring Report – September 2000 dated November 6, 2000 that was prepared by Baseline Environmental Consulting. The report identified the groundwater sample collected on September 20, 2000 was not analyzed for TPH(diesel). A decision was made to eliminate this contaminate of concern from analytical testing without the concurrence from this office. Groundwater samples from MW-1A, MW-2A and MW-3A must be tested for the presence of TPH(diesel). It is acceptable to discontinue testing for TPH(diesel) in the groundwater samples collected from MW-1B and MW-3B.

Groundwater sampling and monitoring at this site must continue on a quarter basis because of the historically high concentration of benzene.

As a reminder, prior approval from this office is required before any modification to your monitoring schedule or analytical testing requirements is implemented.

I have been transferred to another position within my Department. The new caseworker for this site is Mr. Barney Chan.

If you have any questions, please contact me at (510) 567-6774 or Mr. Chan at (510) 567-6765.

Sincerely,

Sr. Hazardous Materials Specialist

Cc: Barney Chan, Alameda County Environmental Health Bruce Abelli-Amen, Baseline Environmental, 5900 Hollis Street, Suite D, Emeryville, CA 94608

Ann E. Johnston, Coblentz, Patch, Duffey & Bass, LLP, 222 Kearny Street, 7th Floor, San Francisco, CA 94108-4510 Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King,

Oakland, CA 94612

SENT 7-18-2005

ALAMEDA COUNTY HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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ENVIRONMENTAL HEALTH SERVICES

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

July 17, 2000

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 STID 6627

RE: McDonald's, 6623 San Pablo Avenue, Oakland, CA

Dear Ms. Loreto:

I have reviewed the Fourth Quarterly Groundwater Monitoring Report 1999 for the above site. Groundwater samples contained up to 55,000 ppb gasoline, 470 ppb diesel, 5,800 ppb benzene, 5,400 ppb toluene, 2,500 ppb ethylbenzene, 10,400 ppb xylenes and 42,000 ppb MTBE. As of this date, there have been four monitoring events (February 99 to November 99) for the three on-site monitoring wells. To obtain site closure, the plume beneath the site must be decreasing in size, and the concentration of the contaminates must be at a minimum stabilizing or decreasing. At this time, with the data available to this office, there is no evidence this is occurring. All three monitoring wells should continue to be monitored and sampled on a quarterly basis.

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

Sincerely,

Larry Seto

Sr. Hazardous Materials Specialist

Cc:

Ann E. Johnston, Coblentz, Patch, Duffey & Bass, LLP, 222 Kearny Street, 7th Floor, San Francisco, CA 94108-4510

Bruce Abelli-Amen, Baseline Environmental, 5900 Hollis Street, Suite D, Emeryville, CA 94608

Leroy Griffin, City of Oakland Fire Services, 1605 Martin Luther King, Oakland, CA 94612

DAVID J. KEARS, Agency Director



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

May 12, 2000

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 STID 6627

RE: McDonald's, 6623 San Pablo Avenue, Oakland, CA

Dear Ms. Loreto:

Please submit to this office the Fourth Quarter 1999 Groundwater Report, and First Quarter 2000 Groundwater Report for the above site within 30 days. Groundwater samples collected on August 11, 1999 contained up to 800 ppb TPH(diesel), 68,000 ppb TPH(gas), 40,000 ppb MTBE and 7400 ppb, 6800 ppb, 2900 ppb, 11600 ppb of BTEX respectively.

Due to the very high concentration of hydrocarbons and MTBE in the groundwater, an additional subsurface workplan maybe required to define the extent of the contamination.

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

Sincerely

Larry Serlo

Sr. Hazardous Materials Specialist

Cc: Bruce Abelli-Amen, Baseline, 5900 Hollis Street, Suite D, Emeryville, CA 94608 Leroy Griffin, Oakland Fire Department, 1605 Martin Luther King,

Oakland, CA 94612

AGENCY



DAVID J. KEARS, Agency Director

RO# 116

April 23, 1999

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

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 STID 6627

RE: McDonald's, 6623 San Pablo Avenue, Oakland, CA

Dear Lereto:

I have reviewed your Soil and Groundwater Investigation report dated April 99 that was prepared by Baseline Environmental. The three on-site monitoring wells must be monitored and sampled the three next quarters as a minimum. The groundwater samples must be analyzed for TPH(gas), TPH(Diesel), BTEX and MTBE. (Testing for diesel is required because diesel was detected in groundwater samples at concentrations of 530 ppb and 210 ppb respectively from monitoring wells MW-2A and MW-3A)

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

Sincerety,

Larry Sero

Sr. Hazardous Materials Specialist

Cc: Bruce Abelli-Amen, Baseline, 5900 Hollis Street, Suite D, Emeryville, CA 94608 Leroy Griffin, City of Oakland-Fire Department, 505-14th Street, 7th Floor Oakland, CA 94612



DAVID J. KEARS, Agency Director

20116

ENVIRONMENTAL HEALTH SERVICES

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

December 4, 1998

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 STID 6627

RE:

McDonald's, 6623 San Pablo Avenue, Oakland, CA

Dear Ms. Loreto:

I have reviewed your Work Plan for Environmental Investigation, 6623 San Pablo Avenue, Oakland California dated November 9, 1998 that was prepared by Baseline Environmental. It is acceptable with the following conditions:

- A minimum of one soil sample from each soil boring must be submitted to the laboratory for analysis
- 2) All samples submitted to the laboratory must be test for the presence of Methyl-Tert Butyl Ether (MTBE)
- The monitoring wells must be sampled on a quarterly basis for a minimum of one year. After this period, your monitoring schedule can be reevaluated.

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

Sincerety,

Larry Seto

Sr. Hazardous Materials Specialist

Cc: Bruce Abelli-Amen, Baseline, 5900 Hollis Street, Suite D, Emeryville, CA 94608 Leroy Griffin, City of Oakland Fire Department Files



DAVID J. KEARS, Agency Director

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ENVIRONMENTAL HEALTH SERVICES

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

December 4, 1998

Ms. Helen Loreto McDonald's Corporation 2527 Camino Ramon, Suite 300 San Ramon, CA 94583 STID 6627

RE:

McDonald's, 6623 San Pablo Avenue, Oakland, CA

Dear Ms. Loreto:

I have reviewed your Work Plan for Environmental Investigation, 6623 San Pablo Avenue, Oakland California dated November 9, 1998 that was prepared by Baseline Environmental. It is acceptable with the following conditions:

1) A minimum of one soil sample from each soil boring must be submitted to the laboratory for analysis

2) All samples submitted to the laboratory must be test for the presence of Methyl-Tert Butyl Ether (MTBE)

The monitoring wells must be sampled on a quarterly basis for a minimum of one year. After this period, your monitoring schedule can be reevaluated.

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

Sincerely,

Larry Seto

Sr. Hazardous Materials Specialist

Cc: Leroy Griffin, City of Oakland Fire Department