

Oct. 8 2002 5:27 AM

No. 4016 P. 2

October 8, 2002

R0218

Janet Minami
998 A Street
Hayward, CA 94541

Dear Ms. Minami:

I spoke with my Real Estate agent today regarding my purchase of Penny Lane. He informed me that Environmental Health Services is now requiring additional information before closing this case.

I realize that this delay in our sale is not your fault, however, it has put me in an awkward position. The subcontractors I plan on using are asking for an approximate timeline and commitment from me.

The letter you gave me dated May 16, 2002 from Amir K. Gholarni at Environmental Health Services specifically stated that he was recommending closure of this case. It also stated that there were non-detect levels of TPH-G, BTEX and MTBE from SOMA Environmental.

When I wrote my offer, your Real Estate agent estimated that this case would be closed in approximately 4-6 weeks. As you know, I wrote the offer to purchase on May 28, 2002, therefore, it has been over four months, and no indication of when this case will be closed.

Please be advised that if this matter is not resolved by November 15, 2002, I will be forced to cancel our contract.

Sincerely,


David Langon

ALAMEDA COUNTY
HEALTH CARE SERVICES

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 27, 2002

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

Mr. Jay Woidtke
20320 Redwood Road
Castro Valley, CA 94546

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

Dear Ms. Minami, Mr. Woidtke:

As you are aware, the correspondence from this office dated May 16, 2002 acknowledged the receipt of "Well Decommissioning for the former Minami Nursery" document, dated May 8, 2002, submitted by Mr. Mansur Sepehr of Soma Environmental regarding the above referenced site. This investigation was completed since laboratory analysis revealed non-detect levels of TPH-g, BTEX, and MTBE at the above referenced site. However, there are some residual concentrations of the constituents, which are still in soil. Therefore, please submit a Risk Management Plan, RMP in order to address potential exposure of residual chemicals left in soil during property development of the above referenced site.

Please call me at (510) 567-6876, if have any questions.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr Mansur Sepehr, Soma Environmental, 2680 Bishop Drive, Suite 203, San Ramon,
CA 94583
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

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

May 16, 2002

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

Mr. Jay Woitdke
20320 Redwood Road
Castro Valley, CA 94546

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

Dear Ms. Minami, Mr. Woitdke:

I am in receipt of "Well Decommissioning for the former Minami Nursery" document, dated May 8, 2002, submitted by Mr. Mansur Sepehr of Soma Environmental regarding the above referenced site.

This document was submitted following an investigation by Soma Environmental regarding the status of "plume" at the above referenced site. This investigation revealed, as indicated in the previous correspondence by this office, Non-detect levels of TPH-g, BTEX, and MTBE by Soma Environmental.

Therefore, I will be recommending the above referenced case for closure. Thank you for your cooperation in this matter.

Please do not hesitate to call me at (510) 567-6876, should you have any questions.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Mansur Sepehr, Soma Environmental, 2680 Bishop Drive, Suite 203, San Ramon,
CA 94583
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



January 7, 2002

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

Mr. Jay Woidtke
20320 Redwood Road
Castro Valley, CA 94546

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

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

Dear Ms. Minami, Mr. Woidtke:

This office is in receipt of "Soil and Groundwater Investigation" report dated December 18, 2001, submitted by Mr. Mansur Sepehr of Soma Environmental regarding the above referenced site.

As you are aware, this investigation was initiated due to former soil and groundwater impact by petroleum hydrocarbon and unknown status of the former plume.

This investigation included drilling of six hydropunches in order to collect soil and groundwater samples around existing damaged groundwater monitoring wells, specifically around MW-1 well to the depth of up to 30 feet bgs. Soil and grab groundwater samples, including at least one at capillary fringe, was collected for analysis including TPH-g, BTEX, and MTBE.

The analysis of the collected samples revealed non-detect (ND) levels of the afore-mentioned constituents at all levels therefor, I concur with the proposal for case closure as requested by Mr. Sepehr of Soma Environmental.

I have also discussed the above with Mr. Sepehr on how to move toward the actual case closure.

If you have any questions, please call me at (510) 567-6876,.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C Mr. Mansur Sepehr, Soma Environmental, 2680 Bishop Drive, Suite 203, San Ramon,
CA 94583
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

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

October 18, 2001

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

Mr. Jay Woidtke
20320 Redwood Road
Castro Valley, CA 94546

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

Dear Ms. Minami, Mr. Woidtke:

I am in receipt of "workplan to Conduct Soil and Groundwater Investigation" dated October 9, 2001, submitted by Mr. Mansur Sepehr of Soma Environmental regarding the above referenced site.

Per our previous discussion, soil and groundwater have been impacted by petroleum hydrocarbon and, the present status of the former plume is unknown. Therefor this workplan was submitted per request from this office to address these issues.

This workplan proposes to perform six hydropunches, per illustration on figure 2, around existing damaged groundwater monitoring wells, specifically around MW-1 well to the depth of up to 30 feet bgs. Soil and grab groundwater samples, including at least one at capillary fringe, will be collected for analysis including TPH-g, BTEX, and MTBE.

I concur with the workplan proposed by Mr. Sepehr of Soma Environmental.

Please do not hesitate to call me at (510) 567-6876, should you have any questions.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C Mr Mansur Sepehr, Soma Environmental, 2680 Bishop Drive, Suite 203, San Ramon,
CA 94583
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



September 7, 2001

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

Mr. Jay Woidtke
20320 Redwood Road
Castro Valley, CA 94546

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

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

Dear Ms. Minami, Mr. Woidtke:

As you are aware and based on previous reports, soil and groundwater have been impacted by petroleum hydrocarbon. However, the present status of the former plume is unknown. Therefor please submit a workplan to investigate the present status of the soil/groundwater. You may use the present monitoring wells if available and suitable. However, per my discussion with your consultant, Mr. Mansur Sepehr of Soma Environmental, you may perform installment of several hydropunches if the monitoring wells were found to be unsuitable for use.

This investigation is deemed necessary due to the fact that there has been no recent quarterly groundwater sampling and monitoring report submitted to this office since May 12, 1998.

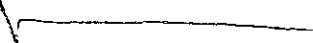
Please recall that Groundwater Monitoring Report dated May 12, 1998 revealed that MW-1, the most contaminated well, as well as MW-3 well was not sampled. High concentrations of TOG, up to 5000PPb, was detected in MW2 well. In the past MW-1 well had also indicated some concentrations of TPH-g as high as 4,700ppb. MTBE, however, has not been detected in any of the monitoring wells.

Per our previous discussion, concentration of soil stockpile generated are all below Table C Regional Water Quality Control Board (RWQCB) except chromium, which is at 40 (total chromium) instead of allowed concentration of 12ppm.

Please submit a workplan to address the above issues within 30 days or by October 7th, 2001.

If you have any questions and or concerns, please call me at (510) 567-6876.

Sincerely,


Amir K. Gholami, REHS
Hazardous Materials Specialist

C Mr Mansur Sepehr, Soma Environmental, 2680 Bishop Drive, Suite 203, San Ramon,
CA 94583
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



August 6, 2001

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

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

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

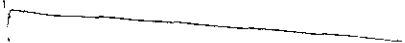
Dear Ms. Minami:

I received a voice mail message from Mr. Jay Wopidtko regarding the above referenced site. Mr. Wopidtko left a phone number, which I could not copy. I understand that he is your present consultant. Please provide him a copy of my letter dated June 19th, 2001 regarding the status of the above referenced site since I do not have his address to send him a copy of the said letter. Please recall that I had indicated the following in the letter:

- There had been no recent "Quarterly Groundwater Sampling and Monitoring" report submitted to this office and that the last analysis performed indicates May 12, 1998. If you have performed more recent sampling and monitoring of the wells, please submit it to this office for an evaluation of the existing plume at the above referenced site.
- Groundwater Monitoring Report dated May 12, 1998 reveals that MW-1, the most contaminated well, as well as MW-3 well was not sampled. High concentrations of TOG, up to 5000PPb, was detected in MW2 well. Please apply appropriate detection limits. In the past MW-1 well had also indicated some concentrations of TPH-g as high as 4,700ppb.
- MTBE has not been detected in any of the monitoring wells.
- Table 2 within this report the flow gradient has been to the northwest.
- Other reports in the files indicate that concentration of soil stockpile generated are all below Table C Regional Water Quality Control Board (RWQCB) except chromium, which is at 40 (I am assuming is total chromium) instead of allowed concentration of 12ppm.

Should you have any questions, please call me at (510) 567-6876.

Sincerely,


Amir K. Gholami, REHS
Hazardous Materials Specialist

C Mr. Gary B. Mateik, Horizon Environmental Inc., 5011 Golden Foothill Parkway, Suite 7,
El Dorado Hills, CA 95762
Files

Law Offices of
JAY A. WOITKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

SKNDT

June 27, 2001

Mr. Amir K. Gholami, REHS
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

via fax: 510/337-9335

Re: Former Minami property at 600 Shirley Ave. *HA 7-1110*

Dear Mr. Gholami:

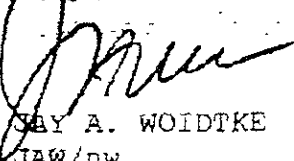
I represent the Estate of George Minami and have been provided with a copy of your letter to Janet Minami, dated June 19, 2001, which I am enclosing for your reference.

All of the stockpiled material was moved off site to an appropriate storage facility per the work plan in 1998. Unfortunately, vandals damaged the three wells and we are unable to do any further monitoring.

Per prior discussions with an individual with the County working on this case, it was my understanding that the ground water samplings indicated there was not movement of consequence of the contamination, nor was the ground water contamination considered extremely serious and, therefore, pursuant to county policy at that time no further remediation would be required and the site was a candidate for closure.

Could you please give me a call at your earliest opportunity to discuss what the next appropriate steps are to seek formal closure of this site, Thank you for your anticipated assistance.

Very truly yours,



JAY A. WOITKE
JAW/nw

Enclosure

Cc: Janet Minami

ALAMEDA COUNTY
HEALTH CARE SERVICES

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 27, 2001

STID 34

Mr. Jeffrey Eandi
Eandi Metal Works
976 23rd Avenue
Oakland, CA 94606

RE: Property at 976 23rd Avenue, Oakland, CA 94606

Dear Mr. Eandi:

I have received and reviewed your letter dated June 21, 2001 along with Monitoring Well Sampling Results dated June 14, 2001 submitted by your consultant, Mr. Gary Goodemote of Kleinfelder, Inc. regarding the above referenced site. There were some other attachments along with the above documents as well.

Per above report the concentrations of constituents within MW-3, the most contaminated well, was noted at 37ppb, 50ppb, and 7.7ppb for Benzene, TPH-g, and Total Lead respectively. The MTBE was not analyzed within any of the wells. However, the last analysis on MTBE was detected at <250ppb within MW-1 in 4/25/96. Please use microgram per Liter or PPB unit for the constituents within groundwater.

Furthermore, I understand that only one of the three underground storage tanks removed, indicated unauthorized release, which is located at 2440 East 11th Street.

Having discussed this case with you I further looked up the values in Table D of RWQCB guidelines and noted that Benzene, TPH-g, and Total Lead concentrations exceed what is "allowed" in this guideline.

In order to proceed toward closure, you might perform a risk assessment, which allows for higher RBSL, more specific to your site. In general, you may consider the following, with evidence, when planning to proceed toward closure of your site.

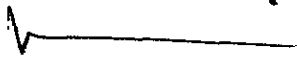
1. Has the site been adequately investigated?
2. Has source been removed?
3. Is floating products removed to the extent practicable?
4. Do you have a stable and or decreasing plume?
5. Are there any current and or future public health threat?
6. Are there any current and or future ecological threat?
7. Are there any current or future water sources threat?
8. Has risk management plan (RMP) been performed?

Please recall that one of the requirements is to adequately define soil and groundwater plume at your site (the first item above). Please submit a workplan to address the above.

Please respond to the above by July 27, 2001.

If you have any questions, please call me at (510) 567-6876.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

C: Mr. Daniel T. Henninger, AGI Technologies, 300 120th Ave., N.E. Building 4,
Bellevue, Washington, 98005
√ Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



June 19, 2001

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

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

RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541

Dear Ms. Minami:

I have been recently assigned to oversee the remediation work conducted at the above referenced site. I have reviewed the files and would like to make the following comment regarding my review of the files:

There has been no recent "Quarterly Groundwater Sampling and Monitoring" report submitted to this office. The last analysis performed indicates May 12, 1998. If you have performed more recent sampling and monitoring of the wells, please submit it to this office for an evaluation of the existing plume at the above referenced site.

Per Groundwater Monitoring Report dated May 12, 1998. MW-1, the most contaminated well, as well as MW-3 well was not sampled. High concentrations of TOG, up to 5000PPb, was detected in MW2 well. Please apply appropriate detection limits. In the past MW-1 well had also indicated some concentrations of TPH-g as high as 4,700ppb.

MTBE has not been detected in any of the monitoring wells.

You may transport the stockpile soil to an approved facility as requested.

Other reports in the files indicate that concentration of soil stockpile generated are all below Table C Regional Water Quality Control Board (RWQCB) except chromium, which is at 40 (I am assuming is total chromium) instead of allowed concentration of 12ppm.

Per Table 2 within this report the flow gradient has been to the northwest.

If you have any questions, please do not hesitate to call me at (510) 567-6876.

Sincerely,

Amir K. Gholami, REHS
Hazardous Materials Specialist

C Mr. Gary B. Mateik, Horizon Environmental Inc., 5011 Golden Foothill Parkway, Suite 7,
El Dorado Hills, CA 95762
Files

ALAMEDA COUNTY
HEALTH CARE SERVICESAGENCY
DAVID J. KEARS, Agency Director

June 19, 2001

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-8877
(510) 567-8700
FAX (510) 337-8335**RE: Property at former 600 Shirley Ave. or on Penny Lane, Hayward, CA 94541**

Dear Ms. Minami:

I have been recently assigned to oversee the remediation work conducted at the above referenced site. I have reviewed the files and would like to make the following comment regarding my review of the files:

There has been no recent "Quarterly Groundwater Sampling and Monitoring" report submitted to this office. The last analysis performed indicates May 12, 1998. If you have performed more recent sampling and monitoring of the wells, please submit it to this office for an evaluation of the existing plume at the above referenced site.

Per Groundwater Monitoring Report dated May 12, 1998. MW-1, the most contaminated well, as well as MW-3 well was not sampled. High concentrations of TOG, up to 5000PPb, was detected in MW2 well. Please apply appropriate detection limits. In the past MW-1 well had also indicated some concentrations of TPH-g as high as 4,700ppb.

MTBE has not been detected in any of the monitoring wells.


You may transport the stockpile soil to an approved facility as requested.

Other reports in the files indicate that concentration of soil stockpile generated are all below Table C Regional Water Quality Control Board (RWQCB) except chromium, which is at 40 (I am assuming is total chromium) instead of allowed concentration of 12ppm.

Per Table 2 within this report the flow gradient has been to the northwest.

If you have any questions, please do not hesitate to call me at (510) 567-6876.

Sincerely,


Amir K. Gholami, REHS
Hazardous Materials Specialist

C Mr. Gary B. Mateik, Horizon Environmental Inc., 5011 Golden Foothill Parkway, Suite 7,
El Dorado Hills, CA 95762
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

December 13, 1999

STID 3817

Ms. Janet Minami
998 A Street
Hayward, CA 94541

RE: Property at former 600 Shirley Ave. or on Penny Lane,
Hayward, CA 94541

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

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Ms. Minami:

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, you have 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.

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

Re: former 600 Shirley Ave. or Penny Lane, Hayward

December 13, 1999

Page 2 of 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) 567-6876 if you have any questions about the content of this letter.

Sincerely,



Amir K. Gholami, REHS
Hazardous Materials Specialist

cc: Chuck Headle, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

Alameda County Health care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

"List of Landowners" form
(Sample Letter 2)

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (Site
name and address)
(to be filled in by the primary responsible party and mailed to
Alameda County)

(Note: Fill out item 1 if there are multiple site landowners. If
you are the sole site landowner, 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, (name of primary responsible
party), certify that I am the sole landowner for the above
site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

Alameda County Health care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

"Notice of Proposed Action" form
(Sample Letter 3)

SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR
(site name and address)
(to be filled in by the primary responsible party and mailed to
Alameda county)

In accordance with section 25297,15(a) of Chapter 6.7 of the
Health & Safety Code, I, (name of primary responsible party),
certify that I have notified all responsible landowners of the
enclosed proposed action. Check space for applicable proposed
action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no
further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 25, 1999

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

STID 3817

Mr. George Ninami
29640 Vanderbilt
Hayward, CA 94544

RE: Property at 600 Shirley Ave., Hayward, CA 94541

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Mr. Minami:

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, you have 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.

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

Re: 600 Shirley Ave., Hayward

October 25, 1999

Page 2 of 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) 567-6876 if you have any questions about the content of this letter.

Sincerely,



✓ Amir K. Gholami, REHS
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB

Attachments: Sample letter 2 and Sample letter 3, which must be filled out by the Responsible Party and mailed to Alameda County.

Alameda County Health care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

"List of Landowners" form
(Sample Letter 2)

**SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (Site
name and address)
(to be filled in by the primary responsible party and mailed to
Alameda County)**

(Note: Fill out item 1 if there are multiple site landowners. If
you are the sole site landowner, 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, (name of primary responsible
party), certify that I am the **sole landowner for the above
site.**

Sincerely,

Signature of primary responsible party

Name of primary responsible party

Alameda County Health care Services Agency
Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

**"Notice of Proposed Action" form
(Sample Letter 3)**

**SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR
(site name and address)
(to be filled in by the primary responsible party and mailed to
Alameda county)**

In accordance with section 25297,15(a) of Chapter 6.7 of the
Health & Safety Code, I, (name of primary responsible party),
certify that I have notified all responsible landowners of the
enclosed proposed action. Check space for applicable proposed
action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no
further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4311
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

shb
3817

FAX TRANSMITTAL

DATE: October 1, 1999

TO: **JULIET SHIN**
ALAMEDA CO. EHD

FAX #: (510) 337-9335

FROM: Nancy Callsen
CLOSURE UNIT
UST CLEANUP FUND PROGRAM
FAX #: (916) 227-4530
PHONE #: (916) 227-4311

CLAIM #: 7068

NUMBER OF PAGES (including this page): 2

- For your information
- Per your request
- For your review and comment
- Other _____



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4311
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

October 1, 1999

ALAMEDA CO. EHD
ATTN: JULIET SHIN
1131 HARBOR BAY PKWY, 2ND FLOOR
ALAMEDA, CA 94502-6577

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND) REQUESTS
CONFIRMATION OF SITE CLOSURE FOR CLAIM NO. 007068 AT SITE ADDRESS: 600
SHIRLEY AVE, HAYWARD

The Fund is processing this claim for closure — ESTATE OF GEORGE MINAMI, JR. at site
address 600 SHIRLEY AVE, HAYWARD.

However, we must confirm the site has received final closure from the oversight agency before
we can complete our file closure. Please send a facsimile or mail a copy of the site closure letter
OR complete the following information and facsimile to my attention.

**The above referenced site met our UST corrective action standards and
closure was granted on _____.**

NO, this site has not yet met our closure standards.

SIGNED: _____ **DATE:** _____

TITLE: _____

Your assistance is appreciated. If you have any questions, please call me at (916) 227-4311.

Sincerely,

Nancy Callsen
Closure Unit
Underground Storage Tank Cleanup Fund Program

Law Office of
JAY A. WOIDTKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026

FAX (510) 881-0239

September 17, 1998

SEP 17 1998 PM 1:05

STIP 3PL >

BRIAN P. OLIVA, REHS, REA
HAZARDOUS MATERIALS SPECIALIST
ALAMEDA COUNTY ENVIRONMENTAL HEALTH SERVICES
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502-6577

HAND-DELIVERED

RE: FORMER MINAMI NURSERY SITE
600 SHIRLEY AVENUE, HAYWARD, CA 94541

Dear Mr. Oliva:

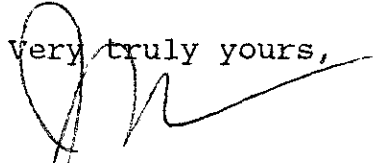
Enclosed herewith are copies of the two most recent reports concerning ground water metering at the above-referenced property.

It is my understanding that Mr. Mike Fuller of Fuller Excavation will be contacting you directly to discuss the procedure for finalizing remediation and closure of this site.

Mr. Fuller is in a position to complete the removal of the bermed soil almost immediately, pending your approval of the same.

In the event you should need further clarification, please contact Mr. Fuller direct at 916-858-8300.

Very truly yours,


JAY A. WOIDTKE
JAW/sk
Enc.

FROM: JAY A. WOIDTKE
Attorney at Law
20320 Redwood Road
Castro Valley, CA 94546
Telephone: (510) 881-5026

FAX: (510) 881-0239

ST10 3 PT

DATE: 9/16/98

785-8793

TO: Ginnette Reeves

FAX: 510/ 8793

No. Pages 3
(including this page)

MESSAGE:

Re: Status of cleanup - Minnow

Nursery Site - Popo

→ Cc: via fax - Brian P. O'Day, REHS, REA
510/ 337-9335

→ Cc: via fax - Stephen Richards, zoning Admin
510/ 785-8793

IF ALL PAGES ARE NOT RECEIVED PLEASE CALL (510) 881-5026

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address to the U.S. Postal Service. Thank you.

Law Office of
JAY A. WOIDTKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026

FAX (510) 881-0239

September 16, 1998

Ms. Ginette Reeves, Enforcement Officer
Alameda County Community Development Agency
399 Elmhurst Street
Hayward, CA 94544

via Fax: 785-8793

RE: NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF
700 PENNY LANE
APN 0412-0087-081-00
ESTATE OF GEORGE MINAMI, DECEASED

Dear Ms. Reeves:

Just a quick update as far as the status of our efforts to finalize the clearing of the aforementioned lot.

I am sorry that I have missed your several calls that you have made since the time of the last hearing (I did also try to call you back). If there is something that we need to discuss before we finalize cleanup of the lot, please call me immediately.

We are hopeful that prior to next wednesday's hearing that the contractor will complete removal of the remaining stockpiled dirt. The contractor has been slowed due to delays associated with the release of the soil sample reports but Mr. Fuller has indicated that the removal/disposal is literally a one-day job which as indicated above we hope to finalize early next week.

I have instructed the contractor to finalize the cleanup in accordance with the guidelines promulgated by Brian P. Oliva in his letter to me of August 26, 1998.

I have had some difficulty with the contractor in communicating and in the event you need to talk to him directly he can be contacted as follows:

Mike Fuller
Fuller Excavation
916-858-8300

I have provided him with the contact information for Mr. Brian Oliva, given the fact that the county will require his prior approval in disposal of the dirt.

Ms. Ginette Reeves, Enforcement Officer
Alameda County Community Development Agency
September 16, 1998
Page 2

via Fax: 785-8793

In reality it may take another two weeks after the upcoming hearing date to finalize the soil removal. If you and the zoning administrator would like to continue this matter for perhaps two weeks I will make myself available at that time and am hopeful that we will in fact have this entire matter resolved as of that date.

If you have any further input please contact me.

Very truly yours,



JAY A. WOJDITKE

JAW/sk

faxc: Mr. Brian P. Oliva-via fax
Mr. Stephen Richards-via fax
Zoning Administrator

FROM: JAY A. WOITKE FAX: (510) 881-0239
Attorney at Law
20320 Redwood Road
Castro Valley, CA 94546
Telephone: (510) 881-5026

DATE: 8/17/98
TO: Ginette Reeves
Enforcement Officer

FAX: 510/285-8793
No. Pages 3
(including this page)

MESSAGE:

Ms. Reeves:

Hopefully we can continue the hearing on this matter for a short time (i.e. 30 days) to allow final cleanup. Please send me a call after consideration of attached
Jay Woidke

IF ALL PAGES ARE NOT RECEIVED PLEASE CALL (510) 881-5026

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Law Office of
JAY A. WOITKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026

FAX (510) 881-0239

August 17, 1998

Ms. Ginette Reeves, Enforcement Officer
Alameda County Community Development Agency
399 Elmhurst Street
Hayward, CA 94544

via Fax: 785-8793

RE: NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF
700 PENNY LANE
APN 0412-0087-081-00
ESTATE OF GEORGE MINAMI, DECEASED

Dear Ms. Reeves:

Since receiving your Notice of Abatement we have been making efforts to correct the less than desirable conditions at the aforementioned parcel.

The contractor that is responsible for finalizing the environmental cleanup at the project (Fuller Excavation) had absolutely promised to be on the job site at 7:00 a.m. this morning. Unfortunately, there was a tank removal that they were working on last week which was not completed and given the critical point that they were at they have delayed revisiting the 700 Penny Lane until tomorrow morning at 7:00 a.m.

At that point in time both they and I plan to be on site for the purpose of substantially undertaking the cleanup and remediation efforts. However, I have been informed that one of the large berms of dirt cannot be removed tomorrow as BFI, the company that will be receiving the dirt for disposal has not yet approved the final location for the dumping of same as they are requiring additional testing for possible metal content.

With reference to the petrochemical constituents found in the stockpiled soil, parts are "clean" and other parts have diminimus petrochemical constituents. There is no health hazard present but given current environmental regulations the portion of the soil that does have some trace of petrochemicals cannot be disposed of as "clean" soil.

I realize that the county has been most patient through this date with reference to our remediation efforts. We have been stymied in our efforts to complete same as we have not had the funds to proceed.

In late July the estate of George Minami was able to sell a parcel of real property which has provided us the funds necessary to complete the cleanup.

Ms. Ginette Reeves, Enforcement Officer
Alameda County Community Development Agency
August 17, 1998
Page 2

via Fax: 785-8793

As of the date set for the hearing (Wednesday at 1:30 p.m.), the property should once again be refenced, cleaned of debris, weeds and have significant portions of stockpiled dirt removed from the site.

We have reset the fence time and time again only to have it knocked down by unknown individuals. I am hopeful that the efforts of Thompson & Thompson Fence Company to make a more "permanent" fence will be successful.

The property will also have been posted with "no trespassing" and "keep out" signs.

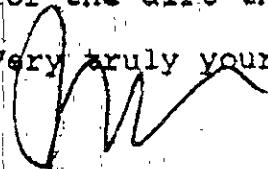
We respectfully request that the hearing on this matter be postponed to the next regularly scheduled date, at which time I fully expect that the entire cleanup will have been completed. Please advise as to what date that might be.

In the event the county is unwilling to continue this matter then I will be in attendance and have pictures showing the status of the cleanup effort as of that time.

In closing, my clients have expended well in excess of \$200,000.00 to date associated with this cleanup effort. The county has our attention and we will make every effort to finalize this matter immediately.

Due to a prior lack of funds we have been unable to make formal commitments with the contractor who had been unwilling to provide further services without a firm financial commitment. We now have the funds available and as indicated above will complete leveling of the lot as soon as the County and BFI approves the disposal plan for the dirt that will be remain after tomorrow's cleanup.

Very truly yours,


JAY A. WOIDTKE
JAW/bk

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)

August 26, 1998

STID #3817

Jay Woidtke
Attorney at Law
20320 Redwood Road,
Castro Valley, CA 94546

Subject: Manami Nursery, 600 Shirley Avenue, Hayward, CA 94541.

Dear Mr. Woidtke:

On August 19, 1998, a meeting was held at the County of Alameda Public Works facility in Hayward. Those attending included yourself, Stephen Richards, Zoning Administrator, Ginette Reeves, Senior Zoning Investigator, and myself. The subjects covered in the meeting included zoning violations and violations of the "Underground Storage Tank Regulations".

The following documentation is a written memorial of the agreements reached during the meeting:

- 1) A work plan for will be provided immediately indicating the means by which the soil on site will be disposed. This plan should be submitted **within 30 days**.
- 2) Regarding soil removal, any soil removed will be tested and analyzed for the appropriate chemical constituents.
- 3) Please indicate by what method the drums formerly located on site were tested and subsequently disposed.
- 4) A "Case Closure Summary" should be submitted by your consultant to aid in eventual closure of the site.
- 5) Please provide the current name and address of the responsible party (Mr. Manami or Heir).

If you have any questions, please do not hesitate to call this office. The number is (510) 567-6737.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian P. Oliva".

Brian P. Oliva, REHS, REA,
Hazardous Materials Specialist

C: Ginnette Reeves
Tom Peacock

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)

June 26, 1998

STID# 3817

George Minami
29640 Vanderbilt
Hayward, CA 94544

Subject: Former Minami Nursury, 600 Shirley Ave., Hayward, CA 94541

NOTICE OF VIOLATION

Dear Mr. Minami:

During the last several months, this office has responded to a number of complaints regarding the aforementioned site. The subject of the complaint is the unsafe manner in which the site has been maintained. There have been several inspections, re-inspections made at the site, and a multitude of photographs have been taken as evidence.

The following conditions exist at the site at this time:

1. There are monitoring wells at the site that are "open" and otherwise not kept safe so as to preclude unauthorized waste disposal/use. It would be a simple matter to lock these wells.
2. There are several unmarked drums at the site that may contain hazardous material. These drums have been opened and are being used/stored improperly.
3. There are stockpiled soils on the site that have been excavated by youths at the site and used for bicycle "jumps". These soils may contain elevated levels of hazardous materials.
4. The site is open to the public and therefore, creates an "attractive nuisance".

Under Title 23, of the Underground Storage Tank Regulations, the owner/operator of an underground storage tank is required to properly "close" the tank(s). Failure to do such may subject the owner/operator to fines up to \$500.00/day per tank.

You are hereby directed to undertake steps to make the site safe and otherwise properly "close" the site so as to preclude injury to public health and to the environment. Such steps must include closing the site so as to prevent unauthorized entry. The drums located on site should be tested for hazardous wastes and removed from the site by a licensed hazardous waste hauler. You must commence these actions immediately and said actions should be completed within thirty (30) days.

If you have any questions, please call this office. The telephone number is (510) 567-6737.

Sincerely,

Brian P. Oliva, RLHS, REA
Hazardous Materials Specialist

C Bob Chambers, Alameda County Deputy District Attorney
Jay Woidtke, Attorney at Law, 20320 Redwood Road, Castro Valley, CA 94546
Ginette Reeves, Alameda County Zoning (Fax (510) 785-8793)
Dick Pantages, Chief, Division of Hazardous Materials

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Inspection Form

II, III

Site ID # 3617 Site Name Manami Messure Today's Date 2-12-98

Site Address off Penny Lane
 City Hayward Zip 94541 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks LOP

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

returned to site -
surveil photographs taken of site

monitor wells are open
need to be secured to
preclude unauthorized entry
or vandalism

well contact owner

found phone # for
Jenett Manami
591-4400

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MAT'L'S

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General**
- 1. Permit Application 25284 (H&S)
- 2. Pipeline Leak Detection 25292 (H&S)
- 3. Records Maintenance 2712
- 4. Release Report 2651
- 5. Closure Plans 2670
- 6. Method
- 1) Monthly Test
- 2) Daily Vadose
Semi-annual groundwater
One time soils
- 3) Daily Vadose
One time soils
Annual tank test
- 4) Monthly Gndwater
One time soils
- 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
- 6) Daily Inventory
Annual tank testing
Cont pipe leak det
- 7) Weekly Tank Gauge
Annual tank testing
- 8) Annual Tank Testing
Daily Inventory
- 9) Other _____
- 7. Precip Tank Test 2643
Date: _____
- 8. Inventory Rec. 2644
- 9. Soil Testing 2646
- 10. Ground Water. 2647
- Monitoring for Existing Tanks**
- 1. Monitor Plan 2632
- 2. Access Secure 2634
- 3. Prens Submitt
Date _____
- 14. As Bu
Date _____ 2635
- New Tanks**

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF
 ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

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

II, III

Site ID # 381 Name MANNING' Nursery Today's Date 2/24/98

Site Address 600 Shirley
 City Hayward Zip 94541 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments: Investigation of Site at the
 Request of Donny Herring this
 I of field regarding "open pit" and
 stacked piles of soil
 600
 Note - there is no Shirley
 any more
 X unable to find site
 will attempt again
 on 2/25/

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stcs 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10 Registration Form Filed 25533(c)
- 11. Form Complete 25533(b)
- 12 RMPP Contents 25534(c)
- 13 Implement Sch. Req'd? (Y/N)
- 14 OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|-------------------------------|-----------------------------------------------------------------------------------------|
| General | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose
Semi-annual groundwater
One time soils |
| | 3) Daily Vadose
One time soils
Annual tank test |
| | 4) Monthly Gndwater
One time soils |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank testing |
| | 8) Annual Tank Testing
Daily inventory |
| | 9) Other _____ |
| New Tanks | <input type="checkbox"/> 7. Precip Tank Test 2643
Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing 2646 |
| | <input type="checkbox"/> 10. Ground Water. 2647 |
| | <input type="checkbox"/> 11. Month Plan 2632 |
| | <input type="checkbox"/> 12. Access Seizure 2634 |
| | <input type="checkbox"/> 13. Plans Submit 2711
Date: _____ |
| | <input type="checkbox"/> 14. As Built 2635
Date: _____ |

LOP - RECORD CHANGE REQUEST FORM

printed:
10/31/97

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp: BO

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 12034
 TID : 3817 LOC: 12/28/93
 SITE NAME: Minami Nursery DATE REPORTED : 11/08/89
 ADDRESS : 600 Shirley Ave DATE CONFIRMED: 11/08/89
 CITY/ZIP : Hayward 94541 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: 0 CONTRACT STATUS: 4 PRIOR CODE:1C1 EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 03/23/92
 PRELIMINARY ASMNT: DATE UNDERWAY: DATE COMPLETED:
 REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
 REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 3 DATE ENFORCEMENT ACTION TAKEN: 02/15/96
 LUFT FIELD MANUAL CONSID: 3HSCA
 CASE CLOSED: DATE CASE CLOSED:
 DATE EXCAVATION STARTED : REMEDIAL ACTIONS TAKEN: ED

2/6/98

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: George Minami
 COMPANY NAME: N A
 ADDRESS: 29640 Vanderbilt
 CITY/STATE: Hayward, C A 94544

~~581-1468~~ ~~581-1836~~
 no listing

INSPECTOR VERIFICATION:					
NAME	SIGNATURE			DATE	
DATA ENTRY INPUT:					
Name/Address Changes Only			Case Progress Changes		
ANNPGMS	LOP	DATE	LOP	DATE	

law office Jay WOODTKE 881-5026 - will put up
 BO - please follow again 2/9, 2/10
 up - This case
 needs
 action

Real Ailer, Eng Sci Dan
 548-7970

STID 3817

November 13, 1996

Jay A. Woitdtk
Law Offices of Jay A. Woitdtk
20320 Redwood Rd
Castro Valley CA 94546

Subject: Investigations at property located at Parcel #412-87-81 Hesperian Blvd., San Lorenzo
(formerly known as Minami Nursery, 600 Shirley Ave., Hayward)

Dear Mr. Woitdtk:

This office has completed a review of Fuller Excavating & Demolition, Inc.'s *Report for the Third Quarter 1996 Groundwater Sampling*, dated October 24, 1996, for the subject site. This office concurs with the recommendations indicated on page 10 of the report (i.e. continue monthly water level measurements and quarterly groundwater sampling and reporting). In addition, please incorporate the following information/guidance into subsequent reports:

1. The San Francisco Bay RWQCB's *Interim Guidance on Required Cleanup at Low-Risk Fuel Sites* (copy attached) and the ASTM E1739-95 document entitled *Standard Guide for Risk-Based Corrective Action (RBCA) Applied at Petroleum Release Sites* should be used to evaluate this site toward closure.
2. Provide disposal documentation for the approximately 2,500 cubic yards of stockpiled soil at this site.

Please call me at (510)567-6755 if you have questions or need additional information.

Sincerely,

Amy Leech
Hazardous Materials Specialist

ATTACHMENT

- c George Minami, Sr and Janet K. Mitobe, 29640 Vanderbilt, Hayward, CA 94544
- Ken Mateik, Fuller Excavating & Demolition, Inc., PO Box 6595, San Jose, CA 95150
- w attachments
- Bob Chambers, Alameda County District Attorney's Office
- ALL Files

ENVIRONMENTAL
PROTECTION

95 NOV 12 AM 9:19

Law Office of
JAY A. WOIDTKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

November 7, 1996

Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502

Attention: Ms. Amy Leech

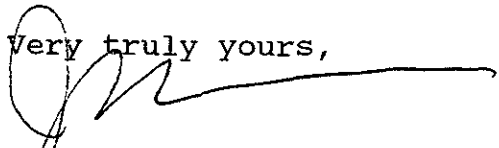
RE: MINAMI NURSERY-Parcel 412-87-8

Dear Ms. Leech:

Enclosed herewith is the original Report for the Third Quarter 1996
Groundwater Sampling at the above-referenced property site which
has been prepared by Fuller Excavating & Demolition, Inc.

After you have had a chance to review same please call me.

Very truly yours,


JAY A. WOIDTKE
JAW/sk
Enc.

cc: Ms. Janet Mitobe

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ALAMEDA COUNTY CC4580
ENVIRONMENTAL HEALTH SERVICES
1131 HARBOR BAY PKWY., #250
ALAMEDA, CA 94502-6577
(510) 567-6700 FAX (510)337-9335

July 26, 1996
STID 3817

George Minami
29640 Vanderbilt
Hayward, CA 94544

RE: Former Minami Nursery, 600 Shirley Ave., Hayward, CA 94541

Dear George Minami:

This office has received and reviewed a Preliminary Site Assessment Investigation dated June 14, 1996 by Fuller Excavating & Demolition, Inc.. The report is acceptable and this office agrees with the recommendations on page 19, with the following comments:

1. The location of the former tanks should be shown on the site drawing.
2. MW-1 seems to be the only impacted well, and it appears to be upgradient.
3. It may not be necessary to continue monthly measurements of groundwater gradient once trends are shown.

If you have any questions please call this office at 567-6755.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas F. Peacock', is written over a horizontal line.

Thomas F. Peacock, Manager
Hazardous Material Division

c: Gordon Coleman, Acting Chief - files
Ken Mateik, Fuller Excavating & Demolition, Inc., P.O. Box
6595, San Jose, CA 95150
Jay Woidtke, Law Offices, 20320 Redwood Rd., Castro Valley,
CA 94546

PROTECTION

95 JUN 17 PM 3:58

Law Office of
JAY A. WOIDTKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

June 17, 1996

Ms. Amy Leech, REHS
ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
1131 HARBOR BAY PARKWAY, SUITE #250
ALAMEDA, CA 94502-6577

HAND DELIVERED

RE: MINAMI NURSERIES - PARCEL 412-87-8

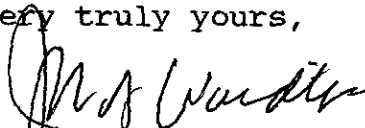
Dear Ms. Leech:

Enclosed herewith is your copy of the Preliminary Site Assessment Investigation dated June 14, 1996, covering the former Minami Nursery site.

With respect to the recommendations found on page 19 of the report, please comment as to what ACHCSA's position is concerning the same. In the interim we will continue to have the stock-piled soil removed and disposed of appropriately.

I look forward to working with you in realizing continuing progress and closure of this matter.

Very truly yours,


JAY A. WOIDTKE
JAW/sk

Enc.

cc: Janet Mitobe, Administratrix
George Minami, Sr.

ALAMEDA COUNTY ENVIRONMENTAL
HEALTH DEPARTMENT

ENVIRONMENTAL PROTECTION DIVISION
1131 Harbor Bay Parkway, Suite #250
Alameda, CA 94502-6577
Telephone (510) 567-6700
Fax Number (510) 337-9335

FAX COVER SHEET

DATE: June 4, 1996

TO: Cheryl Gordon

FAX # (916) 227-4530

Total number of pages including cover sheet 2

FROM: Amy Lee
(510) 567-6755

NOTE:

Thank for keeping tabs on this site!
RP is diligently working at the site to
get the area cleaned up and ready for
the next phase of development.

(SMILE) have a nice day
DO SOMETHING FOR OUR ENVIRONMENT.

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
363		05-23 11:31	01' 00	02/02	OK		

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**ALAMEDA COUNTY ENVIRONMENTAL
HEALTH SERVICES**

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

FAX COVER SHEET

DATE: May 23, 19 96

TO: Jay Woidke

FAX# (510) 881-0239

Total number of pages including cover sheet 2

FROM: Amy Leach
(510) 567-6755

NOTE:



ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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

STID 3817

May 23, 1996

Jay A. Woidtke
Law Offices of Jay A. Woidtke
20320 Redwood Rd
Castro Valley CA 94546

Subject: Investigations at property located at Parcel #412-87-81 Hesperian Blvd., San Lorenzo (formerly known as Minami Nursery, 600 Shirley Ave., Hayward)

Dear Mr. Woidtke:

Per our telephone conversation on May 17, 1996 and your letter dated the same, this office understands that the well installation project at the subject site has been delayed due to inclement weather. You indicated during our telephone conversation on May 21, 1996, that the well installations have been rescheduled for the last week of May and well sampling would be completed no later than the first week of June 1996.

Based on this information, the due date for the submittal of the technical report to this office regarding the implementation of the proposed soil and groundwater investigations at this site is hereby extended from May 24, 1996 to June 17, 1996.

Please be advised, this is the last extension to be granted due to the numerous delays already encountered on this project.

Please notify this office at least 72 hours before well installation is scheduled to begin and call me at (510)567-6755 if you have questions.

Sincerely,

Amy Leech
Hazardous Materials Specialist

c: George Minami, Sr. and Janet K. Mitobe, 29640 Vanderbilt, Hayward, CA 94544
Be Cheryl Gordon, SWRCB
Kevin Graves, RWQCB
Gil Jensen, Alameda County District Attorney's Office
Gordon Coleman - Files(ALL)

FROM: JAY A. WOJDITKE FAX: (510) 881-0239
Attorney at Law
20320 Redwood Road
Castro Valley, CA 94546
Telephone: (510) 881-5026

DATE: 5/17/96
TO: MS Amy L. Leech
Mr. Tom Peacock

FAX: 337-9335
No. Pages 3
(including this page)

MESSAGE: Re: Status of Minami Nursery

IF ALL PAGES ARE NOT RECEIVED PLEASE CALL (510) 881-5026

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Law Office of
JAY A. WOITKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

May 17, 1996

Ms. Amy L. Leech
Hazardous Materials Specialist
ALAMEDA COUNTY ENVIRONMENTAL HEALTH DEPT.
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PARKWAY, ROOM 250
ALAMEDA, CA 94502-6577

via FAX: 510/337-9335

RE: MINAMI NURSERY SITE - PARCEL 412-87-81

Dear Ms. Leech:

This letter is in follow up to our conversation of earlier this date.

As you are aware, yesterday, May 16, 1996, was the date that had been established for the wells to be drilled on the above-referenced site. Due to the heavy rains during this week, which unfortunately are intermittent, continuing and highly unusual for this time of year, when the drill rig plus 5 other trucks for the removal of the soil material were present, they were unable to do any of the drilling as they were getting stuck in the mud.

Given the fact that the forecast is for continuing showers over the weekend it is my contractor's best estimate that the drilling of the wells will be delayed one week as the ground is entirely too saturated to drill.

In order to be safe we are therefore requesting an extension of the due date for the sampling of the wells until June 6, 1996.

As I am hopeful our efforts exhibit we are taking every step necessary to comply with the order issued as a result of the last meeting.

However, I understand that you have discretion concerning extension of the dates provided for under the outline/order and we respectfully request that your offices recognize this unforeseen circumstance and thus allow us the additional time necessary to complete the wells and submission of initial sampling.

As to the other time lines provided for under the order we do not envision the need to adjust them at this point in time.

Ms. Amy L. Leech
Hazardous Materials Specialist
May 17, 1996
Page 2

via FAX: 510/337-9335

As a final matter it should be noted that as of this date approximately 800 cubic yards of less than 100 ppm stockpiled soil has been removed, transported and disposed of at an appropriate site.

Please contact me immediately and provide me with written confirmation as to whether or not we may obtain the additional necessary time as requested herein.

Respectfully submitted,



JAY A. WOIDTKE

JAW/sk

cc: Tom Peacock
State Water Resources Control Board
Ms. Janet Mitobe

**ALAMEDA COUNTY ENVIRONMENTAL
HEALTH SERVICES**

ENVIRONMENTAL PROTECTION DIVISION

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

Telephone (510) 567-6700 Fax (510) 337-9335

FAX COVER SHEET

DATE: 5/14, 19 96

TO: Ken Mattick

FAX # (408) 279-2048

Total number of pages including cover sheet 3

FROM: Amy Leech

(510) 567-6755

NOTE:

PLEASE RESPOND BY FAX ONLY.

Please call if you have
questions (510) 567-6755. Best to reach me

at home 8:30-5:00 PM. If you are unable to reach me, please

(SMILE) HAVE A NICE DAY
DO SOMETHING FOR OUR ENVIRONMENT

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
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**ALAMEDA COUNTY ENVIRONMENTAL
HEALTH SERVICES**

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

FAX COVER SHEET

DATE: May 9, 1996

TO: Cheryl Gordon

FAX# (916) 227-4530

Total number of pages including cover sheet 3

FROM: Amy Leach
(510) 567-6755

NOTE:

PLEASE RESPOND BY FAX ONLY.

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

In Re The Property Known As:) Notice of Official Action

)
)
)
)
)
412-87-81 Hesperian Blvd.)
Hayward, CA 94544)

The attached **Legal Action** has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this **Legal Action**, all communication and arrangements to comply should be through this Agency. Please call Amy Leech at (510)567-6755 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$10,000 per day per violation as stated in the attached Legal Action.

I Amy Leech, do hereby certify that I served
George Minami, Sr. and Janet K. Mitobe with a copy of the attached **Legal Action** by
certified mailer # P 143 588 287.

Dated: 5/2/96 *Amy Leech*
(signature)

ALL P 143 588 287

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	George Minami & Janet K. Mitobe
Street & Number	29640 Vanderbilt
Post Office, State, & ZIP Code	Hayward CA 94544

SENDER: <ul style="list-style-type: none"> Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we can return this card to you. Attach this form to the front of the mailpiece, or on the back if space does not permit. Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered. 		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3 Article Addressed to A. Leech	4a Article Number P 143 588 287	4b Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	7 Date of Delivery
5 Received By (Print Name) George Minami, Sr. and Janet K. Mitobe 29640 Vanderbilt Hayward CA 94544	8 Addressee's Address (Only if requested and fee is paid)		
6 Signature (Addressee or Agent) X <i>Amy Leech</i>			

Thank you for using Return Receipt Service.

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

IN RE THE PROPERTY KNOWN AS :

)	Directive to Comply and
)	Legal Request for the
)	Transmittal of
412-87-81 Hesperian Blvd.)	Information Pursuant to
<u>Hayward, CA 94544</u>)	H&S Code 25299.78 and
		25299.37

TO:

George Minami, Sr. and Janet K. Mitobe
29640 Vanderbilt
Hayward, CA 94544

A Pre-Enforcement Review Panel was held at the Alameda County Department of Environmental Health on February 28, 1996 and April 24, 1996. The parties herein named were served with notice, and Jay Woidtke appeared on their behalf on February 28 and April 24, 1996. The Pre-Enforcement Review Panel having considered the evidence and facts available to it, hereby finds that the above-named parties were the owners and operators of underground storage tank(s) as defined by the laws of the State of California and said parties herein are hereby found to be responsible pursuant to law. The panel further finds that there is evidence of possible contamination at the property due to leaking from said underground storage tank(s).

Therefore, the parties named herein are required to furnish the following information pursuant to Health and Safety Code Sections 25299.37 and 25299.78 :

1. Technical report regarding the implementation of ES Engineering-Science's "Workplan for Preliminary Site Assessment at Former Minami Nursery Site", dated October 18, 1993, or if necessary, submittal of a revised preliminary site assessment proposal which considers current site-specific conditions and requirements. Due by May 24, 1996.
2. If a revised preliminary site assessment proposal is submitted, then a technical report regarding the implementation of the revised preliminary site assessment is due within 45 days from the date the revised preliminary site assessment proposal is approved by the Alameda County Department of Environmental Health (ACDEH).
3. A minimum of four quarters of sampling of the groundwater wells for chemical constituents (i.e , TPHg, TPHd, Total Oil and Grease, BTEX, and MTBE).

4. Technical reports detailing the quarterly sampling events by the following dates:
~~May 24, 1996, August 24, 1996, November 24, 1996, and February 24, 1997.~~
6/17/96 10/17/96 1/17/97 4/17/97
5. Upon receipt and evaluation of the findings and data derived from the preliminary site assessment/monitoring well installation(s), other work plan submittals and/or assessments may be required by ACDEH or the San Francisco Bay Regional Water Quality Control Board and shall be submitted by the assigned due date.
6. Monthly status reports describing schedule of pending work and status of contract arrangements with the State Cleanup Fund.

Additional workplans and technical reports may be required based upon an evaluation of the data required above. These additional scopes of work will be noted in writing from the Alameda County Department of Environmental Health and will be assigned a due date. All proposed work must adhere to the requirements articulated in *The Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites, Dated 8/10/90.*

This Directive is a **Legal Request to Furnish Information** pursuant to California Health and Safety Code Sections 25299.37 and 25299.78. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by the Alameda County Department of Environmental Health.

Failure to undertake the required corrective action, including the submittal of a technical report after the date specified in this request, may result in fines of up to \$5,000 per day per tank pursuant to Health and Safety Code section 25299 and \$10,000 per day per tank pursuant to Health and Safety Code section 25299.76. All submittals pursuant to this directive must be signed by the (party/parties) named herein under penalty of perjury as required by Health and Safety Code section 25299.78, and sent to Amy Leech at the Alameda County Department of Environmental Health.

All communication regarding this matter must be with Amy Leech , Hazardous Materials Specialist at (510)567-6755 .

Dated: 5-1-96

Alameda County Health Officer

By 
Thomas Peacock, Manager of Site Mitigation

cc: Gil Jensen, Alameda County District Attorney, Environmental Protection Division
Cheryl Gordon, SWRCB

4/15/96

Tom -

We had a PERP for this site on 2/28/96 in which RP's attorney appeared. Hil told them to comply or they will need to return on 4/24/96 @ 10:30 A.M.

We have not heard anything from them since the 2/28 PERP.

We expect they may not show up on 4/24, but if they do, will you take notes for me?

I have already submitted a draft copy of the "DIRECTIVE TO COMPLY" to Jennifer Kreba/Hil & they intend to send it out after 4/24.

Thx!, Amy

ALAMEDA COUNTY ENVIRONMENTAL
HEALTH DEPARTMENT

ENVIRONMENTAL PROTECTION DIVISION
1131 Harbor Bay Parkway, Suite #250
Alameda, CA 94502-6577
Telephone (510) 567-6700
Fax Number (510) 337-9335

FAX COVER SHEET

DATE: April 1, 1996

TO: Jennifer Krebs

FAX # (510) 569-0505

Total number of pages including cover sheet 3

FROM: Amy Leech 567-6755
ACDEL - LOP

NOTE: Jennifer -
attached are draft copies of directives to comply
for PAS-CO and MINAMI NURSERY. As we discussed,
we will be submitting the directives to PAS-CO
to be reviewed and approved by the Board of Supervisors
on 4/24th (after the Board meeting). Thank you for
your assistance - (SMILE) have a nice day.
DO SOMETHING FOR OUR ENVIRONMENT.

jdsb/0395 (bmc)

DRAFT for a "DIRECTIVE TO COMPLY"

Draft Date: April 1, 1996/by A.Leech 567-6755 w/ACDEH

PROPERTY KNOWN AS:

Minami Nursery
Parcel #412-87-81 Hesperian Blvd., San Lorenzo
Formerly 600 Shirley Avenue, Hayward

To: George Minami, Sr. and Janet K. Mitobe
29640 Vanderbilt
Hayward CA 94544

Note: Holding to issue until after the April 24th PERP.

A PERP was held aton February 28, 1996 and April 24, 1996. The parties herein named were served with notice, and Jay Woidtke appeared on their behalf on February 28, 1996 and April 24, 1996. ~~(**pending** The parties herein named failed to appear on April 24, 1996.)~~ The PERP having considered the evidence and facts available to it, hereby finds that the above-named parties are the owners of the property named herein where unauthorized release(s) of hazardous substance(s) occurred from underground storage tanks formerly located on the property. The panel further finds that there is evidence of possible soil and groundwater contamination at the property due to unauthorized releases from said underground storage tanks.

Therefore, the parties named herein are required to furnish the following information pursuant to Health and Safety Code Sections

1. **Technical report regarding the implementation of ES Engineering-Science's "Workplan for Preliminary Site Assessment at Former Minami Nursery Site", dated October 18, 1993, or if necessary, submittal of a revised preliminary site assessment proposal which considers current site-specific conditions and requirements. Due by May 24, 1996.**
2. **If a revised preliminary site assessment proposal is submitted, then a technical report regarding the implementation of the revised preliminary site assessment is due within 45 days from the date the revised preliminary site assessment proposal is approved by the Alameda County Department of Environmental Health (ACDEH).**
3. **A minimum of four quarters of sampling of the groundwater well for chemical constituents (i.e., TPHg, BTEX, and MTBE).**
4. **Technical reports detailing the quarterly sampling events by the following dates: May 24, 1996, August 24, 1996, November 24, 1996, and February 24, 1997.**
5. **Upon receipt and evaluation of the findings and data derived from the preliminary site assessment/monitoring well installation(s), other work plan submittals and/or assessments may be required by ACDEH or the San Francisco Bay Regional Water Quality Control Board and shall be submitted by the assigned due date.**
6. **Monthly status reports describing schedule of pending work and status of contract arrangements with the State Cleanup Fund.**

All proposed work

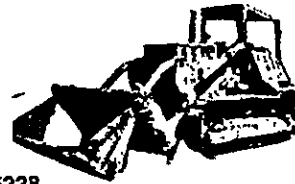
All communication regarding this matter must be with Amy Leech, Hazardous Materials Specialist at (510)567-6755.

Fuller Excavating & Demolition, Inc.

P.O. BOX 6595 SAN JOSE, CALIFORNIA 95150

(408) 267-8345 (408) 265-2629

License No. 505228



Mr. George Minami, Sr. and Janet K. Mitobi
29640 Vanderbilt
Hayward, California 94544

February 27, 1996

Subject: Site Conditions and Proposed Scope of Work for conducting future Environmental Site Investigations at the former Minami Nursery site, Parcel No. 612-87-0 in Hayward, California.

Mr. Minami and Mr. Mitobi:

We have prepared this letter discussing the current site conditions that are affecting the proposed scope of environmental and assessment services at the above-mentioned site property in Hayward, California. It is our understanding that additional environmental work has been requested at the site by the Alameda County Health Care Services Agency (ACHSA) to evaluate whether gasoline and heating oil hydrocarbons have impacted the groundwater beneath the site in the area of a former underground gasoline storage tank (UST) and a former heating oil UST. It is also our understanding that no additional environmental work was requested at the site by the ACHSA concerning a second former heating oil UST.

On February 9, 1996, we attended a site meeting with you and your attorney and discussed the following items:

1. The Excavation Stockpiled Soil: A report prepared by a previous consultant described approximately 1,200 cubic yards of excavated soil that had been stockpiled at the site. Upon our arrival at the site, it appeared that considerably more than 1,200 cubic yards of soil was stockpiled at the site. Prior to disposal or treatment of the stockpiled soil, the soil must be sampled and characterized according to ACHSA specifications, and the source of any additional soil should be investigated. It was mentioned during our discussion at the site that the UST excavation occurred prior to development of the subdivision surrounding the site.
2. Three Proposed Groundwater Monitoring Wells: A work plan prepared by the previous consultant and a letter from the ACHSA recommended that three groundwater monitoring wells be drilled and sampled at the site. The proposed locations for these wells were in the area of the former excavation, in the northwestern corner of the site, and along the western property boundary. Because of the existing stockpiled soil, it became immediately apparent that a backhoe or bulldozer would be needed to cut an access roadway through the stockpiled soil to allow for the drilling of the two groundwater monitoring wells proposed for the western portion of the site.

Site Conditions and Scope Work Letter
Former Minami Nursery Site, Hayward, California

Fuller Excavating
February 27, 1996

If possible, the proposed location of the groundwater monitoring well along the western property boundary could be moved towards the southwestern property corner to allow for a more easily accessible location.

3. Preliminary Characterization of the Existing Stockpiled Soil: Since prior to disposal or treatment of the stockpiled soil, the stockpiled soil must be sampled and characterized according to ACHSA specifications, and an access roadway may have to be cut through the stockpiled soil to allow for the drilling of the two groundwater monitoring wells proposed for the western portion of the site, we proposed during the site meeting that preliminary soil sampling of the stockpiled soil be performed after the access roadway has been excavated. Furthermore, the "roadcut" may yield evidence as to the source(s) of any additional soil that may have been stockpiled at the site.

If the access roadway through the stockpiled soil is approved by the ACHSA to allow for the drilling of the two groundwater monitoring wells proposed for the western portion of the site, Fuller Excavating & Demolition can prepare proposals and estimated budgets for the excavation work and soil sampling. The soil sampling work will be performed under the direct supervision of a California Registered Geologist, and per ACHSA specifications.

4. Soil and Groundwater Investigation: After your meeting with the ACHSA on February 28, 1996, we can move forward with arranging for the completion of the proposed Soil and Groundwater Investigation(s) and Quarterly Groundwater Monitoring necessary for closure of the site. Again, Fuller Excavating & Demolition can prepare proposals and estimated budgets for the drilling, installation, and sampling of the three proposed groundwater monitoring wells. The drilling, installation, and sampling of the proposed groundwater monitoring wells will be performed under the direct supervision of a California Registered Geologist, and per ACHSA specifications.

If you have any questions or comments, please contact us at (408) 275-1797.

Sincerely,
Fuller Excavating



Ms. Patricia Fuller
President

Law Office of
JAY A. WOIDTKE
20320 Redwood Road,
Castro Valley, California 94546

Telephone (510) 881-5026

FAX (510) 881-0239

April 25, 1996

Ms. Amy L. Leech
HAZARDOUS MATERIALS SPECIALIST
ALAMEDA COUNTY ENVIRONMENTAL HEALTH DEPT.
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda, Ca 94502-6577

via FAX: 510/337-9335

RE: MINAMI PROPERTY - 600 SHIRLEY AVENUE, HAYWARD, CA.
APN 412-87-81

Dear Ms. Leech:

In that you were unable to be present at yesterday's Pre-Enforcement Review Board hearing and in the event you have not previously received same, I am enclosing a copy of the letter I submitted to the Board and Ms. Shinn yesterday.

I was hoping by this hour I would have laboratory results back from Fuller Excavating testing concerning the soil tests completed at the above address. In the event I receive the information later this date or tomorrow I will immediately fax you a memo concerning same.

As indicated in my letter to the board Ms. Fuller considers the soil berm has little or no contamination based upon the (I believe) 12 locations that were excavated and her visual and old factory inspections of samples taken.

Ms. Fuller has left a voice message this date in order to establish a firm time for her to meet or otherwise connect to secure your input, advice and approval of the next steps being taken at the project site.

Hopefully you and she will be able to exchange this information in the immediate future as we would like to continue with the work plan next week.

Ms. Leech, you have been most patient in this matter and both I and my client appreciate the same. We are now in a position to proceed in an uninterrupted manner toward completion of the remediation.

Ms. Amy L. Leech
HAZARDOUS MATERIALS SPECIALIST
April 25, 1996
Page 2

via FAX: 510/337-9335

It is my understanding that you will be providing input to the District Attorney's office and associated individuals concerning the potential order that will be issued as a result of yesterday's meeting.

I indicated to Attorney Samuelson that we have no problems with establishing timelines and appropriate consequences if they are not met. However, we beseech you and the District Attorney's office to if at all possible not cause the order to be drafted in such a way that we will be sanctioned monetarily currently or cause us to be precluded from recovering from the State Fund.

As stated above, I will be contacting you in the immediate future with results of the initial testing.

Very truly yours,



JAY A. WOITKE

JAW/sk

Enc.

cc: Ms. Janet Mitobe

Law Office of
JAY A. WOITKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

April 23, 1996

Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502

RE: MINAMI NURSERY-Parcel 412-87-8

Gentlemen/Ladies:

The following constitutes an update of developments concerning the completion of the remediation efforts at above-referenced premises since the date of the last hearing on February 28, 1996.

Although we have not made as much physical progress as we would have liked to in this matter, nevertheless we are now poised to complete the remediation process. We were delayed by a month of significant rain in March, and project funding that was promised for April 5, 1996 but delayed.

We have just yesterday secured funding for the needed work by way of a loan to Ms. Mitobe (from a clients of mine) which will provide the resources for funding of the bulk of the remediation process. See Exhibit "A" appended hereto.

Yesterday Fuller Excavation was on the jobsite and actually commenced the physical aspect of the remediation process. There was a mixed report concerning what was learned yesterday. The bad news was that it is Fuller's opinion that there may be up to an additional 400 cubic yards of dirt that will need to be removed to level the lot in question. The good news is that Pat Fuller, the principal of Fuller Excavation spoke with a representative of PG & E who happened to be by the jobsite who discussed this matter with Ms. Fuller, indicating that when the surrounding housing was built by Kaufman and Broad that they used the subject premises as a repository for excess dirt resulting from the housing construction. This excess dirt should not be contaminated.

Furthermore, when the sampling was being undertaken Ms. Fuller was present, and from her visual and olfactory inspection of the excavated material she believes that little if any contamination is present in the areas excavated.

Alameda County Health Care Services Agency
Department of Environmental Health
April 24, 1996
Page 2

It is my understanding that some 15 samples have been taken from the various locations on the soil berm and it is my further understanding that we will have results as to the level of contamination or lack thereof by tomorrow, April 25, 1996.

Based upon such results and with the agreement, instruction and cooperation of Ms. Amy Leech, Fuller Excavation will then immediately commence removal of the stock piled soil to either an appropriate class of storage site or, if sufficiently free of contamination, to a location in need of clean fill.

Concurrent with the removal process will be the development of the monitoring wells as outlined in the letter of Fuller Excavation dated February 27, 1996 and required under the previously approved Workplan for Preliminary Site Assessment at Former Minami Nursery Site.

Ms. Fuller has represented to me that we can fully anticipate that the development and initial testing of such wells shall be completed within 30 days of today's date, at which time appropriate sampling and determinations can be made by the property owner and ACHSA concerning remediation, if any, that must be undertaken vis-a-vis the ground water.

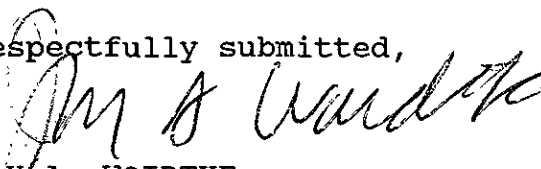
We apologize for the further delay associated with the completion and closing out of the site. However, given the periodic rain that we have been faced with (and the needed rescheduling of the sampling process), along with the delay in securing loan proceeds to provide funding as recited above, we have been prohibited until this point in time to finalize this matter.

In closing, it is once again respectfully brought to your agency's attention that to date the land owners have expended to date out-of-pocket costs in excess of \$100,000.00 net in the remediation effort, a large portion of which shall apparently not be subject to reimbursement by the state WRCB because of the bookkeeping and/or charge practices of the prior consulting firm, Engineering Sciences, Inc.

Alameda County Health Care Services Agency
Department of Environmental Health
April 24, 1996
Page 3

Therefore, we respectfully request that further hearing on this matter be continued until the next regular hearing of the Pre-Enforcement Review Panel and that in the event Ms. Leech does not believe there has been adequate progress by such date we will once again appear to consider what appropriate action, if any, should be undertaken by the County of Alameda.

Respectfully submitted,



JAY A. WOITKE
Attorney for the Minami property owners
JAW/sk
Attachement
cc: Janet Mitobe
George Minami, Sr.
Fuller Excavation

PURCHASER'S RECEIPT - RETAIN FOR YOUR RECORDS

PURCHASER

ALAMEDA BANK
First National

137848

90-730/1211

P.O. Drawer U
Alameda, CA 94501-0264

04/23/ 96

PAYABLE TO

* * * JANET MITOBE OR JAY WOLDTKE * * * * *

27,072.33

NOT NEGOTIABLE

ALAMEDA BANK 04/23/96

MEMORANDUM

CASHIER'S CHECK

FOR

CD # 822110

**STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS**

2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120
(916) 227-4307
(916) 227-4530 (FAX)



FEB 28 1996

ST10
3817
(ALL)

JAY WOIDTKE

ESTATE OF GEORGE MINAMI, JR.

29640 VANDERBILT
HAYWARD, CA 94544

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF PROPOSED
WITHDRAWAL OF LETTER OF COMMITMENT: CLAIM NUMBER 007068; FOR SITE ADDRESS:
600 SHIRLEY AVE, HAYWARD 94541

A Letter of Commitment (LOC) was issued to you on March 8, 1995. Pursuant to its terms and conditions, an LOC may be withdrawn at any time if the claimant is found to be not in compliance with any applicable state rules and regulations, and with all of the terms, conditions, and commitments contained in the claimant's application.

This letter is to notify you that the Underground Storage Tank Cleanup Fund is proposing to withdraw your LOC for the following reason:

On March 27, 1995 this office approved \$38,354 to be reimbursed to the Estate of George Minami, Jr. for corrective action costs for the subject site. A copy of a "Final Notice of Violation" sent to George Minami, Sr. and Janet K. Mitobe dated January 25, 1996 was received by this office. The notice stated that a workplan for preliminary site assessment was approved on October 21, 1993 by the Alameda County Health Care Services. Additionally, letters were sent on October 21, 1993, August 24, 1994, and February 3, 1995 requiring the implementation of the approved workplan. Technical reports documenting potential ground water contamination were never received by the Alameda County office. The notice required you to submit confirmation that the proposed monitoring wells have been installed and sampled no later than February 14, 1996, and submit a report documenting the completion of the preliminary site assessment up through the installation and sampling of the three monitoring wells no later than March 15, 1996.

This office will not process any additional reimbursement requests received by you until you comply with the request made in the January 25, 1996 Final Notice of Violation. This office will follow-up with Amy Leech with the Alameda County Health Care Services on March 18, 1996. If you have not submitted the required reports to her office by that date, your Letter of Commitment will be withdrawn.

If you are not in agreement with this decision, you may request a review of the decision by the Manager of the Underground Storage Tank Cleanup Fund Program within thirty (30) calendar days from the date of this Notice. Please send any request for review to

Mr. Dave Deaner, Manager Claim No. 007068
Underground Storage Tank Cleanup Fund Program
State Water Resources Control Board
Division of Clean Water Programs
P. O. Box 944212
Sacramento, CA 94244-2120

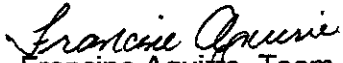
(over)

Estate of George Minami, Jr.

-2-

If you have any questions, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,



Francine Aguirre, Team Leader - Region 2
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
2101 Webster St., Ste. 500
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

Law Office of
JAY A. WOITKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

February 28, 1996

Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Way Parkway, Room 250
Alameda, CA 94502

RE: MINAMI NURSERIES - PARCEL 412-87-8

Gentlemen/Ladies:

I represent the owners of the above-referenced property and am appearing on their behalf this date for the purpose of providing information and input that might be of assistance to your review panel.

With respect to the above-referenced property, one of your areas of inquiry is that of determining "responsible parties". The property in question is currently owned by Janet Mitobe (nee Minami), who owns approximately an undivided 5% in fee interest in the property by virtue of an inheritance from her deceased mother, with the balance owned by George Minami, Sr. (Janet's father) and the Estate of George Minami, Jr. (Janet's predeceased brother).

The property at one time has served as the family residence with adjoining nursery. When the property was sold in the mid 1980s to Kaufmann and Broad there was an initial determination made that there had been the possible leaking of the family's gasoline and diesel tanks which resulted in a parceling of the property with the subject remaining property continuing to be owned by Minami/Mitobe pending completion of remediation efforts.

After such date and extensive investigation, George Minami, Jr. acting on behalf of all interested parties hired Engineering Sciences, Inc. who initially estimated the total cost of cleanup to be some \$118,000.00.

Thereafter Engineering Sciences ran up a bill in excess of \$130,000.00 which resulted in Mr. George Minami Jr.'s refusal to pay for continued remediation efforts which resulted in the filing of a law suit, eventually settled in favor of Engineering Sciences, Inc.

To date the Minami family has paid out-of-pocket in excess of \$120,000.00 in attempting to clean up the subject property. Unfortunately the only assets comprising the Estate of George Minami Jr. and the primary assets of George Minami Sr. are a commercial building in Sausalito and in an apartment complex in Visalia, California.

Alameda County Health Care Services Agency
Department of Environmental Health
February 28, 1996
Page 2

Given the significant downturn in the commercial real estate market since the Minamis acquired these properties in the mid 1980s and the very significant loans upon same, these properties appear to be of little or no net value.

Mr. Minami Sr. is a retired gentleman of 85 years and the only other asset that he owns of consequence is his personal residence.

As indicated above, George Minami Jr. died in December of 1992 and his estate is potentially insolvent, given the fact that his site in question is yet to be fully remediated and the lack of value associated with the commercial properties.

Mrs. Mitobe, although she is a very minor owner of the subject property, similarly has as her primary asset her home in Castro Valley, which has been fully mortgaged associated with keeping the commercial properties operating and in repair.

With reference to the site the tanks in question were removed in 1988/89 and the excavated area has been filled with clean imported material.

The subject property has stock piled upon same a large berm of soil, the contamination level of which is currently unknown.

Given the location of the property which is immediately behind commercial property located on Hesperian Boulevard, the fact that the waterflow gradient is generally to the west, towards which direction I do not believe there is any housing between such property and the mile or so to the edge of the San Francisco Bay, and the fact that the contaminated soil has been no doubt degrading in place over the past 8 or so years since excavated, I do not believe this location to be a serious environmental or health risk to any party.

However, we do recognize the various agencies concerns in having this site reassessed, with an eye towards closure, and are soliciting your assistance with regard to same.

I have submitted herewith a letter faxed to me this morning from Fuller Excavating and Demolition, Inc. the party that had been chosen by the Minamis to complete the remediation process. Unfortunately, we have had difficulties on and off with the State Water Resources Control Board Cleanup Fund and given the financial limitations of the estate and the individual owners, they have been unable to further fund the cleanup activity to date.

Alameda County Health Care Services Agency
Department of Environmental Health
February 28, 1996
Page 3

Given the time, financial and weather limitations since the issuance of a final notice of violation by Alameda County Health Care Services dated January 25, 1996, there have been no further formal remediation activities performed on the subject property. However, we have, as stated herein, met with Fuller Excavating and intend to vigorously pursue remediation efforts forthwith.

We believe that the proposal outlined in the February 27, 1996 letter of Fuller Excavation is a reasonable one and presuming we can agree upon appropriate time lines for the completion of these services and we will arrange for funding of these activities notwithstanding our ability to secure reimbursement from the State Fund.

Your continued understanding and cooperation given the very difficult circumstances of this matter and the probable lack of general environmental threat posed by this site is solicited.

Very truly yours,

JAY A. WOITKE
JAW/sk

Alameda County Department of Environmental Health

Division of Environmental Protection

1131 Harbor Bay Pkwy., #250, Alameda, CA 94502-6577

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

Meeting Attendees

Date 02/28/96
Subject Minami Nursery
Location Parcel #412-87-81 Asperian Blvd
Formerly 600 Shirley Ave.

	<u>Name</u>	<u>Affiliation</u>	<u>Phone# / FAX#</u>
1	<u>Thomas Peacock</u>	<u>Al Co. DEH</u>	<u>567-67182</u>
2	<u>Amy Yeck</u>	<u>Al Co. DEH</u>	<u>567 16755</u>
3	<u>Jay Woidtke</u>	<u>Atty for Minami Nursery</u>	<u>881 15026</u>
4	<u>Eric Jensen</u>	<u>Al Co VA</u>	<u>569 19241</u>
5	<u>Jennifer Krebs</u>	<u>"</u>	<u>" "</u>
6			<u>/</u>
7			<u>/</u>
8			<u>/</u>
9			<u>/</u>
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17			<u>/</u>
18			<u>/</u>
19			<u>/</u>
20			<u>/</u>

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1. and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **A. Leech**

**George Minami, Sr. and
Janet K. Mitobe
29640 Vanderbilt
Hayward CA 94544**

4a. Article Number
P 368 729 297

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

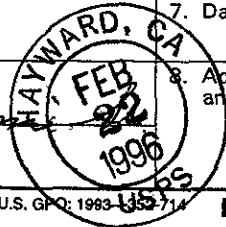
7. Date of Delivery
2-22-96

5. Signature (Addressee)

X George Minami

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)



PS Form 3811, December 1991

U.S. GPO: 1993-135-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

ALL

P 368 729 297

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
George Minami, Sr. & Janet K. Mitobe	
Street & Number	
29640 Vanderbilt	
Post Office, State, & ZIP Code	
Hayward CA 94544	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	

1995

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

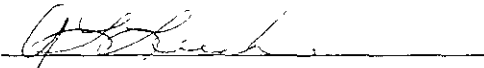
In Re The Properties Known As:)	Notice of
)	Pre-Enforcement
)	Review Panel
<u>Minami Nursery</u>)	
<u>Parcel #412-87-81 Hesperian Blvd.</u>)	
<u>Formerly 600 Shirley Avenue</u>)	
<u>Hayward</u>)	

Notice is hereby given that upon the motion of the Alameda County Environmental Protection Division, and the San Francisco Bay Regional Water Quality Control Board a hearing of the **Review Panel** will convene on February 28, 1996 at 10:30 a.m. in the offices of the Alameda County Environmental Protection Division, located at 1131 Harbor Bay Parkway, Room 250, Alameda, CA 94502. This hearing of the **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above locations.

The Alameda County Environmental Protection Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. **George Minami, Sr. and Janet K. Mitobe**
29640 Vanderbilt
Hayward CA 94544

Dated: February 15, 1996


(signature)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ARNOLD PERKINS, DIRECTOR
RAFAT A. SHAHID, DEPUTY DIRECTOR

Std 3817

January 25, 1996

George Minami, Sr. and Janet K. Mitobe
29640 Vanderbilt
Hayward CA 94544

Alameda County Environmental Health Dept.
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577
(510)567-6700 fax: (510)337-9335

FINAL NOTICE OF VIOLATION

Subject: Required investigations at property located at Parcel #412-87-81 Hesperian Blvd., San Lorenzo (formerly known as Minami Nursery, 600 Shirley Ave., Hayward)

Dear Mr. Minami and Ms. Mitobe:

The Alameda County Department of Environmental Health sent you letters on November 28, 1990, May 10, 1991, March 23, 1992, April 15, 1992, August 7, 1992, and August 18, 1993, requiring that you submit a Preliminary Site Assessment workplan to determine the vertical and lateral extent of soil and groundwater contamination from past releases from the former underground storage tanks at the subject site. This office approved ES Engineering-Science's "Workplan for Preliminary Site Assessment at Former Minami Nursery Site", dated October 18, 1993, on October 21, 1993 with conditions (see attached letter). Additionally, this office sent you letters on October 21, 1993, August 24, 1994, and February 3, 1995, requiring you to proceed with implementation of the approved workplan; however, to our knowledge this workplan has not been implemented to date. Therefore, this letter constitutes a Notice that you are in violation of specific laws to investigate and remediate this site.

Failure to furnish technical reports regarding documented or potential ground water contamination violates **Section 13267 (b) of the California Water Code**. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to **\$1,000 per day** for each day in which this violation occurs.

You are required to submit to this office confirmation that the proposed monitoring wells have been installed and sampled no later than February 14, 1996 and a report documenting the completion of the Preliminary Site Assessment up through the installation and sampling of the three monitoring wells no later than March 15, 1996. The report must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. Failure to respond *will* result in referral of this case to the RWQCB or Alameda County District Attorney's Office to consider for enforcement action. Modifications of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or RWQCB.

Please notify me at least 72 hours before field work begins. If you have questions or concerns, please contact me at (510)567-5655.

Sincerely,

Amy L. Leech
Hazardous Materials Specialist

Minami/Mitobe

Re: Parcel #412-87-81

January 25, 1996

Page 2 of 2

ATTACHMENT

JG

c: Jay Woidtke, 20320 Redwood Rd., Castro Valley, CA 94546 w/attachment
Cheryl Gordon, SWRCB
Kevin Graves, RWQCB
Gil Jensen, Alameda County District Attorney's Office
Gordon Coleman - Files(ALL)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StId 3817

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program

February 3, 1995

Alameda County
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577
CC4530

Jay Woidtke
20320 Redwood Rd.
Castro Valley, CA 94546

Subject: Investigations at 600 Shirley Ave, Hayward, California

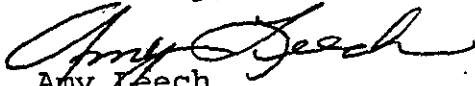
Dear Mr. Woidtke:

This office is in receipt of your letter dated January 12, 1995, addressed to the State UST Cleanup Fund and copied to us. That letter indicated you were planning to accept a bid from Fuller Excavating to complete the investigations proposed by Engineering-Science, Inc. in their work plan dated October 1993. Please see the attached letter dated October 21, 1993 from our office which approved that work plan with three provisions.

Please submit to this office documentation of Fuller Excavating's qualifications, along with a revised Project Schedule. Any extensions of stated deadlines, or modifications of approved and/or required tasks, must be confirmed in writing by either this agency or RWQCB. Please be reminded that all reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.

If you have any questions or comments, please contact me at (510)567-6755.

Sincerely,


Amy Leech
Hazardous Materials Specialist

encl.

cc: Minami Residence
29640 Vanderbilt
Hayward, CA 94544

Cheryl Gordon
State Water Resources Control Board
Division of Clean Water Programs
UST Cleanup Fund
PO Box 944212
Sacramento, CA 94244-2120

Ed Howell

Law Office of
JAY A. WOJDITKE
20320 Redwood Road
Castro Valley, California 94546

*Reviewed
on 2/1/95*

Telephone (510) 881-5026

FAX (510) 881-0239

January 12, 1995

Mr. Dave Deaner, Manager
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
2014 T Street, Suite 120
P. O. Box 944212
Sacramento, CA 94244-2120

RE: CLAIM NO. 007068 - REIMBURSEMENT REQUEST
ESTATE OF GEORGE MINAMI, JR.
SITE ADDRESS: 600 SHIRLEY AVENUE, HAYWARD, CA

Dear Mr. Deaner:

Pursuant to my conversation with Ms. Cheryl Gordon of this date, I am providing to you at long last the following documents relating to the above-referenced claim via Federal Express instead of personal delivery, which I intended to do on Friday, January 13, 1995:

1. A duly executed Vendor data record;
2. A duly prepared and executed Reimbursement Request - Underground Storage Tank Cleanup Fund, No. 1, with attachments;
3. A Certification of Non-Recovery from Other Sources;
4. A Bid Summary Sheet and accompanying bids pertaining to the remaining work that needs to be completed at the subject site.
5. This letter of instruction and all additional documentation hereinafter mentioned.

We have provided with the Request for Reimbursement copies of six of the checks that have been paid to Engineering Science, Inc. on this project.

As of this date the following amounts have been paid to Engineering Science which completes this estate's liability vis-a-vis the initial contract entered into with said corporation:

1. Three initial payments totaling the sum of \$36,066.97 (see statement relating to and actual receipt of such amounts, along with transmittal letters and checks - Exhibit 1)

Mr. Dave Deaner, Manager
Underground Storage Tank Cleanup Fund
January 12, 1995
Page 2

2. The sum of \$44,409.38 paid pursuant to a sheriff's levy of funds previously held in an escrow account which was to provide a source of funds for the work (see Exhibit 2).
3. Three additional \$30,000.00 payments, all made by Janet Mitobe in her capacity as Administratrix of the Estate of George Minami, Jr. drawn upon the Minami Properties account totaling the sum of \$90,000.00 (see Exhibits 3 and 4 - copies of checks, and Exhibit 5 - copy of letter from attorney for Engineering Science, Inc. which acknowledges receipt of the \$30,000.00 March 31, 1994 check which we have ordered from the bank but have not received as of this date)

Therefore the total amount that has been paid to date totals the sum of \$170,476.35.

You will note that on the Request for Reimbursement we have asked for a lesser amount of \$112,762.09 reflecting not only the \$10,000.00 deductible but also the amounts that are not properly recoverable from the fund because they relate to costs associated with the removal of the underground storage tanks (\$11,600.00) and prejudgment interest (\$36,114.26).

To that end I am enclosing a copy of Mr. Neal Siler's, Manager of the Hazardous Waste Service Department of Engineering Science, Inc. detailing the amounts and his breakdown pertaining thereto (see Exhibit 6).

With reference to the "front and back" request for the checks in question, we will continue to work on same in the event your agency should need such confirmation.

However, as indicated above, three of the checks came directly from the title company which my clients never saw. One of the checks came from the sheriffs department pursuant to levy and one of the checks has only recently been paid on or about 12/31/94 for which my client has not received back the canceled instrument.

I have attempted to fill out your spread sheets so as to coincide with the voluminous invoices that we have appended to this Request for Reimbursement which covers the services rendered by Engineering Science.

In the event you need further clarification we will be happy to either rework these spread sheets and/or provide you with the reverse side of the checks from the title company which covered the three initial payments plus the amount that was turned over to the Contra Costa County Sheriff's Department in a levy which was issued in favor of Engineering Science, Inc.

Mr. Dave Deaner, Manager
Underground Storage Tank Cleanup Fund
January 12, 1995
Page 3

I am also enclosing for your information a copy of the Work Plan for Preliminary Site Assessment covering the remaining work prepared by Engineering Science, Inc. in October of 1993 (which did not include a bid separate and apart from the bid they had previously submitted in 1991 - see Exhibit 7) along with my subsequently received bids. We have elected not to pursue Engineering Science, Inc. for an additional bid given the fact that we feel same would be an exercise in futility based upon their initial change order number which 3/5/90 (an additional \$199,000.00 - see Exhibits 8 and 9, which is the original contract for the services that have been partially provided to date).

I have provided by way of Exhibit 10 an accounts receivable ledger which reflects the initial activity in the account, summarizing the first 15 invoices (the only ones reflecting services rendered -all subsequent invoices were for interest that accrued upon the unpaid work and material invoices).

I have also for your convenience labeled the 15 invoices Exhibits "11-(1) through (15)" so that they may be easily referenced.

Although the initial letter of LOC was for the sum of \$20,000.00, I have been told that presuming the claim is approved and conforming it will be automatically amended to reflect the amount recoverable and for which payment as already been made.

I am also enclosing documents in satisfaction of the three-bid requirement for the remaining work, bids submitted this last year by KTW and Associates, Fuller Excavating and Demolition, Inc. and Clark Witham, Inc., all of which are still outstanding and good bids. I have confirmed their continuing validity this week.

We want to accept the Fuller Excavating bid for the reasons hereinafter stated.

I have recently had the occasion to work with Ms. Pat Fuller, the principal of Fuller Excavating and am impressed with not only her straightforward and honest approach to her work, but also the fact that she has proven to me her ability to orchestrate and complete environmental cleanup projects for a cost significantly less than other competitive bids.

The Fuller bid is less than the KTW bid by some \$17,000.00 and the bid that we received from Clark Witham, Inc. is only for a portion of the remediation that needs to be completed. Nevertheless, if we compare the amount that Clark Witham, Inc. is bidding for the partial work versus the breakdown given by Fuller Excavation, then Fuller again clearly has a more reasonable bid.

Mr. Dave Deaner, Manager
Underground Storage Tank Cleanup Fund
January 12, 1995
Page 4

To that end we have submitted herewith in anticipation of having Fuller Excavating awarded a bid a Reimbursement Request on Underground Storage Tank Cleanup Fund Reimbursement No. 2 which covers the amount of the additional work needed.

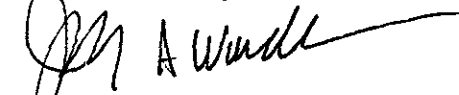
We are anxious to commence with the completion of remediation at the subject property as soon as possible and in the event that you can act on either or both of our reimbursement requests, we will have the resources necessary to enter into an agreement with Fuller and commence remediation.

We will in addition be working directly with Juliet Shin of Alameda County (or her successor whom I believe has now been identified) and am providing a copy of this letter without enclosures directly to her agency so she might be brought up to speed as to the current status of our efforts.

In the event you should need anything further concerning the above reimbursement request, please contact me immediately.

I look forward to hearing from you concerning all of the above.

Very truly yours,



JAY A. WOITDKE
JAW/sk
Enc.

cc: Ms. Janet Minami Mitobe
Juliet Shin
Hazardous Materials Specialist
DEPARTMENT OF ENVIRONMENTAL HEALTH

Law Office of
JAY A. WOITZKE
20320 Redwood Road
Castro Valley, California 94546

Telephone (510) 881-5026
FAX (510) 881-0239

November 11, 1994

Ms. Juliet Shin
Hazardous Materials Specialist
DEPARTMENT OF ENVIRONMENTAL HEALTH
80 Swan Way, Room 200
Oakland, CA 94621

via FAX: 337-9335

RE: 600 SHIRLEY AVENUE - FORMER MINAMI NURSERY

Dear Ms. Shin:

In response to your most recent correspondence, I wanted to give you an update as to our efforts to complete the remediation at the above-referenced site.

First of all, as you are aware, the tanks which were once present were long ago removed and the holes left after excavation and removal of the tanks and contaminated soil have been properly backfilled and compacted with clean imported product.

It is my understanding from speaking with some of the consultants from which we have attempted to secure a bid from for the completion of the remediation that the stock piled "contaminated" soil (given the nature and extent of the contamination that was present at the time of excavation) does not present a significant health risk to the adjoining property occupants, but rather the most dramatic issue that we are currently facing is the unsightly appearance of the large soil berm.

It is my understanding from reading the reports of EMCON Associates that at the time they made initial investigation of the property water samples that were taken ostensibly "down gradient" that evidence that any ground water contamination was limited to the parameters of the Minami property.

My client is most anxious in getting this remediation completed so that Kaufman and Broad can acquire the property and we can close out the George Minami, Jr. probate estate.

One problem that we have is the great and immediate cost that we are faced upon recommencing the remediation process.

As you are aware, the state is requiring three separate bids in order to potentially qualify for payment under the state's financial assistance program.

Ms. Juliet Shin
Hazardous Materials Specialist
DEPARTMENT OF ENVIRONMENTAL HEALTH
November 11, 1994
Page 2

Although we received one bid in March of this year, we have been unsuccessful in securing any other bid given the ostensible uncertainties associated with what the county is going to require concerning ground water remediation.

Nevertheless we are getting closer to receiving two additional bids, one from Terra Vac, Inc. out of San Leandro, CA and the other from Fuller Excavation, Inc. out of San Jose, CA.

The one bid that we did receive (from KTW, Inc.) is very open-ended providing that there is potentially \$90,000.00 or more in cost to the estate in attempting to complete the remediation.

We need to have a source of funds given the compact guideline indicated by KTW's bid, which is not in place as of this date.

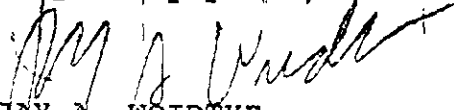
Upon receiving these bids I would like to contact your office to arrange for a short appointment to review the bids, make certain that the parties that have submitted the bids are qualified insofar as the county is concerned and then immediately submit them to the state for hopeful authorization to proceed.

As I have indicated to you, the Estate of George Minami, Jr. is potentially insolvent; although there are assets, there are very significant liabilities.

Additionally, there is not sufficient cash in this estate to pay for the remediation process, hence we are stuck with working within the state time line for reimbursement.

I will recontact the two remaining outstanding bidders on Monday, November 14th and call your offices with their best estimates as to when some of the bids will be available for our joint review and consideration. In the interim thank you very much for your kind patience and understanding in this regard.

Very truly yours,



JAY A. WOJDITKE
JAW/sk

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS

2014 T STREET, SUITE 130

P.O. BOX 944212

SACRAMENTO, CALIFORNIA 94244-2120

(916) 227-4427

(916) 227-4530 (FAX)

ALCO
HAZMAT
94 SEP 14 PM 2:40

August 31, 1994

STID 3817 JTS

Jay Woidtke
29640 Vanderbilt
Hayward, CA 94544

**UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF PROPOSED
WITHDRAWAL OF LETTER OF COMMITMENT: CLAIMANT: ESTATE OF GEORGE MINAMI,
JR.; CLAIM NUMBER 007068; FOR SITE ADDRESS: 600 Shirley Ave., Hayward**

A Letter of Commitment (LOC) was issued to the Estate of George Minami on December 28th, 1993. Pursuant to its terms and conditions, an LOC may be withdrawn at any time if the claimant is found to be not in compliance with any applicable state rules and regulations, and with all of the terms, conditions, and commitments contained in the claimant's application.

This letter is to notify you that the Underground Storage Tank Cleanup Fund is proposing to withdraw the LOC for the following reason(s):

On December 28, 1993, the Estate was issued a Letter of Commitment in the amount of \$20,000. On July 18, 1994, a letter was sent to you requesting that you submit within thirty days a reimbursement request or an adequate explanation why a reimbursement request could not be submitted. As of this date, neither a reimbursement request nor explanation has been received.

If you are not in agreement with this decision, you may request a review of the decision by the Manager of the Underground Storage Tank Cleanup Fund Program within thirty (30) calendar days of the date of this Notice. Please send any request for review to:

Mr. Dave Deaner, Manager Claim No. 007068
Underground Storage Tank Cleanup Fund Program
State Water Resources Control Board
Division of Clean Water Programs
P. O. Box 944212
Sacramento, CA 94244-2120

If a request for review of this decision is not received within thirty (30) calendar days of the date of this Notice, the LOC will be withdrawn.

Jay Woidtke

-2-

If you have any questions, please contact Donna L. Turcotte at
(916) 227-4532.

Sincerely,

Francine Aguirre
Francine Aguirre
Team Leader, Regions 1 and 2
Underground Storage Tank Cleanup Fund

cc: California Regional Water Quality
Control Board, San Francisco Bay Region
Attn: Steve Morse
2101 Webster Street, Suite 500
Oakland, CA 94612

✓ Alameda County EHD
Attn: Ed Howell
1131 Harbor Bay Pkwy
Alameda, CA 94502

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

August 24, 1994

Mr. Jay Woidtke
20320 Redwood Rd.
Castro Valley, CA 94546

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

STID 3817

Re: Requirements for the State Trust Fund committment letter
for site located at 600 Shirley Ave., Hayward, California

Dear Mr. Woidtke,

On December 28, 1993, you received a Letter of Committment (LOC) from the State Trust Fund for the above site. The case files for the site were recently reviewed by the State Trust Fund, and it was determined that the site is currently not in compliance with the required investigations. Please be reminded that diligent efforts must be made to investigate and remediate contamination at the site, and if the site does not remain in compliance, steps will be taken to remove the site's claim from the State Trust Fund priority list.

The County issued you a letter on October 21, 1993 approving Engineering Science's work plan for investigations at the site. Per my conversation with you on May 3, 1994, you stated that a consultant would be retained by the end of the month to implement the work. To this date, it appears that the work plan has not been implemented at the site, and this office has received no correspondence regarding the status of the site. This office left you messages on May 17, 1994 and July 20, 1994 requesting that you contact us with an update on the status of the site.

In an effort to encourage continual investigative efforts at the site and to gauge the site's status of compliance, this office is assigning a **due date of November 16, 1994** for the implementation of the referenced work plan, and the submittal of a report documenting the work.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,

Juliet Shin
Hazardous Materials Specialist

Mr. Jay Woidtke
Re: 600 Shirley Ave.
August 24, 1994
Page 2 of 2

cc: Donna Turcotte
State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Minami Residence
29640 Vanderbilt
Hayward, CA 94544

Edgar Howell-File(JS)

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 04244-2120
(916) 227-4307
(916) 227-4530 (FAX)



July 18, 1994

Estate of G. Minami, Jr., Deceased
Attn: Jay Woidtke
29640 Vanderbilt
Hayward, CA 94544

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NO RESPONSE TO LETTER OF COMMITMENT (LOC): CLAIM NUMBER 007068; FOR SITE ADDRESS: 600 Shirley Ave., Hayward

It has come to my attention that the LOC issued to you on December 28th, 1993 in the amount of \$20,000 has not been responded to with a request for reimbursement.


Please submit your reimbursement request with all of the required supporting documentation, or a written explanation as to the status of the cleanup and why you have not requested reimbursement to date. If a request or adequate explanation is not received within thirty (30) calendar days from the date of this letter, I will take steps to begin the withdrawal process of your LOC.

Please send your reimbursement request or explanation to:

State Water Resources Control Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund Program
Attention: Francine Aguirre, Claim No. 007068
P. O. Box 944212
Sacramento, CA 94244-2120

If you have any questions, please contact Donna L. Turcotte at (916) 227-4532.

Sincerely,


Francine Aguirre
Team Leader, Regions 1 and 2
Underground Storage Tank Cleanup Fund

cc: California Regional Water Quality
Control Board, San Francisco Bay Region
Attn: Steve Morse
2101 Webster Street, Suite 500
Oakland, CA 94612

✓ Alameda County EHD
Attn: Ed Howell
80 Swan Way, Room 200
Oakland, CA 94621

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
 2014 T STREET, SUITE 130
 P.O. BOX 944212
 SACRAMENTO, CALIFORNIA 94244-2120
 (916) 227-4413
 (916) 227-4530 (FAX)

ALCO
 HAZMAT

94 JAN 11 - AM 10:56
 JAN 10 1994



Estate of George Minami, Jr.
 Attn: Jay Woidtke
 29640 Vanderbilt
 Hayward, CA 94544

Site: Minami Nursery
 600 Shirley Avenue
 Hayward, CA 94541

Dear Mr. Woidtke:

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 7068

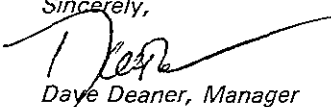
The State Water Resources Control Board (State Board) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed **\$20,000**. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on October 23, 1992 and may be modified by the State Board in writing by an amended Letter of Commitment.

The State Board will take steps to withdraw this Letter of Commitment after 90 calendar days from the date of this transmittal letter unless you proceed with due diligence with your cleanup effort. This means that you must take positive, concrete steps to ensure that corrective action is proceeding with all due speed. For example, if you have not started your cleanup effort, you must obtain three bids and sign a contract with one of these bidders within 90 calendar days. If your cleanup effort has already started and was delayed, you must resume the expenditure of funds to ensure that your cleanup is proceeding in an expeditious manner. You are reminded that you must comply with all regulatory agency time schedules and requirements. We constantly review the status of all active claims, and failure to proceed with due diligence will be grounds for withdrawal of this Letter of Commitment. You should read the terms and conditions listed in the Letter of Commitment. Also attached you will find:

- A "Reimbursement Request Instructions" package. You should retain this package for future reimbursement request. Among other information, the package includes instructions for completion of the "Reimbursement Request" form and the "spreadsheet". These instructions must be followed when seeking reimbursements for corrective action costs incurred after January 1, 1988. Included in these instructions are samples of Reimbursement Request forms and complete Spreadsheets. Within the package also included are:
 - Recommended Minimum Invoice Cost Breakdown.
 - A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
 - A "Bid Summary Sheet" to document data on bids received.
- Three "Reimbursement Request-Underground Storage Tank Cleanup Fund" forms which you must use to request reimbursement of costs incurred.
- Two "Spreadsheets" which you must use in conjunction with your Reimbursement Request.
- "Vendor Data Record" (Std. form 204) which must be completed and returned with your first Reimbursement Request.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Blessy Torres at (916) 227-4535.

Sincerely,


 Daye Deaner, Manager
 Underground Storage Tank
 Cleanup Fund Program

Attachments

cc Tom Peacock
 Alameda County Health Agency
 Div of Hazardous Materials
 80 Swan Way
 Oakland, CA 94621

Don Dalke
 Regional Water Quality Control Board
 San Francisco Bay Region
 2101 Webster Street, Suite 500
 Oakland, CA 94612

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 007068

AMENDMENT NO: 0

CLAIMANT: Estate of George Minami, Jr.
JOINT-CLAIMANT:

BALANCE FORWARD: \$0

CLAIMANT ADDRESS: 29640 Vanderbilt
Hayward, CA 94544

THIS AMOUNT: \$20,000

NEW BALANCE: \$20,000

TAX ID / SSA NO. 94-6660611

Subject to availability of funds, the State Water Resources Control Board (State Board) agrees to reimburse Estate of George Minami, Jr. (claimant) for eligible corrective action costs at 600 Shirley Avenue, Hayward, CA 94541 (site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

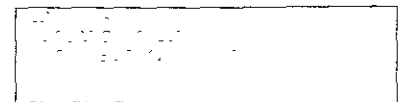
1. Reimbursement shall not exceed \$20,000 unless this amount is subsequently modified in writing by an amended Letter of Commitment.
2. The obligation to pay any sum under this Letter of Commitment is contingent upon availability of funds. In the event that sufficient funds are not available for reasons beyond the reasonable control of the State Board, the State Board shall not be obligated to make any disbursements hereunder. If any disbursements otherwise due under this Letter of Commitment are deferred because of unavailability of funds, such disbursements will promptly be made when sufficient funds do become available. Nothing herein shall be construed to provide the Claimant with a right of priority for disbursement over any other claimant who has a similar Letter of Commitment.
3. Unless modified in writing by the State Board, this Letter of Commitment covers work through Phase I of corrective action work.
4. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
5. Claimant must at all times be in compliance with all applicable state laws, rules and regulations and with all terms, conditions, and commitments contained in the Claimant's Application and any supporting documents or in any payment requests submitted by the Claimant.
6. No disbursement under this Letter of Commitment will be made except upon receipt of acceptable Standard Form Payment Requests duly executed by or on behalf of the Claimant. All Payment Requests must be executed by the Claimant or a duly authorized representative who has been approved by the Division of Clean Water Programs.
7. Any and all disbursements payable under this Letter of Commitment may be withheld if the Claimant is not in compliance with the provisions of Paragraph 5 above.
8. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the State Board. In the event of any such assignment, the rights of the assignee shall be subject to all terms and conditions set forth in this Letter of Commitment and the State Board's consent.
9. This Letter of Commitment may be withdrawn at any time by the State Board if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the State Board this 28th day of December, 1993

STATE WATER RESOURCES CONTROL BOARD

BY [Signature]
Manager, Underground Storage Tank Cleanup Fund Program

BY [Signature]
Chief, Division Administrative Services



CLAIM NO. 7060

LOCAL AGENCY NO. _____

SITE ADDRESS 600 Shirley, Hayward

PAGE 3

CORRECTIVE ACTION COMPLIANCE DOCUMENTATION

DATE	ACTION REQUIRED/RESPONSE
10/6/89	Eng Science - ltr to city w/ closure plan & req'd approval to start work 10/13/89
11/28/90	City ltr to claimant - w/p due 1/15/91
8/90	VST remediation tech rpt
5/10/90	City - Notice of Violation - no w/p per 1/28/90 negae.
4/15/92	telecon between city & RP's atty - lawsuit between consultant & claimant & vice versa
4/15/92	City Notice of Violation - still no w/p - due 5/31/92
8/7/92	2nd " " " " " " " - due 9/15/92 several telecon w/ city & RP's atty.
8/15/93	City ltr to atty req's PSA, w/p & quarterly rpts w/in 60 day
9/18/93	" " " " reinforcing above rpts for 60 day ltr
10/21/93	Verbal from Quiet Skin site in compliance
10/21/93	Work plan for a Preliminary Site Assessment submitted, reviewed, & accepted by the County.

Post-It™ brand fax transmittal memo 7671 # of pages + 1

To <u>Quiet Skin</u>	From <u>Anna Corwin</u>
Co.	Co.
Dept.	Phone # <u>916-227-4388</u>
Fax # <u>510-569-4757</u>	Fax #

With the lead agency site file, the claim reviewer has determined that the claimant is in substantial compliance with corrective action requirements.

Anna Corwin 11/29/93
 REVIEWER'S SIGNATURE DATE SIGNED

LEAD AGENCY CONCURRENCE: As of this date, the lead agency representative concurs with the determination that the claimant is in compliance with applicable corrective action requirements.

Dennis Deacon 11-30-93
 SIGNATURE DATE SIGNED

STAFF RECOMMENDATION: () APPROVED () REFERRED TO TEAM LEADER - See Comments, Page 2.
 REVIEWER'S SIGNATURE: _____ DATE SIGNED _____
 Revised 10/92

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

October 21, 1993

Mr. Jay Woidtke
20320 Redwood Rd.
Castro Valley, CA 94546

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

STID 3817

Re: Work plan for 600 Shirley Ave., Hayward, California

Dear Mr. Woidtke,

This office has received and reviewed Engineering Science's work plan, dated October 1993, for the above site. This work plan is acceptable to this office with the following reminders:

- o Ground water samples shall also be analyzed for Total Oil & Grease;
- o Please be reminded to survey wells to an established benchmark (i.e., Mean Sea Level);
- o You must wait a minimum of 24 hours after developing the wells, before you can sample the wells.

It is the understanding of this office that the work will be implemented as stipulated in the Project Schedule given in the work plan.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,


Juliet Shin
Hazardous Materials Specialist

cc: Neal Siler
Engineering Science, Inc.
1301 Marina Village Pkwy.
Alameda, CA 94501

Minami Residence
29640 Vanderbilt
Hayward, CA 94544

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

September 18, 1993

Jay Woidtke
20320 Redwood Rd.
Castro Valley, CA 94546

STID 3817

Re: Investigations at 600 Shirley Ave., Hayward, California

Dear Mr. Woidtke,

The files for the above site were recently reviewed by the State Water Resources Control Board staff. The purpose of this review was to determine if you are in compliance with the State's underground storage tank regulations. The review determined that because the next phase of work at your site has not been proposed, you are not in compliance.

Consequently, this office sent you a letter, dated August 18, 1993, requiring you to submit a work plan to this office by October 18, 1993, for further investigations at the above site. If the work plan is not bid, contracted for, and prepared within the given timeframe, the State Board cannot provide you with a letter of commitment for funding. Additionally, if you do not submit the work plan by the given due date, steps will be taken to remove your claim from the underground storage tank cleanup fund priority list.

You must keep us informed on your progress in this matter. If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,

Juliet Shin
Hazardous Materials Specialist

cc: Minami Residence
29640 Vanderbilt
Hayward, CA 94544

Edgar Howell-File(JS)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

August 18, 1993

Jay Woidtke
20320 Redwood Rd.
Castro Valley, CA 94546

STID 3817

Re: Required investigations at 600 Shirley Ave., Hayward
California

Dear Mr. Woidtke,

On November 6, 1990, one 1,000-gallon gasoline tank and one 2,000-gallon fuel oil tank was removed from the above site. Prior to this activity, another fuel oil storage tank had been removed from the site, however, information regarding the removal and fate of this tank are unknown. Two soil samples were collected from beneath each end of each tank (T1-W and T1-E from beneath the gasoline tank, and T2-W and T2-E from beneath the fuel oil tank). Analysis of the soil samples identified Total Petroleum Hydrocarbons as gasoline (TPHg) at 3,900 parts per million (ppm) and benzene at 13 ppm from sample T1-W.

Excavation and stockpiling of contaminated soil took place between November 9 and December 5, 1989. Confirmatory soil samples were collected from both the tank pit excavations. Up to 1,200 ppm TPHg was identified from these samples. The excavation was subsequently expanded and additional confirmatory samples were collected. The excavation was backfilled by March 22, 1990 with some of the overburden from the tank excavation, which was sampled and found to contain 14 ppm TPHg, but mostly with imported fill.

Although it appears that the bulk of soil contamination at the site has been removed, guidelines established by the California Regional Water Quality Control Board (RWQCB) require that ground water investigations be conducted when there is evidence to indicate that a release from an UST may have impacted the ground water.

You are required to conduct a **Preliminary Site Assessment (PSA)** to determine the lateral and vertical extent and severity of ground water contamination which has resulted from the release at the site. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB's Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and be

Mr. Jay Woidtke
Re: 600 Shirley Ave.
August 18, 1993
Page 2 of 3

consistent with requirements set forth in Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached **Appendix A**. The major elements of the guidelines include, but are not limited to, the following:

- o At least one ground water monitoring well must be installed within 10 feet of the observed soil contamination, oriented in the confirmed downgradient direction relative to ground water flow. In the absence of data identifying the confirmed downgradient direction, a minimum of three wells will be required to verify gradient direction. During the installation of these wells, soil samples are to be collected at five-foot-depth intervals and any significant changes in lithology.

- o Subsequent to the installation of the monitoring wells, these wells must be **surveyed to an established benchmark**, with an accuracy of 0.01 foot. Ground water samples are to be collected and analyzed quarterly, and water level measurements are to be collected monthly for the first three months, and then quarterly thereafter. If the initial ground water elevation contours indicate that ground water flow directions vary greatly than you will be required to continue monthly water level measurements until the ground water gradient behavior is known. Both soil and ground water samples must be analyzed for the appropriate fuel contaminants listed in Table 2 of the RWQCB's Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks.

This Department will oversee the assessment and remediation of your site. Our oversight will include the review of and comment on work proposals and technical guidance on appropriate investigative approaches and monitoring schedules. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, in Pleasanton. The RWQCB may choose to take over as lead agency if it is determined, following the completion of the initial assessment, that there has been a substantial impact to ground water.

The PSA proposal is due **within 60 days** of the receipt of this letter. Once the proposal is approved, field work should

Mr. Jay Woidtke
Re: 600 Shirley Ave.
August 18, 1993
Page 3 of 3

commence within 60 days. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for final RWQCB "sign-off". Such quarterly reports are due the first day of the second month of each subsequent quarter.

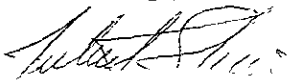
The referenced initial and quarterly reports must describe the status of the investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination characterization.
- o Interpretations of results: water level contour maps showing gradients, free and dissolved product, plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation.

Please be advised that this is a formal request for a work plan pursuant to **Section 2722 (c) (d) of Title 23 California Code of Regulations**. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or RWQCB.

If you have any questions or comments, please contact me at (510) 271-4530.

Sincerely,



Juliet Shin
Hazardous Materials Specialist

cc: Minami Residence
29640 Vanderbilt
Hayward, CA 94544

Edgar Howell-File(JS)

Telephone
(510) 838-6430

Law Offices of
ROBERT J. KAHN
18 Crow Canyon Court, Suite 280
San Ramon, CA 94583

Facsimile
(510) 838-2949

September 7, 1992

Scott O. Seery, CHMM
Department of Environmental Health
Alameda County
UST Local Oversight Program
80 Swan Way, Room 200
Oakland, CA 94621

Re: 600 Shirley Avenue, Hayward, California
George Minami, Jr.

Dear Mr. Seery:

In response to your letter to George Minami of August 7, 1992, please be advised that I represent Mr. Minami in litigation arising out of the efforts he has heretofore undertaken to perform the required remediation as to the referenced property. That litigation is still pending and is why further work on the project had to be put on hold.

I understand that several agencies have an interest in the project's completion, as well as in at least obtaining a Preliminary Site Assessment. Please be advised that Mr. Minami has no intention of avoiding any obligations or requirements concerning the subject property. On the contrary, Mr. Minami has at all times attempted to proceed with due diligence.

In light of the litigation, please give me a call at your earliest convenience so that I may discuss with you what options, if any, Mr. Minami has under the circumstances.

Thank you in advance for your time and attention to this matter.

Very truly yours,

LAW OFFICES OF ROBERT J. KAHN

ROBERT J. KAHN
RJK/kr
cc: George Minami, Jr.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

August 7, 1992

George Minami
29640 Vanderbilt
Hayward, CA 94544

STID 3817

RE: Soil and Ground Water Contamination at 600 Shirley Ave.,
Hayward, California

SECOND NOTICE OF VIOLATION

Dear Mr. Minami,

On April 15, 1992, this office sent you a **Notice of Violation** requesting you to install a minimum of three ground water monitoring wells and to define the vertical and lateral extent of soil and ground water contamination at the above site. Prior to the first Notice of Violation letter, this office sent you two letters, one dated November 28, 1990, and the other dated May 10, 1991, requiring that you conduct these investigations. As of the date of this letter, however, we have not received any communication from you on this matter. Therefore, this letter constitutes a **Second Notice** that you are in violation of specific laws and that the technical report is due.

According to **Section 25298 of the California Health and Safety Code**, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party, are in violation of this section of the Code, for which **Section 25299** specifies **civil penalties of up to \$ 5,000**, for each day of violation.

You are required to submit a **Preliminary Site Assessment (PSA)** work plan that outlines the manner in which subsurface contamination will be investigated and includes a timetable for completion. You must submit this work plan no later than **September 15, 1992**.

At a minimum, you must install three monitoring wells, constructed according to RWQCB guidelines, on site. For each former tank location, at least one well must be installed within 10 feet of the former tank in the confirmed downgradient direction. Wells must be sampled and chemically analyzed quarterly, for a minimum of one

George Minami
RE: 600 Shirley Ave.
August 7, 1992
Page 2 of 2

year. Monitor for floating fuel products and analyze for the following dissolved fuel contaminants:

Total Petroleum Hydrocarbons as gasoline (TPHg)
Total Petroleum Hydrocarbons as diesel (TPHd)
Benzene
Toluene
Ethyl Benzene
Xylenes

Ground water elevations are to be measured monthly for 12 consecutive months, and then quarterly thereafter. Commensurate ground water gradient maps must be submitted for each of the monthly water level measurements.

Failure to respond will result in referral of this case to the Regional Water Quality Control Board (RWQCB) or Alameda County District Attorney to consider for enforcement action. Modifications of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or RWQCB.

If you have any questions or comments, please contact Ms. Juliet Shin at (510) 271-4530.

Sincerely,



for Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Eddy So, RWQCB

Hugh Murphy, Hayward Fire Dept.

Mark Thompson, Alameda County District Attorney's Office

Robert Kahn
Law Offices of Robert J. Kahn
18 Crow Canyon Court, Ste. 280
San Ramon, CA 94583

Edgar Howell-File (JS)

WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY - UST CLEANUP PROGRAM
SITE SPECIFIC QUARTERLY REPORT
01/01/92 THROUGH 03/31/92

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 12034
StID : 3817
SITE NAME: Minami Nursery DATE REPORTED : 11/08/89
ADDRESS : 600 Shirley Ave. DATE CONFIRMED: 11/08/89
CITY/ZIP : Hayward 94541 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: G	CONTRACT STATUS: 2	EMERGENCY RESP:
RP SEARCH: S		DATE COMPLETED:
PRELIMINARY ASMNT:	DATE UNDERWAY:	DATE COMPLETED:
REM INVESTIGATION:	DATE UNDERWAY:	DATE COMPLETED:
REMEDIAL ACTION:	DATE UNDERWAY:	DATE COMPLETED:
POST REMED ACT MON:	DATE UNDERWAY:	DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 03/23/92
LUFT FIELD MANUAL CONSID: 2,3,HSCA
CASE CLOSED: DATE CASE CLOSED:
DATE EXCAVATION STARTED : REMEDIAL ACTIONS TAKEN: NT

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: George Minami
COMPANY NAME:
ADDRESS: 29640 Vanderbilt
CITY/STATE: Hayward, C A 94544



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

April 15, 1992

George Minami
29640 Vanderbilt
Hayward, CA 94544

STID 3817

RE: Soil and Groundwater Contamination at 600 Shirley Ave.,
Hayward

NOTICE OF VIOLATION

Dear Mr. Minami,

Two underground storage tanks were removed from your property in November 1989, and subsequently, significant fuel contamination was discovered in both soil and groundwater.

You were instructed in writing by this office to submit a workplan for investigation and remediation of this contamination by January 15, 1991. To date, no workplan for monitoring well installation has been received by this office.

California Health and Safety Code Section 25298(c) requires that you demonstrate to this agency that any releases from your underground tank have been investigated and that corrective or remedial action has been taken. Consequently, we require that you submit a Preliminary Site Assessment (PSA) work plan that outlines the manner in which subsurface contamination will be investigated and includes a timetable for completion. You must submit this work plan no later than May 31, 1992.

All work must be performed according to the **Regional Water Quality Control Board (RWQCB) Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, August 1990**. Copies of this document can be obtained from RWQCB. The major elements of such an investigation are summarized in the attached Appendix A.

At a minimum, you must install three monitoring wells, constructed according to RWQCB guidelines, onsite. For each former tank location, at least one well must be installed within 10 feet of the former tank in the confirmed downgradient direction. Wells must be sampled and chemically analyzed quarterly, for a minimum of one

year. Monitor for floating fuel products and analyze for the following dissolved fuel constituents:

Total Petroleum Hydrocarbons as gasoline (TPHg)
Total Petroleum Hydrocarbons as diesel (TPHd)
Benzene
Toluene
Ethyl benzene
Xylenes

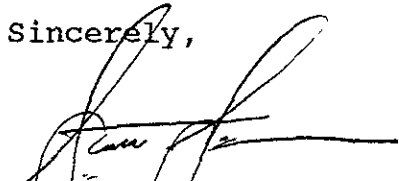
Groundwater elevations are to be measured monthly for 12 consecutive months, and then quarterly thereafter. Groundwater gradient maps must be developed for each water level monitoring event occurring at the site.

A technical report must be submitted within 45 days of the completion of field activities. This report must present and interpret the information generated during the initial subsurface investigation. All reports and proposals must be signed by a California-Certified Engineering Geologist, California-Registered Geologist, or a California-Registered Civil Engineer. All proposals, reports, and analytical results pertaining to this investigation and site remediation must be sent to this office.

Be aware that **Section 13268(a)** of the **State Water Code** states that failure to furnish reports as required by **Section 13267(b)** is a misdemeanor and provides for civil penalties.

You may contact Juliet Shin with any questions or comments at (510) 271-4320.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Attachment

cc: Richard Hiett, RWQCB

Hugh Murphy, Hayward Fire Dept.

Robert Kahn
Law Offices of Robert J. Kahn
18 Crow Canyon Court, Ste. 280
San Ramon, Ca 94583

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621
(415) 271-4320

Minami Nursery
600 Shirley Ave.
Hayward, CA 94541

Dear Property Owner:

Our records indicate the deposit/refund account for your project has fallen below the minimum deposit amount. To refurbish the account, please submit an additional deposit of \$500.00, payable to Alameda County, and send to the address above.

This deposit must be received by our office prior to any further work on this project.

At the completion of this project, any unused portion(s) of the deposit will be refunded to the owner or their designee.

If you have any questions, please contact Pam Evans at (415) 271-4320.

Sincerely,

Edgar Howell, III

EH:lp

ES

TRANSMITTAL

ENGINEERING — SCIENCE, INC.
600 BANCROFT WAY
BERKELEY, CALIFORNIA 94710
(415) 548-7970

Date: 17 May 1991
ES Project No. NC191.01

IF MATERIAL NOT AS LISTED
PLEASE NOTIFY US AT ONCE

To: Alameda County Health Care Services Agency
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200, Oakland, CA 94621

HOW MAILED:
Reg. _____
Express Mail _____
Fed. Ex. _____
DHL _____
Greyhound _____
UPS _____

Attn: Ms. Pamela J. Evans
Re: Minami Nursery Remediation

WE ARE SENDING YOU

ATTACHED UNDER SEPARATE COVER VIA _____

- SHOP DRAWINGS
- PRINTS
- DOCUMENTS
- SPECIFICATIONS
- TRACINGS
- CATALOGS
- COPY OF LETTER
- _____

COPIES	DATE	ITEM
1	5/17/91	Telephone Conversation Corroboration Letter

REMARKS _____

COPY TO
 File
 Author
 Reading File

831 1115
SIGNED *Neal E. Siler*
Neal E. Siler



ENGINEERING-SCIENCE, INC.

600 BANCROFT WAY
BERKELEY, CA 94710
Tel: (415) 548-7970 Fax: (415) 548-7635

17 May 1991
Ref: NC191.01

Alameda County Health Care Services Agency
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, California 94621

Attention: Ms. Pamela J. Evans

Subject: Minami Nursery Remediation, Hayward, California

Dear Ms. Evans:

The purpose of this letter is to corroborate our telephone conversation of 16 May 1991. It is our understanding that the Alameda County Health Care Services Agency, Department of Environmental Health (ACHCSA) is satisfied with remediation work implemented by Engineering-Science, Inc. (ES) to date at the Minami Nursery Site, Hayward, California. The work performed to date includes excavation and removal of two underground fuel storage tanks (UFSTs), transport and disposal of the UFSTs, excavation and on-site stockpiling of associated contaminated soil and backfilling and compaction of the excavations.

We trust that this transmittal keeps your files up-to-date. If we have misunderstood and/or misinterpreted the above stated conclusion of the telephone conversation, please notify Mr. Neal E. Siler of ES by 1 June 1991.

Very truly yours,

ENGINEERING-SCIENCE, INC.

Neal E. Siler
Project Manager

NES mid 179-06 R0

cc: T. G. Cole, ES
R. S. Makdisi, ES
B. L. Beal, ES

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

May 10, 1991

George Minami
29640 Vanderbilt
Hayward CA

RE: Soil and Groundwater Contamination at 600 Shirley Av., Hayward

NOTICE OF VIOLATION

Dear Mr. Minami:

Two underground storage tanks were removed from your property in November 1989, and subsequently, significant fuel contamination was discovered in both soil and groundwater. Such findings require an investigation of the full lateral and vertical extent of the contamination. After the tanks were removed, some initial investigation and remediation was done in the area of the former tank pit. This work included advancement of exploratory borings, soil and groundwater sampling, excavation of contaminated soil and follow up confirmatory sampling. Past investigative activities confirm groundwater contamination at your site.

You were instructed in writing by this office to submit a workplan for investigation and remediation of this contamination by January 15, 1991. You were also supplied with a detailed description of the minimum requirements for your site investigation, including installation of at least three groundwater monitoring wells. To date, no workplan for monitoring well installation has been received by this office.

California Health and Safety Code Section 25298(c) requires that you demonstrate to this agency that any releases from your underground tank have been investigated and that corrective or remedial action has been taken. You are required to investigate the full depth and lateral extent of petroleum contamination affecting soil and groundwater at and beyond your site. We require that you submit a work plan that outlines the manner in which subsurface contamination will be investigated and that includes a timetable for completion. You must submit this work plan no later than June 25, 1991.

All work must be performed according to the Regional Water Quality Control Board guidelines, which can be found in the Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks, August 1990. Copies of this document can be

obtained from RWQCB.

At a minimum, you must install three monitoring wells onsite. For each former tank location, at least one well must be installed within 10 feet of the former tank in the down gradient direction. Monitoring

wells must be constructed according to RWQCB guidelines. Wells must be sampled and samples chemically analyzed monthly for a minimum of three months. After three consecutive months of sampling, all monitoring wells must be sampled for analysis at least quarterly for a minimum of one year. Monitor for floating fuel product and analyze for the following dissolved fuel constituents:

- Total Petroleum Hydrocarbons as gasoline (TPHg)
- Total Petroleum Hydrocarbons as diesel (TPHd)
- Benzene (B)
- Toluene (T)
- Ethyl benzene (E)
- Xylenes (X)

A ground water gradient map must be developed for the site. If the gradient (direction and speed) appears to fluctuate, water level measurements must continue monthly until a pattern is established.

A technical report must be submitted within three months of the time that the first sampling results are available. This report must present and interpret the information generated during the initial subsurface investigation. All reports and proposals must be signed by a California-Certified Engineering Geologist, California-Registered Geologist, or a California-Registered Civil Engineer. All proposals, reports, and analytical results pertaining to this investigation and site remediation must be sent to this office and to:

Richard Hiett
RWQCB
2101 Webster St., 4th Floor
Oakland CA 94612

Enclosed is an Underground Storage Tank Contamination Site Report form. You must complete and return this form no later than May 20, 1991 to this office.

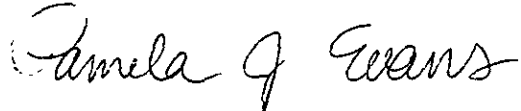
Be aware that Section 13268(a) of the State Water Code states that failure to furnish reports as required by Section 13267(b) is a misdemeanor and provides for civil penalties.

Your original deposit for this agency's oversight of your tank removal and remediation has been exhausted. You must submit an additional

George Minami
May 10, 1991
Page 3 of 3

payment to the County of Alameda of \$500.00. You may contact me with any questions at 271-4320.

Sincerely,

A handwritten signature in cursive script that reads "Pamela J. Evans".

Pamela J. Evans
Hazardous Materials Specialist

Enclosure

c: Gil Jensen, Alameda County District Attorney's Office
Richard Hiatt, RWQCB
Neil Siler, Engineering-Science, Inc.

FUEL LEAK CASE FORM

Enter Date 1/1/91
Review Date 02/05/91
Date of Last Corr. 12/31/90
Report Date 11/28/90

Review Status C
Evaluator KAO
Sitename MINAMI NURSERY
Street Number 600
Street SHIRLEY AVE/PENNY LANE
City HAYWARD
Zip _____
County 01
Local Agency 01000
MOPNO _____
Primary Substance 12035
Secondary Substance _____

Max. Soil Conc. (ppm) ~~10000~~ 10000
Max G.W. Impact (ppb) ~~88888888~~ _____

Case Type S G D U
Groundwater Depth 18

Priority A2
Rank _____
Status φ
Date 3A _____
Date 3B _____
Date 5C _____
Date 5R _____
Date 7 _____
Date 8 _____
Date 9 _____

Interim Y N
Interim Date _____
Abate Method ED

Lead Agency L R LI RI
UGT Y N UST
Division _____
Enforce Type 0 1 2 3
Enforce Date _____
RP Search S I R N

Comment (80 Characters)

250,000 TRL GW from boring
3 tanks spread out on site

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

November 28, 1990

George Minami
29640 Vanderbilt
Hayward CA

RE: Soil and Groundwater Contamination at 600 Shirley Av., Hayward

Dear Mr. Minami:

I have reviewed the Gasoline Contamination Remediation/Health and Safety Plan prepared for the above site by Engineering-Science, July 1989. Two underground storage tanks were removed from this location in November 1989, and subsequently, significant fuel contamination was discovered in both soil and groundwater. Such findings require an investigation of the full lateral and vertical extent of the contamination.

We require that you submit a work plan that outlines the manner in which subsurface contamination will be investigated and that includes a timetable for completion. You must submit this work plan **no later than January 15, 1991**. All work must be performed according to the Regional Water Quality Control Board guidelines, which can be found in the **Regional Board Staff Recommendations for Initial Evaluation and Investigation of Underground Tanks**, August 1990. Copies of this document can be obtained from RWQCB.

At a minimum, you must install three monitoring wells onsite. If groundwater gradient has been established, you may install fewer wells, but you must submit complete gradient data. For each former tank location, at least one well must be installed within 10 feet of the former tank in the down gradient direction. Monitoring wells must be constructed according to RWQCB guidelines. Wells must be sampled and samples chemically analyzed monthly for a minimum of three months. After three consecutive months of sampling, all monitoring wells must be sampled for analysis at least quarterly for a minimum of one year. Monitor for floating fuel product and analyze for the following dissolved fuel constituents:

- Total Petroleum Hydrocarbons as gasoline (TPHg)
- Total Petroleum Hydrocarbons as diesel (TPHd)
- Benzene (B)
- Toluene (T)
- Ethyl benzene (E)
- Xylenes (X)

A ground water gradient map must be developed for the site. If the gradient (direction and speed) appears to fluctuate, water level measurements must continue monthly until a pattern is established.

George Minami
November 28, 1990
Page 2 of 2

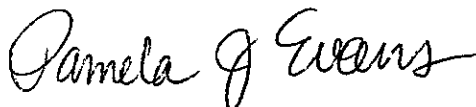
A technical report must be submitted within three months of the time that the first sampling results are available. This report must present and interpret the information generated during the initial subsurface investigation. All reports and proposal must be signed by a California-Certified Engineering Geologist, California-Registered Geologist, or a California-Registered Civil Engineer. All proposals, reports, and analytical results pertaining to this investigation and site remediation must be sent to this office and to:

Richard Hiett
RWQCB
1800 Harrison St., Suite 700
Oakland CA 94612

Enclosed is an **Underground Storage Tank Contamination Site Report** form. You must complete and return this form no later than **December 10, 1990** to this office.

You may contact me with any questions at 271-4320.

Sincerely,



Pamela J. Evans
Hazardous Materials Specialist

Enclosure

c: Richard Hiett, RWQCB
Neil Siler, Engineering-Science, Inc.

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Manami Nursery Today's Date 6/16/89

Site Address 600 Shirley Ave.
 City Hayward Zip 94541 Phone _____

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Stds. 25503(b)
- ___ 3. RR Cars > 30 days 25503.7
- ___ 4. Inventory Information 25504(a)
- ___ 5. Inventory Complete 2730
- ___ 6. Emergency Response 25504(b)
- ___ 7. Training 25504(c)
- ___ 8. Deficiency 25505(a)
- ___ 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- ___ 10. Registration Form Filed 25533(a)
- ___ 11. Form Complete 25533(b)
- ___ 12. RMPP Contents 25534(c)
- ___ 13. Implement Sch. Req'd? (Y/N)
- ___ 14. OffSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(g)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
 - ___ 3. Records Maintenance 2712
 - ___ 4. Release Report 2651
 - ___ 5. Closure Plans 2670

- Monitoring for Existing Tanks
- ___ 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Gndwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

- ___ 7. Precis Tank Test Date: _____ 2643
- ___ 8. Inventory Rec. 2644
- ___ 9. Soil Testing . 2646
- ___ 10. Ground Water. 2647

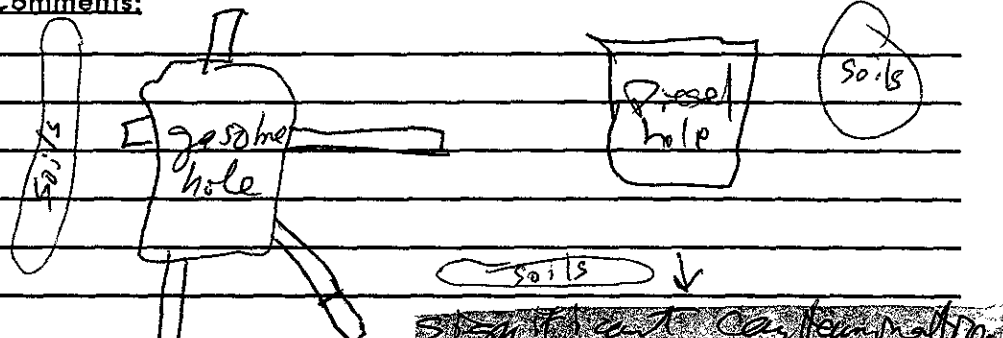
- New Tanks
- ___ 11 Monitor Plan 2632
 - ___ 12 Access Secure 2634
 - ___ 13 Plans Submit Date _____ 2711
 - ___ 14 As Built Date _____ 2635

Inspection Categories:

- ___ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ___ II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Removal

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:



~~discovered in west & southwest direction using PIP. No soil samples taken yet. Vertical & lateral extent of contamination being explored. Lab analysis to be fixed. Ground water at 17 1/2 ft. Ground water investigation to follow. TVN 3,800 ppm Toluene 210 ppm Xylene 210 ppm under gas tank.~~

Contact: Frank Starrs
 Title: Environmentalist
 Signature: [Signature]

Inspector: [Signature]
 Signature: _____

II, III

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Miram: Nursem Today's Date 11/7/80

Site Address 600 Shirley Ave.

City Hayward Zip 94541 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks Removal

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

fuel oil tank filled with heat and vacuum truck broke down. Both tanks uncovered gasoline tank at 18% O₂ removal delayed until Wed. Oct. 18⁰⁰

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Stds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MAT'L'S

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N)
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(i)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- General
- 1. Permit Application 25284 (H&S)
 - 2. Pipeline Leak Detection 25292 (H&S)
 - 3. Records Maintenance 2712
 - 4. Release Report 2651
 - 5. Closure Plans 2670

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose
 - Semi-annual groundwater
 - One time soils
 - 3) Daily Vadose
 - One time soils
 - Annual tank test
 - 4) Monthly Gndwater
 - One time soils
 - 5) Daily Inventory
 - Annual tank testing
 - Cont pipe leak det
 - Vadose/gndwater mon.
 - 6) Daily Inventory
 - Annual tank testing
 - Cont pipe leak det
 - 7) Weekly Tank Gauge
 - Annual tank tsg
 - 8) Annual Tank Testing
 - Daily Inventory
 - 9) Other _____

- 7. Precs Tank Test 2643
- Date: _____
- 8. Inventory Rec. 2644
- 9. Soil Testing . 2646
- 10. Ground Water. 2647

- New Tanks
- 11 Monitor Plan 2632
 - 12 Access Secure 2634
 - 13 Plans Submit 2711
 - Date _____
 - 14 As Bult 2635
 - Date _____

Contact _____

Title: _____

Signature: _____

Inspector: _____

Signature _____

II, III

ES**ENGINEERING-SCIENCE, INC.**600 BANCROFT WAY
BERKELEY, CA 94710
Tel: (415) 548-7970 Fax: (415) 548-76356 October 1989
Ref: NC191.03

Alameda County Health Agency
Division of Hazardous Materials
Department of Environmental Health
80 Swan Way, Room 200
Oakland, California 94621

Attention: Mr. Thomas F. Peacock

Subject: Underground Fuel Storage Tank Remediation, Minami
Nursery Site, Hayward, California

Dear Mr. Peacock:

Enclosed is the closure plan for the excavation, removal and disposal of two underground fuel storage tanks (UFST), Minami Nursery Site, Hayward, California. The closure plan has been prepared using the guidelines of the Alameda County Health Agency (ACHA). To the best of our knowledge, the plan is complete.

The tentative starting date for the proposed work is 13 October 1989. In order to remain on schedule, we would appreciate your expeditious review of the plan.

We trust this submittal keeps your files up to date. Should you require any further information and/or clarifications, please call me or Mr. Eric N. Storrs.

Very truly yours,



Neal E. Siler
Project Manager

NES/dmb/NC191.03
ACDEHKC.LTI

cc: Mr. George Minami
Mr. R. S. Makhisi, ES



TRANSMITTAL

ENGINEERING — SCIENCE, INC.
600 BANCROFT WAY
BERKELEY, CALIFORNIA 94710
(415) 548-7970

Date: 6 October 1989
ES Project No. NC191.03

IF MATERIAL NOT AS LISTED
PLEASE NOTIFY US AT ONCE

To: Alameda County Health Agency
Division of Hazardous Materials
80 Swan Way, Room 200
Oakland, California 94621

HOW MAILED:

Reg. _____
Express Mail _____
Fed. Ex. _____
DHL _____
Greyhound _____
UPS _____

Attn: Mr. Thomas F. Peacock
Re: Minami Nursery Site, Hayward, California

WE ARE SENDING YOU

- ATTACHED UNDER SEPARATE COVER VIA _____
- SHOP DRAWINGS TRACINGS
- PRINTS CATALOGS
- DOCUMENTS COPY OF LETTER
- SPECIFICATIONS _____

COPIES	DATE	ITEM
1	10/6/89	Explanatory Letter
3	10/6/89	Closure Plans
3	8/22/89	Health and Safety Plans

REMARKS _____

COPY TO

- File
- Author
- Reading File
- _____

SIGNED Neal E. Siler
Neal E. Siler



Wahler Associates

Geotechnical and Water Resources Engineering

RECEIVED
JUL 8 1988

July 7, 1988
Project MIP-101H

**HAZARDOUS MATERIALS/
WASTE PROGRAM**

Mr. Larry Seto
Alameda County Health Care Agency
Division of Hazardous Materials
80 Swan Way, Suite 200
Oakland, CA 94621

Subject: Request for Information Regarding Underground Storage Tanks
Located at 600 Shirley Ave., San Lorenzo, California 94580

Dear Mr. Seto:

*Minami
Duney*

A Wahler Associates' client is considering the purchase of a parcel located at 600 Shirley Avenue, San Lorenzo, California. Two underground storage tanks are located on the property. The information I've obtained from the owner suggests that one 1000-gallon tank contained gasoline, and the other 1000-gallon tank contained some kind of oil.

I would be very grateful if you would supply information regarding these tanks. I'm especially interested in the tank's construction, what products the tanks contained, records of inspection, whether the tanks are properly permitted, and the tank's records of inventory control, if any.

Thank you for providing this important information.

Sincerely,

WAHLER ASSOCIATES

Peter Thiemann

Peter Thiemann
Geologist

PT:bb

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH
 470 - 27th Street, Third Floor
 Oakland, CA 94612
 Telephone: (415) 374-7237

These plans have been reviewed and found to be acceptable and essentially meet the requirements of State and local health laws. Changes to your plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required Licensing permits for construction.

One copy of these accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any change or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspection Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 48 hours prior to the following required inspections:

- _____ Removal of Tank and Piping
- _____ Sampling
- _____ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable local regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

10-24-89

ALAMEDA COUNTY
 DEPAJ

Closure
 Summary
 letter

SERVICES AGENCY
 CAL HEALTH
 DIVISION
 200
 521
 4320

Project # U552922
 Fee Paid \$498
 Date 10/10/89

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

1. Business Name Minami Nursery
 Business Owner Mr. George Minami
2. Site Address 600 Shirley Avenue
 City Hayward Zip _____ Phone none on site
3. Mailing Address 29640 Vanderbilt
 City Hayward Zip 94544 Phone (415) 581-1836
4. Land Owner Mr. George Minami
 Address 29640 Vanderbilt City, State Hayward, CA Zip 94544
5. EPA I.D. No. CAC 000209448
6. Contractor Engineering-Science, Inc.
 Address 600 Bancroft Way
 City Berkeley, CA 94710 Phone (415) 548-7970
 License Type A,B. Haz ID# 509158
7. Consultant Aqua Science Engineers (Subcontractor)
 Address P.O. Box 535,
 City San Ramon, CA Phone (415) 820-9391

8. Contact Person for Investigation

Name Mr. Neal Siler Title Project Manager
Phone (415) 548-7970

9. Total No. of Tanks at facility 2

10. Have permit applications for all tanks been submitted to this office?
Yes [] No [x] Unknown []

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name Tanks have been empty since 1985 EPA I.D. No. _____
Address _____
City _____ State _____ Zip _____

b) Rinsate Transporter

Name Not going to rinse tanks-will haul as hazardous waste EPA I.D. No. _____
Address _____
City _____ State _____ Zip _____

c) Tank Transporter

Name H&H Ship Services EPA I.D. No. CAD 004771168
Address 220 China Basin
City San Francisco State CA Zip 94107

d) Tank Disposal Site

Name H&H Ship Services EPA I.D. No. CAD 004771168
Address 220 China Basin
City San Francisco State CA Zip 94107

e) Contaminated Soil Transporter

Name Soil disposal will be determined after receipt of analytical results EPA I.D. No. _____
Address _____
City _____ State _____ Zip _____

12. Sample Collector

Name Eric N. Storrs, Ajay Singh
 Company Engineering-Science, Inc.
 Address 600 Bancroft Way
 City Berkeley State CA Zip 94710 Phone (415) 548-7970

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
500 gal.	leaded gasoline	soil & groundwater	see attached figures
1,000 gal.	fuel oil	soil & groundwater	see attached figures (soil samples up to 14.5 feet depth)

14. Have tanks or pipes leaked in the past? Yes No

If yes, describe. Soil and groundwater assessment by EMCON Associates: Preliminary Soil and Ground-Water Assessment, Minami Property 15 December 1988. Ground-water and Soil contamination from gasoline tank, soil contamination from fuel oil tank.

15. NFPA methods used for rendering tank inert? Yes No

If yes, describe. Dry ice added at rate of 1.5 pounds per 100 gallon tank volume. Lower Explosive Limit (LEL) checked prior to removing tank.

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Name Curtis & Tompkins Labs
 Address 2323 Fifth Street
 City Berkeley State CA Zip 94710
 State Certification No. 159

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
TPH Gasoline	GCFID (5030)	GCFID
TPH Diesel	GCFID (5030)	GCFID
BTX&E	EPA 8020	EPA 8020
TEL	DHS-LUFT	DHS-LUFT

18. Submit Site Safety Plan

19. Workman's Compensation: Yes No

Copy of Certificate enclosed? Yes No

Name of Insurer National Union Fire Insurance, Inc.
WC5246582 (CA); Expires 6/19/90

20. Plot Plan submitted? Yes No

21. Deposit enclosed? Yes No

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel and safety.

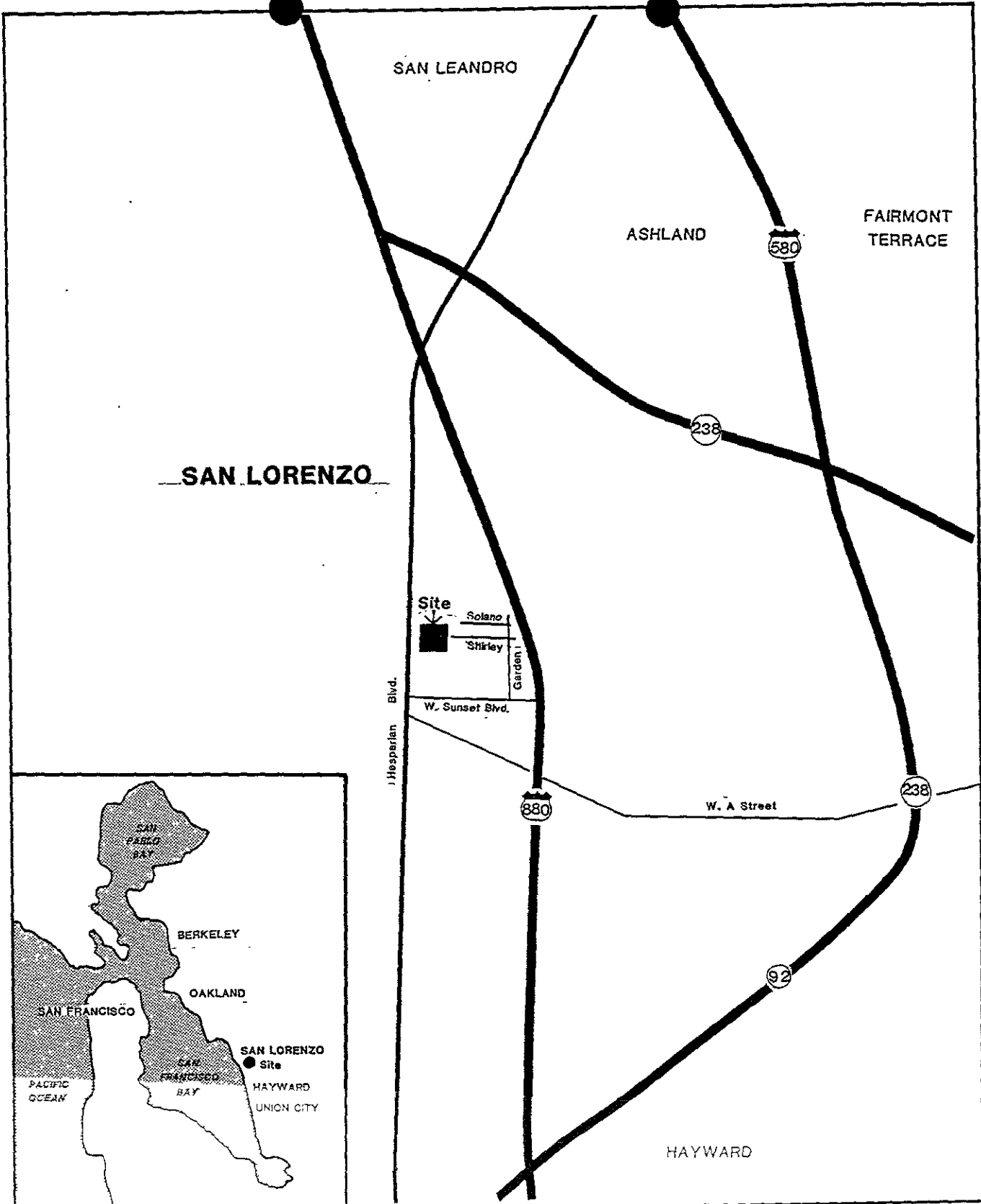
I will notify the Department of Environmental Health at least two (2) working days (48 hours) after approval of this closure plan in advance to schedule any required inspections. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor

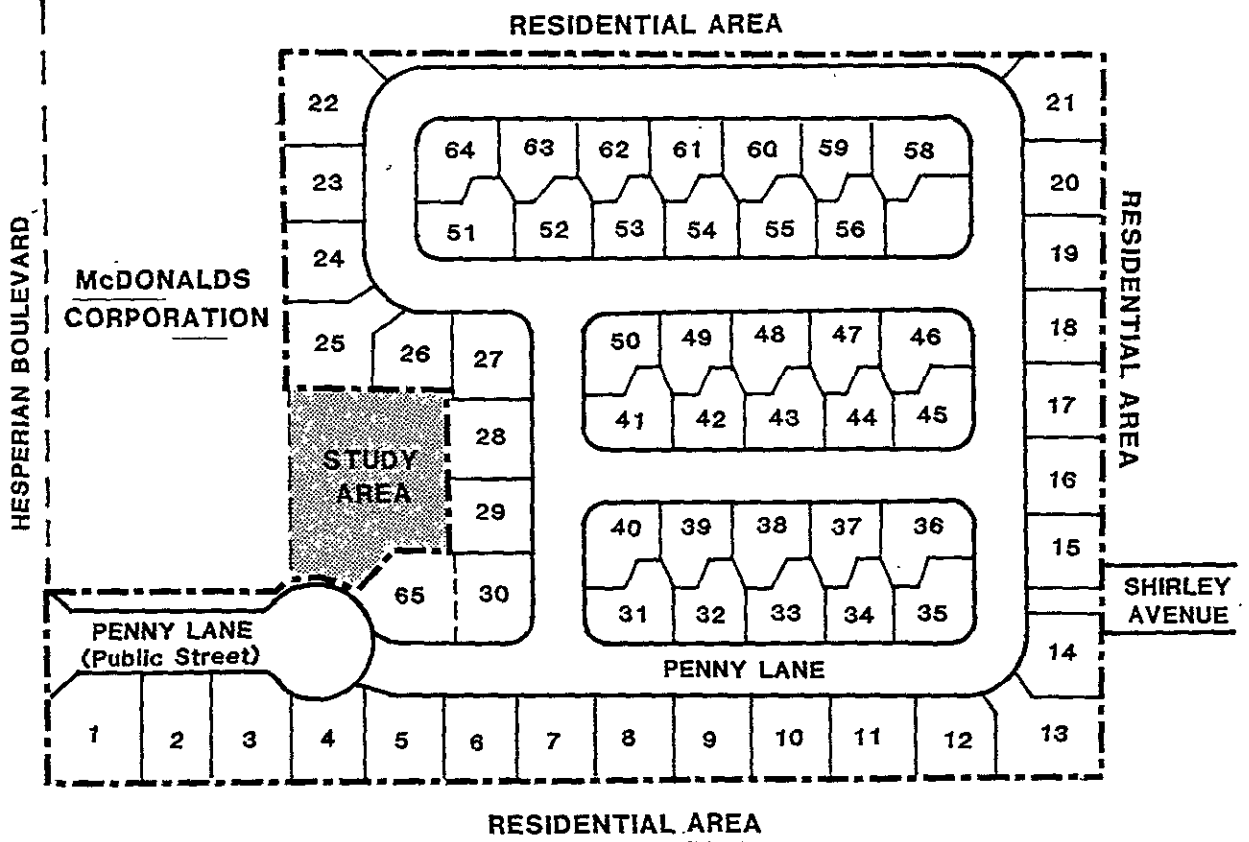
Name (please type) T. Gerald Cole, Vice President
Signature *T. Gerald Cole*
Date 10/6/89

Signature of Site Owner or Operator

Name (please type) Mr. George Minami
Signature *George Minami Jr.*
Date Oct 5, 1989

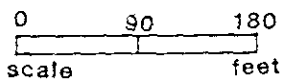


SITE LOCATION MAP
 MINAMI NURSERY PROPERTY
 HAYWARD, CALIFORNIA

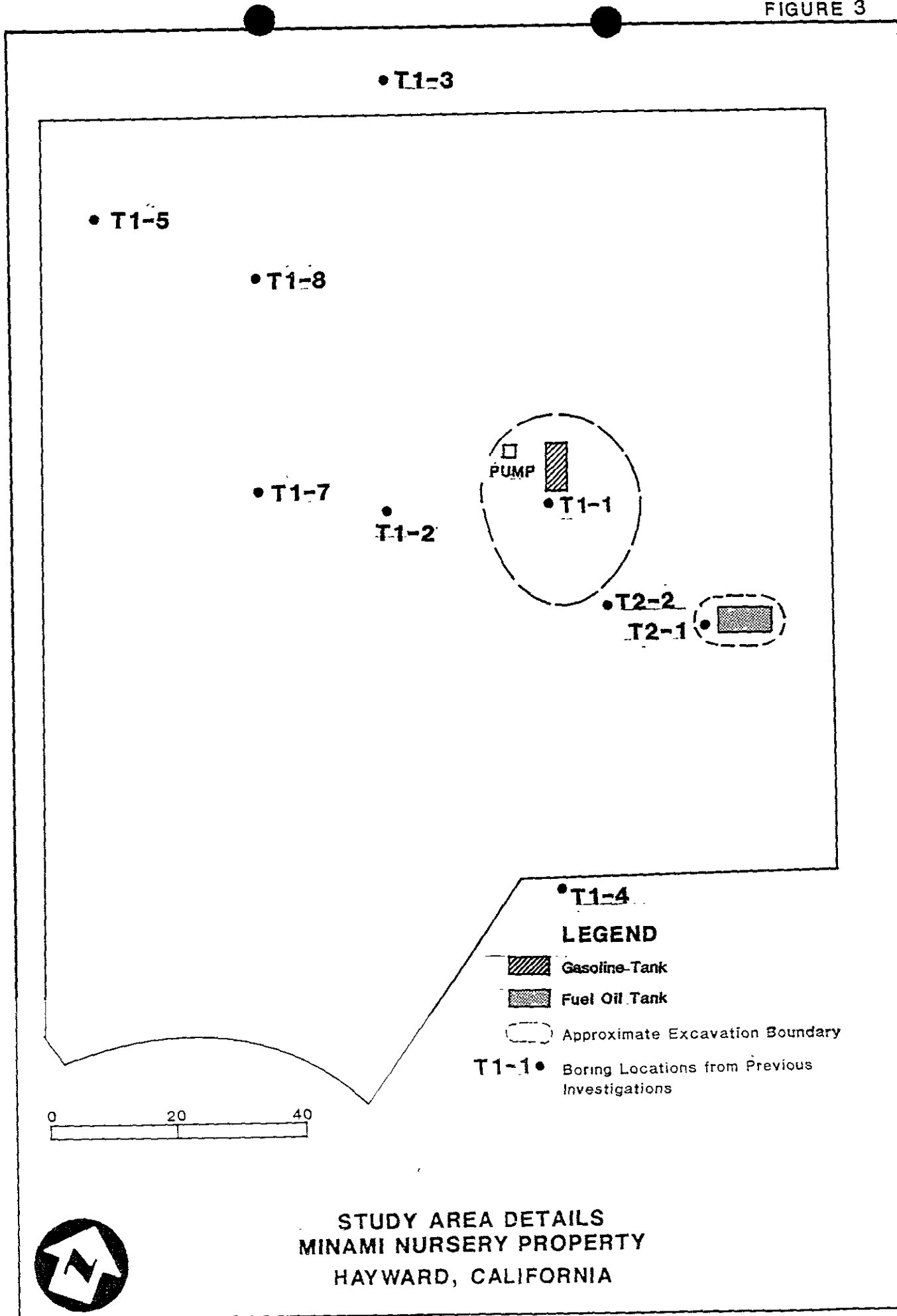


LEGEND

- Exterior Boundary Line
- Lot Line
- ▨ Study Area



**SITE PLAN
MINAMI NURSERY PROPERTY
HAYWARD, CALIFORNIA**



• T1-3

• T1-5

• T1-8

• T1-7

• T1-2

PUMP

• T1-1

• T2-2


• T2-1

• T1-4

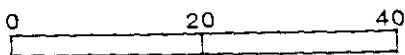
LEGEND

 Gasoline-Tank

 Fuel Oil Tank

 Approximate Excavation Boundary

T1-1 • Boring Locations from Previous Investigations



**STUDY AREA DETAILS
MINAMI NURSERY PROPERTY
HAYWARD, CALIFORNIA**

Alexander & Alexander of California Inc.
3550 Wilshire Boulevard
Los Angeles, California 90010
Telephone 213 385-5211
TWX 910-321-2907
October 5, 1989

**Alexander
& Alexander**

Mr. George Minami
29640 Vanderbilt
Hayward, CA 94544

RE: Engineering-Science, Inc.

We are pleased to enclose the following insurance documents:

- Insurance Policy No.
- Endorsement No. for Policy No.
- Certificate of Insurance. Original
- Loss Payable Form.
- Audit.
- Binder.
- Document for your records.
- Insurance Company document to be completed and returned.
- Invoice No.
- Credit Memorandum No.
-

If you have any questions regarding the enclosed, please advise

Yours very truly,

Alexander & Alexander of California Inc.

Nancy Pederson
Nancy Pederson

cc: Susan Quinn

AGORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

10/5/89

PRODUCER

ALEXANDER & ALEXANDER OF CA., INC.

3550 Wilshire Blvd.

Los Angeles, CA 90010

(213) 385-5211 TWX 910-321-2907

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

COMPANIES AFFORDING COVERAGE

COMPANY LETTER **A** National Union Fire Insurance Company

COMPANY LETTER **B**

COMPANY LETTER **C**

COMPANY LETTER **D**

COMPANY LETTER **E**

CODE

SUB-CODE

INSURED

Engineering-Science, Inc.
600 Bancroft Way
Berkeley, CA 94710

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)		POLICY EXPIRATION DATE (MM/DD/YY)		ALL LIMITS IN THOUSANDS	
			DATE (MM/DD/YY)	DATE (MM/DD/YY)	DATE (MM/DD/YY)	DATE (MM/DD/YY)	EACH OCCURRENCE	AGGREGATE
	GENERAL LIABILITY						GENERAL AGGREGATE	\$
	COMMERCIAL GENERAL LIABILITY						PRODUCTS-COMPIOPS AGGREGATE	\$
	CLAIMS MADE OCCUR.						PERSONAL & ADVERTISING INJURY	\$
	OWNER'S & CONTRACTOR'S PROT.						EACH OCCURRENCE	\$
							FIRE DAMAGE (Any one fire)	\$
							MEDICAL EXPENSE (Any one person)	\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT	\$
	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	SCHEDULED AUTOS						PROPERTY DAMAGE	\$
	HIRED AUTOS							
	NON-OWNED AUTOS							
	GARAGE LIABILITY							
	EXCESS LIABILITY							
	OTHER THAN UMBRELLA FORM						STATUTORY	
A	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	WC5246582	06-19-89	06-19-90	\$ 1,000.	(EACH ACCIDENT)	\$ 1,000.	(DISEASE-POLICY LIMIT)
					\$ 1,000.	(DISEASE-EACH EMPLO)		
	OTHER							

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

RE: Site Address: 600 Shirley Avenue, Hayward, CA 94580
NC191 Minami Nursery

CERTIFICATE HOLDER

Minami Nursery
600 Shirley Avenue
Hayward, CA 94580

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO LEFT. BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION LIABILITY OF ANY KIND UPON THE COMPANY ITS AGENTS OR REPRESENTATIVE

AUTHORIZED REPRESENTATIVE

See attachment for Signature

Attaching to Certificate of Insurance

Issued to: Minami Nursery

Dated: 10/05/89

Insured: Engineering-Science, Inc.

ACORD 25-S Signature(s)

**National Union Fire Insurance Company
of Pittsburgh, PA**

By 

(Authorized Representative)

GEOMATIK

Environmental and Geological Services

CENTRAL CALIFORNIA

**554 N. 19th Street
San Jose, CA 95112**

(408) 279-2071

Ken Mateik
Registered Geologist
C.E.G., R.G., R.E.A.