

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

July 5, 2005

Mr. Balaji Angle
B&C Gas Mini Mart
2008 1ST Street
Livermore, CA 94550

Mr. John Rutherford
Desert Petroleum
PO Box 1601
Oxnard, CA 93032

Dear Messrs. Angle and Rutherford:

Subject: Fuel Leak Case No. RO0000278, Desert Petroleum, 2008 1ST Street, Livermore, CA

Alameda County Environmental Health (ACEH) staff has reviewed the SCM Rev. 1.1 and the Quarterly Reports, including the most recent one dated May 2005, submitted for the subject site, all prepared by Conor Pacific. We would like to thank you for submitting your site conceptual model (SCM) in the format of ACEH's Electronic SCM (e-SCM). Your consultant did an excellent job of compiling and reporting the results of their field work in the e-SCM. We appreciate Mr. Angle's and Conor's willingness to work in collaboration with ACEH to address this site using the e-SCM.

We have reviewed the SCM Rev. 1.1 in detail and have met with Conor to discuss and interpret the data obtained at this site. We request that you address the following technical comments, perform the proposed work, and send us the reports requested below.

TECHNICAL COMMENTS

Data from the transect installation indicates that the dissolved MTBE plume is located in a shallow aquifer overlying lower permeability strata. The lower permeability strata, in turn, overlie a coarse-grained sand and gravel aquifer that is pumped by water supply wells, including CWS-8 located less than ½-mile downgradient of your site. A review of breakthrough curve data (i.e., plots of time versus concentration data for samples collected from monitoring wells) plotted over the plume distance suggests that the MTBE plume may have detached from the source; with a MTBE plume flowing downgradient from your site at an approximate average velocity of 0.8 feet/day.

Analysis of the breakthrough curves suggests that the dissolved MTBE plume may have already flowed past the sampling transect installed in 2003 and may now be in the vicinity of CWS-8. Your consultant has hypothesized that contamination of CWS-8 with MTBE is unlikely because that well pumps from a deeper aquifer and that the deeper aquifer is protected from shallow contamination by the aquitard that separates the two aquifers. We concur with this part of your SCM but feel that continued monitoring of the multi-level transect, especially ports completed in the deeper aquifer is necessary to ensure that CWS-8 is not at risk. Continued monitoring of data from CWS-8 is needed as well as completing an assessment of potential risks to downgradient water supply sources and resources, as described in more detail below.

Additionally, the City of Livermore is planning on redeveloping downtown Livermore and has adopted a Downtown Specific Plan (<http://www.ci.livermore.ca.us>) that outlines the scope of the revitalization efforts. Much of downtown, including the immediate vicinity of your site, has been rezoned to include both commercial and residential uses. Several residential projects are proposed near your site. This has created a new driver to complete the assessment and cleanup of the contamination associated with your site. Moreover, the cleanup strategy and scope needs to consider land use consistent with the planned redevelopment.

1. Regional Groundwater Pumping – We request that you continue monitoring pumping data, flow data, contaminant concentration data, etc., from CWS-8 and update your SCM to include this information on a quarterly basis for at least the next year as a precautionary measure. In addition to evaluating current pumping rates, please update the SCM to include CWS-8 data since the August 2003 CMT transect installation. Please submit as detailed of records as are available (i.e., daily pumping rates) and also summarize the data as necessary (e.g., monthly) to facilitate comparison with water level data for the site. Please present the results of your work as a revision to the e-SCM (i.e., Revision 2.0) and the Quarterly Monitoring Reports as requested below.

2. Preferential Pathway Study –

a. Detailed Well Survey - In SCM Rev. 1.1 your consultant has identified one of 17 abandoned wells as a potential vertical conduit. However, supporting documentation for why this well is considered a potential conduit and other wells are not (i.e., location, construction, description, etc.) is not clear. We request that you provide further information to support your detailed well survey. Please include well completion logs and tables summarizing well information (e.g., date installed, diameter, depth, screen interval, decommissioning details, etc) for all known supply wells (whether active, inactive, decommissioned, or abandoned) and the rationale to support the vertical conduit analysis in your updated SCM. Additionally, our January 22, 2003 letter requested a 1-mile radius well survey. The well survey in SCM Rev. 1.1 was completed to a ½-mile radius. Please increase your radius an additional ½-mile in the downgradient direction, to evaluate all wells within 1-mile downgradient of the subject site. Include your results in SCM Rev. 2.0.

b. Utility Survey - The SCM Rev. 1.1 identifies data gaps regarding potential deep horizontal utility locations and we request that you complete your evaluation of this pathway. Specifically, please evaluate whether or not past and/or present utility lines may be responsible for conveying LNAPL from your site to the Mill Springs Apartment area where LNAPL has been detected (e.g., in Well MS-MW1). Include your results in SCM Rev. 2.0.

3. Evaluation of Potential Risks Posed by Off-Site Dissolved Contaminants -

a. Off-Site MTBE Plume. In SCM Rev. 1.1, a detached plume of MTBE from your site is thought to be currently in the vicinity of Well CWS-8. While this plume does not appear to pose a threat to Well CWS-8 for the reasons described above, an evaluation of the potential risk of the detached plume to other downgradient supply wells needs to be performed. We therefore request that you specifically assess the likelihood of downgradient water wells potentially being impacted by the shallow plume of MTBE that is presumed to have detached from your site and continues to flow downgradient of the sampling transect installed by your consultant in 2003. Moreover, your evaluation should

consider whether the plume could pose a risk to supply wells that could potentially be installed in the path of the off-site plume *in the future*. We expect that this evaluation will require that your consultant (1) estimate the trajectory and attenuation of the detached plume and (2) confer with local planners and water managers to assess the planned utilization of groundwater downgradient of the current location of the detached plume. Note that this evaluation is critical for us to determine the level of work that may be necessary to protect water resources in the area. If, for example, your consultant's analysis cannot show that downgradient water supplies are not at risk, it may be necessary for you to track and extract your detached MTBE plume. We recognize that this could be a very expensive undertaking which is why the risk evaluation performed by your consultant should be as accurate as possible. Please present the results of your assessment in SCM Revision 2.0 requested below.

b. Off-Site Petroleum Hydrocarbon Plume. As described in SCM Rev. 1.1, high concentrations of dissolved BTEX and other petroleum hydrocarbons have been detected as far as 1,300 feet downgradient from your site. The fact that these compounds have not been detected in the sentry transect of multi-level wells installed by your consultant in 2003 may show that dissolved BTEX biodegrades in the aquifer before reaching the transect. Please evaluate this hypothesis and present the scope, results, and conclusions of your evaluation in SCM Revision 2.0 requested below.

As discussed above, the City of Livermore is planning to redevelop portions of downtown Livermore. These plans include areas that overlie subsurface contaminants that have been released from your site. Therefore, please evaluate whether dissolved BTEX or other petroleum hydrocarbons may present an unacceptable risk of exposure via any pathway, including vapor migration, to receptors. Please be sure to consider the redevelopment plans in your evaluation. Please present the scope and findings of your evaluation in SCM Revision 2.0 requested below.

c. Off-Site LNAPL – As discussed in SCM Rev. 1.1, LNAPL has been detected in the subsurface as far away as 900 from your site (i.e., in DP borings and in Well MS-MW1 at the Mill Springs Apartment complex. The issue of the source, extent, and significance of the LNAPL (1) as an ongoing source of groundwater contamination and (2) as a potential source of vapors that could pose risks to above-ground receptors has not been adequately addressed. As we discussed in our meetings with your consultants, this is a key data gap in the current SCM for your site. The occurrence, source, mobility, longevity, and risk posed by the LNAPL needs to be evaluated. In particular, please assess whether the LNAPL detected offsite is LNAPL that has migrated from your site or LNAPL that may exist from prior activities at neighboring properties. Please present a concise workplan describing the scope of your evaluation for our approval in SCM Revision 2.0 requested below.

3. Additional Downgradient Monitoring Wells – We do not concur with your proposal to install two additional monitoring wells downgradient of the transect. This is because the purpose of these additional wells has not been described in the SCM (i.e., what specific hypotheses would those wells test?). Please re-evaluate your proposal for additional monitoring wells considering the results after performing your detailed well survey (Technical Comment 2a) and evaluation of the risks posed by the offsite MTBE and BTEX plumes (Technical Comments 3a and 3b) and report your results in the SCM Revision 2.0 requested below.

4. Groundwater Monitoring Schedule – We concur with your groundwater monitoring schedule proposed in the "First Quarter 2005" report with the following modifications. We request that you collect and analyze groundwater samples from the following wells on a quarterly basis for the next 3 quarters: all ports of the CMT wells, 8K2, and MS-MW1. Include updated groundwater monitoring tables in the SCM Revision 2.0 requested below. Report your groundwater monitoring results in the Quarterly Reports requested below. Please continue to submit data tables from Quarterly Reports for this site by e-mail to ACEH (donna.drogos@acgov.org) at the time the reports are submitted to our agency.

ACEH's January 22, 2003 letter requested specific modifications to your groundwater monitoring data tables to facilitate review and interpretation of the data by our agency. Some of the requested modifications were performed, however most were not. Please revise your data reporting format to meet the requirements of our January 22, 2003 letter, the text of which is included below for your reference:

"b) Groundwater Monitoring Data Tables

The cumulative groundwater data tables in technical reports submitted for your site appear to be incomplete. Examples include but are not limited to: early sampling data for MW-1 is missing, analytical results for some monitoring events in 1995 are missing, dates for sampling and gauging do not corroborate and in some instances are weeks off, analytical data appears to be missing for several monitoring events, some events have gauging data but no analytical results or analytical results are included but gauging data is not, the current quarterly monitoring report does not include cumulative monitoring data, some monitoring wells are not sampled and no explanation of why sampling was not performed is given, etc.

Quarterly Reports submitted for this site are required to include cumulative data tables containing all analytical results, groundwater measurements, groundwater elevations, free product thickness, presence of sheen, explanation for not sampling well(s), etc., from all previous and current groundwater monitoring events for all wells monitored in relation to this site. We request that your gauging and analytical data tables be combined into one table to facilitate presentation of this data and identify missing data, and that dates are tabulated in a month/day/year format. Additionally, please include depth discrete groundwater monitoring data in your tables. Please update your cumulative groundwater data tables to include this information and include in all future Quarterly Reports submitted for this site."

5. Deep Contamination in CMT-4 – Data from installation of CMT-4 indicates subsurface geologic conditions similar to those encountered in the borings for the transect of multilevel wells installed 1,600-feet downgradient from the release site in March 2003. As described in the SCM, a shallow aquifer overlies lower permeability strata which in turn overlies a coarse-grained sand and gravel aquifer pumped by water supply wells in the area. The hypothesis in your SCM is that the deeper aquifer is protected from shallow contamination by the aquitard that separates the two aquifers. However, petroleum hydrocarbon contamination in CMT-4 has been consistently detected in the ports below the aquitard. Please evaluate the data from CMT-4 and provide an explanation for the detections of deeper contamination and evaluate whether contaminants detected in the deeper aquifer presents a potential threat to downgradient supply wells. We recommend that your data analysis also include plots of head vs. depth over time for this well. Please report your results in the SCM Revision 2.0 requested below.

6. Source Area Sampling of Vapor Pathway – We concur with your proposal to investigate the vapor pathway in the source area of the subject site and on the property immediately downgradient. We request that you re-evaluate the sampling locations proposed in SCM Rev. 1.1 as it appears additional sampling points are needed to evaluate the vapor pathway. We recommend that you also collect vapor samples from CMT-4 Z1. Additionally, please note it appears that residential use is being proposed by the City of Livermore for the Groth Bros. site, immediately downgradient of the subject site. Include your proposal for this work in the SCM Revision 2.0 requested below.

7. Definition of Lateral Extent of Source Area – We concur with your proposal to investigate the extent of NAPL immediately downgradient of your site. Please provide a more detailed map (larger scale, with data of soil concentrations with depth) of your sampling locations. We recommend that you consider additional sampling location(s) in the vicinity of H-2 to H-3. Include your proposal for this work in the SCM Revision 2.0 requested below.

Additionally, the City of Livermore is scheduled to perform street and utility upgrade activities at First and L Streets this summer. We encourage you to coordinate your field activities with theirs in the event they uncover potential source areas and/or utilities that would provide data for your site.

8. Interim Remediation – We previously approved a workplan, dated March 27, 2003, for interim remediation at this site, however, it does not appear that any of the work proposed in that plan was implemented. Remediation of soil and groundwater contamination at the subject site is required. Please provide an update on your progress on implementing the interim remediation workplan and/or your recommended adjusted plan based upon the results of your SCM Rev. 1.1. Include your proposal and schedule in the Revised Interim Remediation Plan requested below.

9. Corrective Action Plan – The purpose of the CAP is to use the information obtained during investigation activities to propose cost-effective final cleanup objectives for the entire contaminant plume and remedial alternatives for soil and groundwater that will adequately protect human health and safety, the environment, eliminate nuisance conditions, and protect water resources. We require that you prepare a CAP for the final cleanup of contamination (MTBE, petroleum products, and associated blending compounds and additives) in soil and groundwater caused by an unauthorized release at your site. The CAP shall detail at least three technically and economically feasible methods to restore and protect beneficial uses of water and to meet the cleanup objectives for each contaminant established in the CAP. The CAP must propose verification sampling and monitoring to confirm completion of corrective actions and evaluate CAP implementation effectiveness. Please submit your CAP by the date below.

TECHNICAL REPORT REQUEST

Please submit technical reports to ACEH (Attention: Ms. Donna L. Drogos), according to the following schedule:

- **July 30, 2005** - Quarterly Report for the Second Quarter 2005
- **August 1, 2005** – Revised Interim Remediation Plan
- **August 23, 2005** - SCM Revision 2.0, with proposal(s) for additional work

- **90 Days from Approval of SCM Revision 2.0** – SCM Revision 3.0, with results of additional field work
- **120 Days from Approval of SCM Revision 2.0** – Corrective Action Plan
- **October 30, 2005** - Quarterly Report for the Third Quarter 2005
- **January 30, 2006** - Quarterly Report for the Fourth Quarter 2005
- **April 30, 2006** - Quarterly Report for the First Quarter 2006

These reports are being requested pursuant to Section 25297 of the California Health and Safety Code, ACEH requests this report utilizing the Regional Water Quality Control Board's authority defined under Section 13267 of the California Water Code. **Each report shall include conclusions and recommendations for the next phases of work required at the site.** We request that all required work be performed in a prompt and timely manner. We have proposed a schedule for the submittal of the Soil and Water Investigation Report and the CAP. Revisions to the proposed schedule shall be requested in writing with appropriate justification for anticipated delays.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH now requests submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be relied upon for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is separate from and in addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, parties responsible for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

PERJURY STATEMENT

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

PROFESSIONAL CERTIFICATION

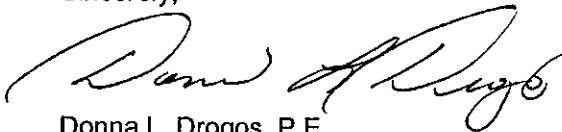
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For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

AGENCY OVERSIGHT

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

If you have any questions, please call me at (510) 567-6721.

Sincerely,



Donna L. Drogos, P.E.
LOP Program Manager

Enclosure

cc: Mr. Bill Fowler (w/Enc)
Golder Associates
2580 Wyandotte Street, Suite G
Mountain View, CA 94043

Mr. John Wolfendin
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Ms. Colleen Winey
Zone 7 Water Agency
100 North Canyons
Parkway
Livermore, CA 94551

Ms. Danielle Stefani
Livermore – Pleasanton Fire
Department
3560 Nevada Street
Pleasanton, CA 94566

Mr. Sunil Ramdass
State Water Resources Control Board
UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Mr. Murray Einarson
Einarson & Associates
2271 Old Middlefield Way
Mountain View, CA 94043

Mr. John Freeman, Jr.
California Water Service
Company
195 South N Street
Livermore, CA 94550-4350

D. Drogos (w/Enc), files (w/Enc)

Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC)
Electronic Report Upload (ftp) Instructions

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. This e-government initiative is aimed at making our programs more effective and efficient. The electronic copy is intended to replace the need for a paper copy and is expected to be relied upon for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted as a **single portable document format (PDF) with no password protection**. (If you cannot submit in PDF format, please check with us to see if we can accommodate your report format).
- It is **preferable** that reports be converted to PDF format from their original format, (E.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **should** be included and **must** have either original or electronic signature. Alternatively, the paper copy of the signature page and perjury statement can be mailed separately.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted**. If you cannot comply with this you may continue to submit paper documents.
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date
(e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

1. Obtain User Name and Password:
 - Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - a) Send an e-mail to dehloptoxic@acgov.org
or
 - b) Send a fax on company letterhead to (510) 337-9335, to the attention of Alicia Lam-Finneke.
 - In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker) you will be posting for**.
 - Note: Both the User Name and Password are Case Sensitive.
2. Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+) or equivalent browser, go to <ftp://alcoftp1.acgov.org>
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password.
Note: Both are Case Sensitive.
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
3. Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail
 - Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org
(e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**.
(e.g., Subject: RO1234 Report Upload)

WLF Consulting

1158 Hanchett Avenue
San Jose, CA 95126
(408) 393-9260
bill_fowler@sbcglobal.net

Telephone Record

From: Phil Sansome (sp?), Bank of America Counsel, (415) 953-8157
To: Bill Fowler
Date: 6/23/2003
Re: Request for Access to Livermore B of A for Exploration and Well Installation;
Valley Minimart Hydrogeologic Investigation

- Phil returned my call from 5/7 regarding following up on getting permission to drill and install well(s) on the B of A property in Livermore.
- I explained we had met with Donna Drogos from the County and there was mutual agreement that we needed access to complete our characterization of the known plume.
- Phil reiterated his position that the B of A needed to be indemnified against potential damages associated with the work.
- I explained that we would provide standard insurance regarding such work that would protect the bank against damages associated with the work (i.e., property damages, etc.).
- He said as part of the indemnification he needed to hire a consultant to review the work to ensure that the Bank was protected with regards to the location of the wells, standard of construction, and loss of property value associated with stigma of wells.
- I explained we would be happy to work with the bank to ensure that the well(s) were located in appropriate locations to minimize any inconvenience to the bank or their customers, and that the work would be performed in accordance with standard professional practice and would be reviewed by County staff and their consultants.
- Regarding well stigma I explained that any property transaction with proper due diligence would identify this issue regardless of wells on property, and that it was in his interest to have the problem defined
- We also discussed how long the wells would be in-place, I said I did not know until we saw what the results were but a minimum of one year and likely longer.
- He reiterated he needed to hire his own consultant to protect the Bank and that costs would have to be reimbursed.
- I told him I was going to pass this information back to the County and that he would likely be contacted to see if some agreement could be reached.

Drogos, Donna, Env. Health

From: Bill Fowler [bill_fowler@sbcglobal.net]
Sent: Monday, June 16, 2003 6:34 PM
To: Kris Johnson
Cc: Donna Drogos
Subject: B of A access

20278

I got a call from Phil Sasso. He says he wants to try to work something out and "put this to bed". He couldn't discuss it in detail because he was busy with other stuff but asked me to call him this week with the current copy of the access agreement to see if we could resolve it. So I am hopeful he is going to allow us access without the "pay his consultant" provision. Will keep everyone posted.

Bill

Drogos, Donna, Env. Health

From: Bill Fowler [bill_fowler@sbcglobal.net]
Sent: Thursday, June 12, 2003 3:11 PM
To: Donna Drogos
Cc: Kris Johnson
Subject: Granada Bowl

I spoke with Dennis Fanuchi re: site access. I explained the situation and we are going to meet to go over the details and locate some good spots to drill. He is out of town all next week so we agreed to speak on the 23rd to set a meeting date and time.

Thanks again Donna for your help.

Bill

Drogos, Donna, Env. Health

From: Bill Fowler [bill_fowler@sbcglobal.net]
Sent: Thursday, June 12, 2003 11:37 AM
To: Donna Drogos
Subject: Granada Bowl

Mr. Dennis Fanuchi
Granada Bowl
1620 Railroad Avenue
Livermore, CA 94550
(925) 447-5600

Drogos, Donna, Env. Health

From: Bill Fowler [bill_fowler@sbcglobal.net]
Sent: Thursday, May 22, 2003 10:14 AM
To: Donna Drogos
Subject: Granada Bowl Access

20278



Granada access
request.doc

FYI.

May 21, 2003

Mr. Dennis Fanuchi
Granada Bowl
1620 Railroad Avenue
Livermore, CA 94550

Re: Request for Property Access for Installation of Groundwater Monitoring Wells

Dear Mr. Fanuchi,

This letter is to follow-up on an earlier letter you received from the County of Alameda regarding obtaining access to your property for the purpose of installing groundwater monitoring wells. I am working for Conor Pacific who is the environmental consultant for Mr. Balagi Angle, who owns the B&C Gas Mini Mart located at the corner of First and L Streets. Mr. Angle is being required to perform further investigation of groundwater contamination associated with leaking underground tanks at his station. The County is concerned that the contamination presents a threat to drinking water wells located just to the northwest of your property.

Based on earlier work, it is clear that the plume of contamination associated with the leaking tanks has migrated underneath your property and the adjacent Bank of America property. Therefore it is imperative that additional monitoring wells be installed to better define the nature of the contamination (e.g., what are the limits of the plume, how deep is it, what is the concentration of the various contaminants, etc.). The County is requiring us to do this work and we are requesting your cooperation in this matter.

We believe that one or two wells would be required on your property and we will work with you to site the wells in areas that would not impact your business (e.g., along your northern property line adjacent to the railroad track right-of-way). The wells would be installed in flush mounted traffic boxes and would not be an eyesore or disrupt your business. This initial work would likely require about two to three days. After that we will likely be required to sample the wells on a quarterly basis for the next year, and possibly longer. The sampling usually requires only about one to two hours of time. All information developed from this work would be provided to you, which would be beneficial should you ever decide to sell your property.

I will contact you in the next two weeks to set-up a meeting to discuss access to your property. If you would like, I can also have Ms. Donna Drogos of the County attend the meeting to explain the County's concerns regarding this issue and the importance of the proposed monitoring wells.

Sincerely,

William L. Fowler, CEG 1401
Project Manager

Drogos, Donna, Env. Health

From: Bill Fowler [bill_fowler@sbcglobal.net]
Sent: Friday, May 09, 2003 10:12 AM
To: Donna Drogos
Cc: Kris Johnson
Subject: Bank of America Access; Valley minimart investigation

720278



Tel Record
5_9_03.doc

Please see attached phone record.

Drogos, Donna, Env. Health

From: Bill Fowler [bill_fowler@sbcglobal.net]
Sent: Monday, April 14, 2003 4:00 PM
To: ddrogos@co.alameda.ca.us
Subject: B & C quarterly report

20278

From: Bill Fowler [mailto:bill_fowler@sbcglobal.net]
Sent: Monday, April 14, 2003 3:59 PM
To: drogos@co.alameda.ca.us
Subject: B & C quarterly report

Donna,

I understand that the quarterly did go out on Friday for delivery to you today. I have not reviewed in detail as of yet but I wanted to pass along that Conor went back to the lab to ask them about the MTBE result for Well MW-5. The result came back ND which seemed odd given its location and historical results. The lab confirmed the ND on the 8260 test however noted that a peak was seen on the TPHgas result consistent with MTBE (cannot be accurately quantified using this method). Conor asked the lab to rerun the 8260 sample (although it is past standard holding time) to try and quantify the sample.

Bill

Alameda County

APR 17 2003

Environmental Health

MR. SUNIL RAMDASS
STATE WATER RESOURCES
CONTROL BOARD,
U.S. TANK CLEAN UP FUND,
P.O. Box 944212
SACRAMENTO CA-94244-2120

BALAJI ANGLE DBA
B+C GASMINI MART,
2008 FIRST STREET,
LIVERMORE CA 94550

4/11/03

DEAR SUNIL,

PREAPPROVAL OF COSTS RELATED
TO WORK PLAN FOR ADDITIONAL
CHARACTERIZATION & (2) INTERIM
REMEDIATION.


FURTHER TO MY LETTER OF 4/8/03, I JUST
RECEIVED TODAY, A REVISED COST ESTIMATE
DATED 4/10/03 FROM CONOR PACIFIC. A COPY
OF THE SAME IS ENCLOSED FOR YOUR
PREAPPROVAL OF COSTS.

FOR REASONS EARLIER STATED, I
ERNESTLY REQUEST YOUR PREAPPROVAL AS
SOON AS POSSIBLE.

MANY THANKS,

Sincerely,

Enc: - cost estimate dated 3/27
and (2) Revised cost dated 4/10


B. Angle

Copy to Donna P. DRIGOS. W.R.T. MY LETTER
REFERRED ABOVE.

Alameda County

APR 16 2003

Environmental Health

MS. DONNA L. PROGIOS, P.E.
TOP PROGRAM MANAGER,
AL. COUNTY HEALTHCARE SERVICES,
ENVIRONMENTAL PROTECTION,
1131 HARBOR BAY PARKWAY,
SUITE 250, ALAMEDA,
CA - 94502 - 947-6577

BALAJI ANGE DABA
BXC GAS MINI-MART,
2008 FIRST STREET,
LIVERMORE, CA 94550
4/10/03
PH: - 510 654 3461
FX: - 510 654 5404

DEAR MS PROGIOS,

YOUR LETTER OF 4/7/03

MANY THANKS FOR YOUR LETTER OF 4/7/03 WHICH I RECEIVED ON 8TH. APPROVING THE TWO PLANS PREPARED BY CONOR PACIFIC.

I HAVE SAME DAY SENT THE COPIES OF PLANS AND ASSOCIATED COSTS TO MR SUNIL RAMDASS OF U.S.T. CLEAN UP FUND FOR PRE-APPROVAL OF COSTS. WITH A REQUEST TO SPEED UP THE APPROVAL. A COPY OF MY LETTER TO SUNIL IS ENCLOSED.

I HAVE ALSO SPOKEN WITH CONOR PACIFIC TO ENSURE THAT YOU RECEIVE QUARTERLY REPORT OF GR. WATER MONITORING FOR 1ST QUARTER 2003 BY 15TH APRIL. THEY MENTIONED TO ME THAT THEY RECEIVED LAB REPORTS ONLY TODAY & THAT THEY WILL TRY THEIR BEST TO SUBMIT REPORT TO YOU BY THE SCHEDULED. I HOPE, THEY DO.

Thanks again,

Sciency

Encl: 1

B.S. Angulo

OVERNIGHT EXPRESS

MR SUNIL RAMDASS,
STATE WATER RESOURCES
CONTROL BOARD
U.S.T. CLEANUP FUND,
P.O. Box 944212
SACRAMENTO, CA - 94244-2120

BALAJI ANGLE DA
B+C GASMINI MART,
2008 FIRST STREET,
LIVERMORE, CA - 94550
418103
TEL: 510 654 3461
Fax 510 654 5904

DEAR SUNIL,

PREAPPROVAL OF COSTS RELATED TO
WORKPLAN FOR ADDITIONAL SITE CHARACTERIZATION
and (2) INTERIM REMEDIATION.

I FORWARD HEREWITH 2 LETTERS DATED
MARCH 5TH & MARCH 27TH FROM CONOR PACIFIC,
CONSULTANTS DETAILING THE COSTS RELATED TO
ABOVE REFERENCED WORK WHICH HAS BEEN
DIRECTED TO BE CARRIED OUT ON A PRIORITY
BASIS BY DONNA L. PROGIOS TOP PROGRAM MANAGER
OF ALAMEDA COUNTY. BY HER LETTER OF APRIL
4TH RECEIVED BY ME TODAY. A COPY OF THAT
LETTER IS ENDORSED TO YOU.

IN HER PRIOR LETTERS DONNA HAS EMPHASIZED
THE URGENCY AND THE PRIORITY THIS SITE DESERVES.
SINCE THE AMOUNT INVOLVED IS FAIRLY LARGE,
AND THE CONSULTANTS DESIRE TO GET PAID IN TIME,
AND AS PREFERRED BY U.S.T. CLEANUP FUND YOUR
PREAPPROVAL OF COSTS WILL GREATLY SPEED UP THE PROCESS
SO THAT WE CAN MEET THE DEADLINES PRESCRIBED
BY THE OVERSEEING AUTHORITIES. IF YOU SO CHOOSE,
YOU ARE FREE TO COMMUNICATE WITH CONSULTANTS OR
DONNA DIRECTLY FOR ANY CLARIFICATIONS/DATA ON THE
PROJECT TO ACHIEVE SPEEDY PROCESSING. I CALL ME WITH
ANY QUESTIONS. MANY THANKS,
D. S. Angle
Clerk: 1+2

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

April 4, 2003

Mr. Balaji Angle
B&C Gas Mini Mart
2008 1ST Street
Livermore, CA 94550

Mr. John Rutherford
Desert Petroleum
PO Box 1601
Oxnard, CA 93032

Dear Messrs. Angle and Rutherford:

Subject: Fuel Leak Case No. RO0000278, Desert Petroleum, 2008 1ST Street, Livermore, CA

Alameda County Environmental Health (ACEH) staff has reviewed the technical reports entitled "Work Plan for Additional Site Characterization and Downgradient Investigation," dated March 5, 2003 and the "Work Plan for Interim Remediation," dated March 28, 2003, both prepared by Conor Pacific (Conor). Although we generally concur with the work proposed, we anticipate that additional work will be needed to address all the concerns in our letter of January 22, 2003. We request that you address the following technical comments, perform the proposed work, and send us the reports requested below.

TECHNICAL COMMENTS

- 1. Task 1 – Pre-Field Access Negotiations, Scheduling, and Permitting** – We generally concur with the proposed work.
- 2. Task 2 – Source Area Data Compilation** – Our review of existing data indicates that soil contamination associated with this site may be extensive and lateral and vertical definition of pollution in soil is needed. We note that the current proposal does not include this scope of work. We will at this time, concur with compiling source area data to identify data gaps in the Site Conceptual Model (SCM). However, we specifically request that the next phase of work include delineation of soil contamination based upon your SCM.
- 3. Task 3 – Evaluation of Preferred Pathways** – We generally concur with the proposed work.
- 4. Task 4 - Development of Regional and Site Conceptual Model** - We generally concur with the proposed work.
- 5. Task 5 - Geophysical Evaluation and Sampling of Site Well MW-1** – We generally concur with the proposed work. Although your work plan notes that "... (additional wells may be surveyed as time permits)..." we strongly encourage you to perform velocity profiling and depth discrete sampling in other on-site monitoring wells as appropriate rather than limiting to this work to one monitoring well.
- 6. Task 6 - Drilling and Installation of Multi-level Wells** - We generally concur with locations proposed in the work plan. However, regarding access difficulties in siting monitoring wells on the Bank of America property please be aware that this agency has had conversations with Phil Sasso, Esq., a representative of the legal department of the Bank of America. Mr. Sasso stated to this agency that Bank of America would cooperate with site access for installation of soil borings and/or monitoring wells on the bank property.

We request that your multi-level wells be constructed with a minimum of two monitoring ports below the aquitard, one within the aquitard, and three or four ports above the aquitard. Please note that you may need to install your wells to depths greater than 120' bgs to appropriately monitor conditions below the aquitard, define the vertical extent of pollution, and/or based upon geologic conditions encountered. We strongly recommend that you perform depth discrete groundwater sampling during monitoring well installation to ensure that your permanent monitoring wells define the extent of contamination. Your monitoring wells should be designed to fully define the vertical extent of contamination rather than terminate at a predetermined depth. We request that groundwater samples be collected and analyzed within each zone of permeable materials (coarser grained).

For the source zone monitoring well we recommend that soil samples be collected and analyzed at 5' intervals at a minimum, lithology changes within the fluctuations in groundwater depths at your site, i.e., within the historical smear zone, the soil/groundwater interface, areas of obvious contamination, and at each unit of lithology change. The purpose of sample retrieval from, and analysis of, fine-grained materials in contact with coarse-grained strata is to determine whether significant contaminant mass is stored within fine-grained sediments. MTBE that has diffused into fine-grained materials may pose a long-term continuing source of groundwater contamination and may affect future corrective action options. Also, we recommend collection and laboratory testing of selected soil samples for engineering properties.

7. **Task 7 – Groundwater Sampling and Analysis** - We generally concur with the proposed work. In your review of chromatograms of previously and newly analyzed NAPL samples we request that you have the laboratories identify all peaks in the fuel fingerprint analysis and quantify the concentration and mole fraction of MTBE present during these sampling events.

8. **Task 8 – Evaluation of Contaminant Mass Flux** - Although your approach to estimate the capture zone of CWS#8 by using accepted practices and procedures would appear to be appropriate for a homogeneous aquifer please recognize that a numeric model will likely be needed to define a realistic capture zone of the well.

9. **Task 9 – Reporting of Field Work and Analytical Results** - We generally concur with the proposed work however, we request that you consider alternative options for reporting results from this work and upcoming phases of work. Alternative reporting could include data summary submittals, electronic submittals, etc., with the goal being cost savings without comprising reporting quality. We anticipate further discussing reporting options and possibilities with your consultant in the near future.

10. **Groundwater Monitoring Data Tables** – Please include updated and corrected cumulative groundwater data tables as requested in Technical Comment 8b in our January 22, 2003, letter in all future quarterly monitoring reports submitted for this site.

11. **Interim Remediation Work Plan** – We generally concur with the proposed work. Regarding the hydraulic evaluation of extraction wells we recommend that water levels be monitored in all nearby wells during the 24-hour constant-discharge pumping test. No information as to the duration of the pneumatic test was given in the work plan. We recommend that the duration of this test be on the order of 2 hours minimum. Additionally, we recommend that the vapor samples be collected at the beginning, the middle, and the end of the test. We recommend that you also met the permit requirements of the Air Resources Board for your work.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Donna L. Drogos), according to the following schedule:

July 18, 2003 – Soil and Water Investigation Report with recommendations for additional work

July 18, 2003 – Interim Remediation Startup Report

April 15, 2003 - Quarterly Report for the First Quarter 2003

July 15, 2003 - Quarterly Report for the Second Quarter 2003

October 15, 2003 - Quarterly Report for the Third Quarter 2003

January 15, 2004 - Quarterly Report for the Fourth Quarter 2003

These reports are being requested pursuant to the Regional Board's authority under Section 13267 of the California Water Code. **Each report shall include conclusions and recommendations for the next phases of work required at the site.** We request that all required work be performed in a prompt and timely manner. Revisions to the schedule above shall be requested in writing with appropriate justification for anticipated delays.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.75.

If you have any questions, please call me at (510) 567-6721.

Sincerely,



Donna L. Drogos, P.E.
LOP Program Manager

cc: Mr. Bill Fowler
Conor Pacific
2580 Wyandotte Street, Suite G
Mountain View, CA 94043

Ms. Danielle Stefani
Livermore – Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Ms. Betty Graham
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Sunil Ramdass
State Water Resources Control Board
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Messrs. Angle and Rutherford
April 4, 2003
Page 4

Mr. Matt Katen
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588-5217

Mr. John Freeman, Jr.
California Water Service Company
195 South N Street
Livermore, CA 94550-4350

Mr. Murray Einarson
Einarson & Associates
2271 Old Middlefield Way
Mountain View, CA 94043

D. Drogos

Drogos, Donna, Env. Health

From: Drogos, Donna, Env. Health
Sent: Monday, March 31, 2003 4:22 PM
To: 'apatton@cwpswrcb.ca.gov'
Cc: 'sramdass@cwpswrcb.ca.gov'
Subject: Request for addition to Expedited Review List (MTBE case) 2008 1st Street, Livermore, CA
Importance: High

Alan,

As we previously discussed, please add this site to your MTBE Site USTCF Expedited Approval List.

This site is in our sensitive groundwater basin, has a 900' NAPL plume, undefined dissolved MTBE and Benzene plumes currently extending at least 1500' from the source area, and an active municipal water supply well that is <700' from the suspected distal end of the MTBE plume.

Site: Desert Petroleum, 2008 1st Street, Livermore, CA

RPs: Mr. Balaji Angle (B&C Mini Mart & currently in the USTCF) & Mr. John Rutherford (Desert Petroleum).

I cc'ed Dave Charter on my 01/22/03 request for work letter and I am about to cc: Sunil Ramdass on the approval letter for 2 work plans for this site.

Thanks, Donna

Donna L. Drogos, P.E.
LOP Program Manager
Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

office 510-567-6721
fax 510-337-9335
ddrogos@co.alameda.ca.us

Alameda County

MAR 04 2003

Environmental Health

MS. DONNA L. DROGOS P.E.
TOP PROGRAM MANAGER
AL. COUNTY ENV. HEALTH SERVICES,
1131 HARBOR BAY PARKWAY,
SUITE 250,
ALAMEDA, CA - 94502-6577

B. S. ANGLE DBA
B+C GASMINI-MART
2008 FIRST ST. LIVERMORE
CA - 94550.
3/1/03

PROPERTY ACCESS

DEAR MS. DONNA,

THANKS FOR YOUR LETTER OF FEB. 26, 2003 ON
THE REFERENCED SUBJECT.

IN THIS CONNECTION I REFER YOU TO LETTER
OF 26th FEB. BY CONOR PACIFIC TO ME, A COPY OF
WHICH HAS BEEN SENT TO YOU FOR SPEEDIER DISPOSAL.
CONOR HAVE MENTIONED TO ME THAT MR. WILLIAM L.
FOWLER THEIR PROJECT MANAGER HAS HAD EXTENSIVE
DISCUSSIONS WITH ^{you} AS TO NATURE OF WORK TO BE
DONE AND THE TIME FRAMES AND THAT YOU GENERALLY
CONCUR WITH HIS APPROACH. IF THIS BE SO, KINDLY
LET ME HAVE YOUR APPROVAL TO THE PROPOSAL.

AS SUGGESTED BY YOU I HAD REQUESTED MY
LAWYER TO CONTACT THE PROPERTY OWNERS TO
EXPEDITE ACCESS. HE OPINED THAT HIS SO DOING WILL
, IN EFFECT, DELAY THE PROCESS FOR THE SIMPLE
REASON THAT WHEN AN ATTORNEY DEALS WITH SUCH
THINGS PARTIES ON THE OTHER SIDE TEND TO BE MORE
CAUTIOUS AND FOOT DRAGGING. HE FEELS THE BEST PEOPLE
TO DEAL WITH THIS IS THE CONSULTANTS AS THEIR
APPROACH IS DIFFERENT AND THEY ARE FAMILIAR WITH THE
ISSUE. AS MENTIONED IN THE PENULTIMATE PARA OF
CONOR'S LETTER THEY ARE ALREADY PURSUING THIS MATTER. I
HAVE REQUESTED THEM TO BE MORE AGGRESSIVE IN THIS
REGARD.

Sincerely



I AWAIT YOUR APPROVAL. Thanks

① Copy to conor Pacific

Conor Pacific

February 26, 2003
Project No. BNC103/BNC104

Alameda County

FEB 28 2003

Environmental Health

Mr. Balaji S. Angle
B&C Gas Mini Mart
35584 Connovan Lane
Fremont, CA 94536

Re: Addendum response to January 22, 2003 Alameda County Environmental Health Letter, B&C Gas Mini Mart, 2008 First Street, Livermore, California (Station ID 1689)

Dear Mr. Angle:

This letter provides a revised schedule and additional clarification regarding the January 22, 2003 letter from Alameda County Environmental Health (ACEH). This letter is in response to telephone discussions held with Donna Drogos of the ACEH and is an addendum to our February 7, 2003 response to the ACEH.

As you aware, we have retained Bill Fowler as Project Manager for this project in order to expedite the required work to the maximum extent possible. Since Bill has agreed to assist us with the project, we are now able to propose a more aggressive schedule than outlined in our previous response letter.

Based on our discussions with ACEH we are proposing the following revised schedule:

- Work Plan Addendum – March 7, 2003
- Interim Remediation Work Plan – March 28, 2003
- Soil and Water Investigation Report – 90 days after Work Plan Addendum Approval by ACEH and Pre-Approval of investigation costs by the California Underground Storage Tank Cleanup Fund (USTCF)
- Interim Remediation Start-Up Report – 90 days after Interim Remediation Work Plan Approval by ACEH and Pre-Approval of costs by USTCF
- Quarterly Reporting – 45 days after completion of sampling (i.e., First Quarter 2003 report will be submitted by May 2, 2003)

Quarterly Groundwater Monitoring

In their January 22, 2003 letter, the ACEH requested that all wells be sampled on a quarterly basis. To clarify the record on this issue, a modified sampling program was proposed by Conor Pacific in the *Report of Downgradient Investigation* prepared November 1999. This revised monitoring program was accepted by the ACEH in a letter to Mr. Balaji Angle dated

Einarson, Fowler & Watson is a wholly owned subsidiary of **Conor Pacific Environmental U.S., Inc.**

2580 Wyandotte Street, Suite G, Mountain View, California 94043 Telephone 650.386.3828 Facsimile 650.386.3815 www.conorpacific.com

Mr. Balaji S. Angle
February 26, 2003

November 16, 1999. With minor modifications that were proposed in the *First Quarter 2000 Groundwater Monitoring Results*, this program has been followed since that time.

It is our opinion that the existing monitoring program provides an adequate level of monitoring, and did not significantly increase the risk associated with the known release. The wells that were monitored on an annual basis were generally either upgradient, cross gradient or non-detect wells that did not provide meaningful data regarding the plume on a quarterly basis. However, we understand the ACEH's concern on this issue, and we will return to monitoring of all wells that were originally in the program. We propose that the full monitoring plan be implemented for the next four quarters while the supplemental characterization efforts are performed. Once the data from the proposed supplemental characterization is available, we will propose a revised monitoring program to monitor the plume and the source while minimizing costs to the extent possible.

We have begun the process of contacting the property owners where the new wells may be installed. We will continue to pursue access to these sites.

We trust that the proposed revised schedule proposed above will be acceptable to ACEH. Please call us at 408-286-5363 (Bill) or 650-386-3828 (Kris) if you have any questions. For sake of expediency, a copy of this letter has been sent to Ms. Donna Drogos of ACEH.

Sincerely,
Conor Pacific



William L. Fowler, C.E.G. 1401
Project Manager



Kris H. Johnson, C.E.G. 1763
Senior Engineering Geologist

cc:
Donna Drogos, ACEH

February 26, 2003

Page 2

Fuel Leak Case No. RO278

cc:

Mr. Balaji Angle (w/Distribution List)
B&C Gas Mini Mart
2008 1ST Street
Livermore, CA 94550

Mr. John Rutherford (w/Distribution List)
Desert Petroleum
PO Box 1601
Oxnard, CA 93032

Mr. Bill Fowler (w/Distribution List)
Conor Pacific
2580 Wyandotte Street, Suite G
Mountain View, CA 94043

Ms. Danielle Stefani (w/Distribution List)
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Ms. Betty Graham
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Dave Charter
State Water Resources Control Board
Underground Storage Tank Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Mr. Matt Katen (w/Distribution List)
Zone 7 Water Agency
5997 Parkside Drive
Pleasanton, CA 94588-5217

John Freeman, Jr. (w/Distribution List)
California Water Service Company
195 South N Street
Livermore, CA 94550-4350

Mr. Murray Einarson (w/Distribution List)
Einarson & Associates
2271 Old Middlefield Way
Mountain View, CA 94043

D. Drogos (w/Distribution List)

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

February 26, 2003
Fuel Leak Case No. RO2798

IDENTICAL LETTER SENT TO ATTACHED LIST OF ADDRESSES

Dear Property Owner:

Subject: Property Access by the Parties Responsible for the Investigation and Cleanup of Petroleum Hydrocarbon and Fuel Oxygenate Pollution at Fuel Leak Case No. RO278, Desert Petroleum/B&C Gas Mini Mart, 2008 1ST Street, Livermore, CA

The Alameda County Environmental Health (ACEH) is overseeing the investigation and cleanup of gasoline and the gasoline constituents Methyl tert-Butyl Ether (MTBE) and benzene, released from fuel underground storage tanks at the subject site. We are uncertain as to how far the contamination from those tanks has moved.

The ACEH is requiring B&C Gas Mini Mart and Desert Petroleum to investigate and clean up contaminated soil and groundwater at the site to prevent the gasoline, MTBE, and benzene contamination from spreading to other properties or to drinking water sources and reduce the potential threat to human health and the environment. To properly determine the extent of that contamination in groundwater, B&C Gas Mini Mart and Desert Petroleum must perform additional off-site investigation. Therefore, we need your help in allowing access to your property by B&C Gas Mini Mart and Desert Petroleum to properly define the extent of contamination.

If you have any questions, please contact Mr. Balaji Angle at B&C Gas Mini Mart at 510-654-3461 or Mr. John Rutherford at Desert Petroleum at 805-644-6784. Thank you for your cooperation.

Sincerely,

Donna L. Drogos, P.E.
LOP Program Manager

DISTRIBUTION LIST

**List of Property Owners to be Notified of Soil and Groundwater
Investigation at Case No. RO278, Desert Petroleum/B&C Gas Mini
Mart, 2008 1ST Street, Livermore, CA**

Mr. John A. Clark
Bank of America
Legal Department
555 South Flower Street
Los Angeles, CA 90071

Mr. Dennis Fanucchi
Granada Bowl
1620 Railroad Avenue
Livermore, CA 94550

Mr. Dan McIntyre
City of Livermore
Engineering Division
Community Development Dept.
1052 South Livermore Avenue
Livermore, CA 94550

FAX: - 650-386-3815

KRIS JOHNSON,
CONOR PACIFIC.

Balraj Angledba
BTC GAS MINIMANT,
35584 CONOVAN Lane,
Fremont CA 94536

2/20/03

DEAR KRIS,

YOUR LETTER OF FEB 7th IN RESPONSE
TO ACK. DEF. LETTER OF Jan 22nd, 2003

IN RESPONSE TO MY LETTER OF 11th FEB 2003
FORWARDING YOUR LETTER REFERRED TO
ABOVE MS. DONNA OF ACEH, CALLED ME TO-DAY
AND OPINED AS UNDER:-

(1) SHE DESIRES THAT GROUND WATER MONITORING
MUST BE DONE REGULARLY ON A QUARTERLY
BASIS AND NOT AS SUGGESTED BY YOU
NOTWITHSTANDING YOUR COMMENTS ABOUT THE
COST. KINDLY ARRANGE AND CONFIRM TO HER
ME OF COMPLIANCE.

(2) SHE HAS SENT OUT ALREADY ACCESS LETTERS
TO PROPERTY OWNERS FOR INSTALLING GR-WATER
MONITORING WELLS. PL. IMMEDIATELY FOLLOW THIS
MATTER WITH CONCERNED REPRESENTATIVES OF THE
OWNERS. THIS NEEDS TO BE EXPEDITED TO THE BEST
OF YOUR ABILITY. MY ATTORNEY WILL ALSO FOLLOW
THIS UP BUT PRIMARY RESPONSIBILITY WILL BE YOURS
AS YOU HAVE DEALT WITH THEM IN THE PAST.

3) SHE DOES NOT WANT TO DELAY THE SUBMISSION
OF WORK PLAN ADDENDUM. SINCE YOU HAVE SUCCEEDED
IN GETTING ADDITIONAL HELP FROM OUTSIDE, PL. GIVE
THIS A PRIORITY AND SUBMIT THE PLAN SO THAT WE CAN
EXPEDITE GETTING U.S.T. CLEANUP FUND PRE-APPROVAL
ONCE ACEH APPROVES IT. KINDLY TREAT THIS AS
URGENT AND KEEP ME & DONNA POSTED.

C. + DONNA DRAGOS - ACEH. Trans

[Signature]

Fax: - 510-337-9335

MS. DONNA DROGOS,
A.C.E.H. Dept.

B. ANGLE
DBA B & C GASMINI MART
LIVERMORE.
2/20/03


Your TELECON OF 2/19/03 with me.

DEAR DONNA,
WITH REFERENCE TO YOUR CALL TO ME
ON 2/19, I HAVE INSTRUCTED CONOR TO
COMPLY AS DESIRED BY YOU. A COPY OF MY
FAX TO THEM IS ENCLOSED.

I AM AWAITING COPIES OF YOUR SIGNED
LETTERS TO PROPERTY OWNERS FOR SUBMISSION
TO MY ATTORNEY FOR PURPOSES OF FOLLOWUP AND
EXPEDITATION.

BT:1

Sincerely,


B.S. Anje

Page 1 of 1

ms. DONNA L. DRIGOS P.E.
 LOP PROGRAM MANAGER
 AL. COUNTY ENV. HEALTH SERVICES,
 1131 HARBOR BAY PARKWAY,
 SUITE 250 ALAMEDA
 CA - 94532-6577

BALAJI ANGLE DBA
 BACCHAS MINI MART
 2008 FIRST ST.
 LIVERMORE CA 94550
 2/11/03

DEAR ms. DONNA,

my REPLY OF 2/5/03 to yours
OF 1/22/03

FURTHER TO my LETTER OF 1/16 FEB. AND SUBSEQUENT TELECON WE HAVE HAD, I FORWARD LETTER OF FEB 7th RECEIVED FROM CONOR PACIFIC RECEIVED BY ME TODAY.

TO EXPEDITE THE PROCESS, I HAVE AGREED TO CONOR'S REQUIREMENT THAT I PREPAY FOR THE WORKPLAN ADDENDUM WITHOUT WAITING FOR PRE-APPROVAL OF THE COST BY U.S.T. CLEAN UP FUND. ONE OF THE PROBLEMS WE FACED IN THE PAST WAS UNDOE DELAY BY THE FUND IN REIMBURSING EVEN OBVIOUS & GENUINE EXPENSES. AS A CONSEQUENCE CONOR HAD THREATENED AT LEAST TWICE TO DISCONTINUE WORKING FOR ME FOR NON-PAYMENT IN TIME. KNOWING THE DIFFICULTIES INVOLVED IN HIRING ANOTHER CONSULTING FIRM WHO HAVE TO START FROM THE SCRATCH AND REVIEW WORK DONE DURING THE LAST 6/7 YEARS WOULD BE NOT MERELY EXPENSIVE BUT ALSO DELAYING THE PROCESS. AS SUCH I HAD TO PAY THEM FROM MY LIMITED SOURCE SO THAT THE STOPPAGE IS AVOIDED. EVEN AS OF TODAY, BILLS AGGREGATING ABOUT \$2600.00 HAVE NOT BEEN PAID TO ME BY THE FUND FOR WELL OVER 1 1/2 YEARS DESPITE PROVIDING COPIES TO AT LEAST 3 DIFFERENT DEALING OFFICIALS. THE FUND HAS BEEN INSISTING THAT WE WORK ON PRE-APPROVAL BASIS WHICH IS, IN FACT, ONE

page 2 of 2

MORE STEP AND AS SUCH ADDITIONAL TIME.

CONOR ALSO CLAIM THAT THEIR RESOURCES IN HUMAN TERMS ARE LIMITED AND FULLY BOOKED. AFTER RECEIPT OF THE LETTER I CALLED THEM AND PLEADED TO GET ADDITIONAL HELP FROM OUTSIDE IF POSSIBLE. I AM HAPPY TO SAY THAT THEY CALLED ME BACK AND SAID THAT THEY ARE HIRING ON PART-TIME ONE PERSON WHO HAS HIS OWN FIRM BUT USED TO WORK FOR THEM EARLIER. AS A CONSEQUENCE, THEY WILL BE ABLE TO SEND TO YOU WORK PLAN MUCH EARLIER THAN THE ONE PROPOSED IN THEIR LETTER.

AS SUGGESTED BY YOU, I ~~HAVE~~ HAVE FORWARDED YOUR LETTER TO MY ATTORNEY WITH A REQUEST TO GET THE ACCESS ISSUE BY THE PROPERTY OWNERS EXPEDITED. ONCE I RECEIVE ^{SIGNED} COPIES OF THE LETTERS FROM YOU, I WILL SEND THEM TO HIM SO THAT HE FOLLOWS THEM UP.

IN CONCLUSION, I ASSURE THAT EVERYTHING IN MY POWER WILL BE DONE TO EXPEDITE THE CLEAN UP PROCESS.

Thanks,

Sincerely,

B.S. Anque

Disc: 1 letter

Angle Enterprises.

513 1/2 Shattuck Ave.,

Oakland, CA 94609.

FAX

Date: 2/6/03

Number of pages including cover sheet: 2

To:

MS DONNA L. DRUGOS
TOP PROGRAM MANAGER
AL. City Env. Health Services
Alameda

Phone: 510-567 6721

Fax phone: 510-337-9335

CC:

From:

B. Angle

B+C GAS MINI-MART
LIVERMORE

Ref: Your letter of 1/22/03

Phone: 510-654-3461

Fax phone: ~~510-654-3461~~ 510-654-5904

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

Letter enclosed.

Thanks

B.S. Angle

MS. DONNA L. DROGOS P.E.
 LOP PROGRAM MANAGER
 AL. COUNTY ENV. HEALTH SERVICES
 1131 HARBR BAY PARKWAY,
 SUITE 250 ALAMEDA,
 CA-94502-6577

BALAJI ANGLE DBA
 BAC GAS MINI MART,
 2008 FIRST ST. Livermore
 CA-94550
 215703

DEAR MS. DONNA

Ref: - YOUR LETTER OF 1/22/03

I RECEIVED YOUR REFERENCED LETTER ON 4th FEB ON MY RETURN FROM OUT OF TOWN.

I HAD A LONG MEETING WITH CONOR PACIFIC AND REQUESTED THEM TO GIVE ME - FOR YOUR REVIEW AND APPROVAL - A DETAILED PLAN & APPROXIMATE COST FOR THE WORK YOU DESIRE ME TO DO. AS SOON AS I RECEIVE THIS, I WILL FORWARD IT TO YOU. IF YOUR CONVENIENCE PERMITS, I WOULD LIKE TO MEET YOU ALONG WITH REPRESENTATIVE OF CONOR PACIFIC TO DISCUSS & EXPEDITE THE IMPLEMENTATION.

AS SUGGESTED CONOR IS PREPARING A LIST OF PROPERTY OWNERS' WHOM YOU WOULD LIKE TO SEND LETTER FOR ACCESS TO THEIR PROPERTY FOR MONITORING WELLS AND I WILL FAX IT TO YOU AS SOON AS I RECEIVE IT. BY NOW YOU MUST HAVE RECEIVED FROM CONOR 4th FEB 2002 GR. WATER MONITORING REPORT. I HAVE SENT A COPY TO U.S.T. FUND IN SACRAMENTO.

AS YOUR FILES WILL INDICATE I AM A VICTIM OF CIRCUMSTANCES. EVEN AS SUCH, I WAS HONEST & STRAIGHTFORWARD FROM DAY ONE AND HAVE FULLY COOPERATED WITH YOUR OFFICE. AND I WILL CONTINUE TO DO SO. AND WITH YOUR HELP I AM SURE WE CAN ACCOMPLISH THE TASK SPEEDIER. I WANT YOU TO ASSURE THIS. BY THE WAY, I KEPT A MESSAGE ON YOUR VOICE MAIL ON 2/6 TO CONFIRM ACTION TAKEN. Thanks D

Conor Pacific

February 7, 2003
Project No. BNC103/BNC104

Mr. Balaji S. Angle
Angle's AM-PM Mini Mart
35584 Connovan Lane
Fremont, CA 94536

Re: January 22, 2003 Alameda County Environmental Health Letter

Dear Mr. Angle:

This letter provides Conor Pacific's general comments regarding the above referenced letter. Our comments focus on the proposed schedule and clarify some of the Alameda County Environmental Health (ACEH) comments. In addition, contact information is provided for the properties along Railroad Avenue, where additional monitoring wells are necessary.

The schedule set forth in the ACEH letter will be difficult to meet, due to the pre-approval process and re-imbusement delays of the California Underground Storage Tank Cleanup Fund (USTCF). Conor Pacific cannot perform the scope of the work under the schedule requested by ACEH and wait for re-imbusement from the USTCF to get paid. Our experience with this process in the past has resulted in significant delays in payment (over one year), even when the work was pre-approved. We understand that you have approved Conor Pacific to begin work on the workplan addendum requested by the ACEH and that payment will come directly from you when the work is performed and prior to your re-imbusement by the USTCF.

The following discussion addresses specific items in the ACEH letter and are referenced to the numbering system in the letter.

1) Supplemental Site Characterization and Monitoring

a) Downgradient

At your direction, we have started the requested workplan addendum. However, because of the significant changes in the scope of the approved workplan by ACEH and Conor Pacific's current workload of previously scheduled contracts, the February 14, 2003 deadline cannot be met. We anticipate revising the workplan for your submittal to ACEH by March 28, 2003.

b) Source Area

ACEH raised a concern that future borings be continuously cored and that previous investigations had not continuously cored borings due to limitations of the drilling method.

Mr. Balaji S. Angle
February 7, 2003

Note that the 1999 investigation consisted of seven (7) continuously cored borings to depths of up to 62 feet, and two (2) deep borings that were continuously cored over the lower 50 to 75 feet of each boring. The combination of coring two shallow and two adjacent deep borings resulted continuous core to a depth of up to 125 feet. Work previous to that was performed to obtain grab groundwater samples downgradient of the site to define the lateral extent of the plume and borings were not continuously cored because of limitations of time, access, and equipment and the desire to not generate off-site soil cuttings that would require handling and disposal. Conor Pacific does not anticipate these limitations in obtaining continuous core in any future soil borings.

3) Interim Remediation

a) Near-Source Plume Control and (b) Source Removal

An Interim Remediation Workplan is requested for submittal by February 28, 2003. As pointed out above, because of the scope of the request and the USTCF pre-approval process, it is not possible to complete the workplan within the time frame requested. It may also be prudent to wait until the requested work under **(1)(b) Source Area** is completed, prior to instituting interim remediation. The on-site borings may provide information that could have a direct bearing on the scope or location of the interim remediation.

8) Reporting Requirements

a) Quarterly Groundwater Monitoring

The ACEH requested that all wells be sampled on a quarterly basis. The November 5, 1999 *Report of Downgradient Investigation* recommended quarterly monitoring of all wells for one year, with the monitoring program re-evaluated following one year, and changes proposed based on the monitoring results.¹ The *First Quarter 2000 Groundwater Monitoring Results* contained a recommendation to modify the monitoring program by monitoring some wells quarterly and some on-site and some un-impacted wells annually.² This revised monitoring program has been followed since that time. It would be a waste of time and money to return to quarterly monitoring of all wells. This requirement should be evaluated when all wells are sampled during the next annual monitoring event.

Technical Report Request

The fourth quarter 2002 monitoring report was transmitted to ACEH on February 6, 2003. While this transmittal date did not meet the ACEH requested date of January 30, 2003, the reporting was performed within 45 days of sampling (December 23 to 24, 2002). Please note that our current first quarter 2003 sampling schedule for the site is March 18 to 20, 2003.

¹ Einarson, Fowler & Watson, November 5, 1999, Report of Downgradient Investigation, B&C Gas Mini Mart, 2008 First Street, Livermore, California

² Conor Pacific/EFW. *First Quarter 2000 Groundwater Monitoring Results, B&C Gas Mini Mart, Livermore, California.* May 3, 2000.

Mr. Balaji S. Angle
February 7, 2003

These sampling dates do not allow for the monitoring report to be submitted by April 15, 2003. Therefore, to adhere to reporting within 45 days of sampling, the first quarter 2003 monitoring report will be submitted by May 2, 2003. Conor Pacific recommends continuing with a similar reporting schedule for future quarterly monitoring events.

Off-Site Property Contacts

There are three potential properties along Railroad Avenue for off-site work at the downgradient end of the currently defined plume: (1) the lot owned by the City of Livermore located to the east of the Bank of America property, (2) the Bank of America property, and (3) the Granada Bowl property. The contacts for each property are listed below:

Engineering Division
Community Development Department
City of Livermore
1052 S. Livermore Ave.
Livermore, CA 94550

Mr. John A. Clark
Bank of America Legal Department
555 South Flower Street
Los Angeles, CA 90071
Business (213) 228-5030
Fax (213) 228-5344

Mr. Dennis Fanucchi
Granada Bowl
1620 Railroad Ave.
Livermore, California 94550
925-447-5600

Please call us at 650-386-3828 if you have any questions.

Sincerely,
Conor Pacific



Kris H. Johnson, C.E.G. 1763
Senior Engineering Geologist

Angle Enterprises.

5131 Chittuck Ave.,

Oakland, CA 94602.

FAX

Date: 2/11/03

Number of pages including cover sheet: 5

To:

MS. DONNA L. DRIGOS P.E.
TOP PROGRAM MANAGER
AL. COUNTY - ENV. HEALTH
DEPT

ALAMEDA

Phone: 510-567-6721

Fax phone: 510-337-9335

CC:

From:

B. Angle.

Ref. - BAC GAS
MINIMART

Phone: 510-654-3461

Fax phone: ~~510-654-3461~~ 510-654-5904

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

PER OUR TELECON. KINDLY FAX/
MAIL SIGNED COPIES OF ACCESS
LETTERS.

Call: 5

- Angle

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

January 22, 2003

Mr. Balaji Angle
B&C Gas Mini Mart
2008 1ST Street
Livermore, CA 94550

Mr. John Rutherford
Desert Petroleum
PO Box 1601
Oxnard, CA 93032

Dear Messrs. Angle and Rutherford:

Subject: Fuel Leak Case No. RO278, Desert Petroleum/BP Oil, 2008 1ST Street,
Livermore, CA

Alameda County Environmental Health (ACEH) staff has recently reviewed the fuel leak case file for the subject site, including the most recent technical reports entitled "Third Quarter 2002 Groundwater Monitoring Results," dated December 5, 2002, and the "Revised Work Plan Addendum for Additional Downgradient Investigation," dated April 12, 2001, both prepared by Conor Pacific (Conor). We are very concerned with the high levels of petroleum hydrocarbons, including benzene and the gasoline oxygenate Methyl tert-Butyl Ether (MTBE), at and downgradient from your site, the proximity of the site to water supply wells, and the site's location within a groundwater basin used for drinking water. This letter presents a request for three-dimensional characterization and monitoring and implementation of interim cleanup of soil and groundwater contamination (MTBE, petroleum products, and associated blending compounds and additives) from the unauthorized releases from your site.

TECHNICAL COMMENTS

A substantial release of petroleum products, currently undefined and unmitigated, appears to have originated from your site. Up to 290,000 ppb TPHG, 67,000 ppb MTBE, and 18,000 ppb Benzene have been detected during your groundwater monitoring. Free phase product is present in monitoring wells both on and off your site. Environmental investigations performed by your consultants to date have identified an MTBE plume extending horizontally over 1,500 feet from your site, a Benzene plume extending over 1,400 feet from your site, a TPH-Gasoline plume extending over 1,200 feet from your site, migration of NAPL over 900 feet from your site; with the distal ends of all your contamination plumes undefined. Additionally, depth discrete groundwater sampling has detected a stratified MTBE plume to depths of at least 61 feet bgs, the maximum depth explored at your site. The lateral and vertical extent of your groundwater contaminant plumes remain undefined.

MTBE and other petroleum products have been detected in soil to depths of at least 60 feet bgs, the maximum depth explored at your site. A review of groundwater elevations

Dear Messrs. Angle and Rutherford
January 22, 2003
Page 2

at your site indicates an unmitigated, predominately submerged source zone more than 50 feet thick may exist at your site. This situation has the potential for creating an unusually thick dissolved plume. Soil analysis has not been performed during any of your recent environmental investigations, leaving the vertical and horizontal extent of your source zone contamination undefined.

Additionally, your site overlies an aquifer used for drinking water and an active water supply well less than 1/2-mile away is immediately downgradient of your contaminant plumes. Your site is classified as a highest risk MTBE site.

Moreover, recent detections of chlorinated solvents in deep wells near your site suggest that the deep aquifer is more vulnerable than you had indicated in your earlier reports. Reports submitted by Conor indicated the potential for interconnectivity between the upper and lower water bearing zones. However, Conor suggested that the presence of an aquitard identified in the Livermore Arcade Study would likely prevent the MTBE plume from migrating to the lower aquifer. This conclusion relied on the absence of solvent detections in deep wells in the vicinity of the Livermore Arcade sites. Unfortunately, solvents have recently been detected in the Livermore Arcade area wells indicating that the separation between the upper and lower groundwater zones is discontinuous and/or leaky and thus cannot be relied upon to provide an adequate barrier to prevent downward migration of shallow contaminants, including your dissolved plumes.

We are currently performing a detailed review of all contamination sites in the area. Based upon this review, additional work will be required at your site. In the interim, the tasks listed below are required at your site.

Note, the California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately-registered or certified professional. Work at your site is required to be designed, interpreted, and overseen by the appropriately registered professional.

1) Supplemental Site Characterization and Monitoring

a) Downgradient

We note that the April 12, 2001, work plan approved by our office has not been implemented. We request that you expedite the installation of the proposed wells paralleling the railroad tracks, and install two additional wells paralleling the railroad tracks on the bowling alley property rather than installing a well between the bank and the bowling alley.

Conor's off-site investigation work identified strong stratification of the dissolved contaminants in the shallow aquifer. Analytical results from the traditional water table wells installed at this site indicate significant dilution of contamination and are therefore

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 3

not appropriate for monitoring your stratified plume. Therefore, monitoring at multiple depths is required at and downgradient from your site. You are directed to install monitoring devices, such as well clusters, multi-level wells, etc., that monitor a minimum of five groundwater zones at each of the locations identified above. To evaluate whether the aquitard is discontinuous and/or leaky, we recommend that each of your monitoring points include an interval screened within the aquitard to evaluate whether the contaminant plumes are moving through the aquitard. Additionally, we recommend that your wells be screened in both the upper and lower water aquifers. Generally, these screened intervals should not be greater than 2 feet in length.

Groundwater monitoring (hydraulic heads and chemical sampling) in all five zones is required for your site. Please note that once the location of your plume is identified and established, future monitoring may not be required within all zones in your monitoring network. Your consultant's site conceptual model (see below) will assist in determining an appropriate monitoring program (i.e., monitoring points and sampling frequency).

Please be aware that additional characterization may be required based upon results of this phase of work and our ongoing review of regional information.

Please refer to the document entitled "Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE, American Petroleum Institute Publication No. 4699, dated February 2000, when proposing wells to monitor multiple groundwater zones. Additionally, expedited site assessment tools and methods are a scientifically valid and cost-effective approach to define the three-dimensional extent of the plume. Technical protocol for expedited site assessments are provided in the U.S. Environmental Protection Agency's (EPA) "Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators" (EPA 510-B-97-001), dated March 1997.

Please submit a Work Plan Addendum showing the location of the additional monitoring wells, describing your proposal for monitoring in multiple groundwater zones, and the screen intervals for your monitoring network by the date specified below. Report the results of your fieldwork in the Soil and Water Investigation (SWI) Report requested below.

Please note, we request that you immediately pursue any off-site access agreements that you may need to complete your investigation activities in accordance with the schedule shown below. ACEH will send the access request letter (see Attachment 1) to owners of the neighboring properties where you propose to perform investigation activities. Please provide us with the name and address of the appropriate contacts for your off-site monitoring well locations by **February 14, 2003.**

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 4

b) Source Area

Work performed at your site has identified the likelihood of a large submerged source zone, the nature and extent of which is undefined. Additionally, Conor's 1997 investigations inferred the presence of a regional aquitard but did not demonstrate that it was present beneath the Desert Petroleum site. Therefore, additional contaminant source area characterization is needed at your site.

We request that you perform a geologic investigation at and near your site installing exploratory borings to determine (1) the vertical extent of pollution in your source area, and (2) identify site geology and confirm stratigraphy that is uncertain from the 1997 investigation. It is especially important to demonstrate whether the aquitard is present at your site, describe its elevation and nature i.e., vertical extent and lithology of aquitard; paying particular attention to sedimentary structure that demonstrates if the aquitard is of alluvial or lacustrine origin.

Please position your borings to characterize the source and collect and analyze soil samples to define the lateral and vertical extent of the source area. Contaminant source characterization includes determining the nature and extent of NAPL (liquid phase), petroleum saturated soils (residual phase), hydrocarbons dissolved in groundwater (aqueous phase), and high concentrations of soil vapor (vapor phase) that will continue to generate dissolved phase contaminant plumes. We recommend that you follow the procedures in the API Publication No. 4699 referenced above regarding identifying whether residual NAPL is present and to what depth.

We request that you continuously core your borings and retain the cores for future review. Conor's previous investigation reports mentioned that continuous coring of borings had not been possible due to limitations of the drilling method selected. Please select an alternative drilling method, e.g., sonic or rotary methods, that allows better recovery of gravels and can case the hole as drilling proceeds downward.

If free product is not detected in your borings we request that they be converted to a monitoring point capable of monitoring multiple groundwater zones as required for the off-site wells requested above.

Work from this investigation will likely identify additional data gaps that need to be filled to refine the site conceptual model requested below. Include your proposal for this work in the Work Plan Addendum requested below. Report the results of your fieldwork in the SWI Report requested below.

2) Evaluation of Potential Impacts to Water Supply Wells

Please perform an analysis to determine if your plume is within the capture zone of any water supply wells in the area. In performing your analysis consider the regional stratigraphy, water supply well construction and pumping rate over time, groundwater

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 5

recharge, etc. Please refer to the following documents during your analysis: US Environmental Protection Agency, "State Methods for Delineating Source Water Protection Areas for Surface Water Supplied Sources of Drinking Water," EPA 816-R-97-008, August 1997; US Environmental Protection Agency, "State Source Water Assessment and Protection Programs Guidance," Final Guidance, Office of Water, EPA 816-R-97-009, August 1997; and California Department of Health Services, Drinking Water Source Assessment and Protection (DWSAP) Program Document, January 1999.

We request that you make a preliminary estimate of the mass discharge of contaminants of concern emanating from your site. Mass discharge estimates can, in some cases, be used to predict potential impacts of dissolved contaminants to water supply wells. We recommend that you refer to the following document during your calculations: ChevronTexaco, "Mass Flux Estimates to Assist Decision-Making, Technical Bulletin," June 2002, included as Attachment 4. We recognize that this estimate may need to be refined in the future as additional data are collected.

Report the results of your work in the SWI Report requested below.

3) Interim Remediation

This section requests that you initiate interim remediation at your site. Please note that additional remediation of the distal end of your plume(s) may be required in the future based upon the results of additional investigation work at and near your site.

a) Near-Source Plume Control

The purpose of migration control is to prevent continued creation of a dissolved contaminant plume. Due to the high levels of petroleum hydrocarbons and oxygenates detected at your site, the large volume of groundwater contaminated by your site, and the presence of a water supply well immediately downgradient of your plumes, **we request that you immediately implement migration control.** We recommend pump and treat to control migration of BTEX and MTBE contamination. Please outline your proposal for migration control in Interim Remediation Work Plan requested below. Please document migration control progress in the Quarterly Reports requested below.

b) Source Removal

The purpose of interim source removal is to immediately remove the ongoing source that is continuing to add mass to the plume and immediately begin removal of contaminant mass in the source area. Interim cleanup is necessary to prevent dissolved phase BTEX and MTBE pollution from impacting or continuing to impact drinking water supply aquifers, reduce the ultimate impact of the unauthorized release on the resource, limit continued migration and growth of the BTEX and MTBE plumes, and reduce overall cleanup costs. We request that you initiate interim source cleanup activities at your site. Please outline your proposal for source removal in the Interim Remediation Work Plan

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 6

requested below. Please document source removal progress in the Quarterly Reports requested below.

4) Preferential Pathway Study

A review of data from both on and offsite monitoring wells and sampling points indicates migration of NAPL over 900 feet from the source area at your site. This is an extremely long NAPL plume not typically encountered at corner gas station sites and may be due to migration along some sort of preferred pathway. Work to date has not evaluated the mechanism for NAPL and dissolved phase plume migration at this site.

We request that you perform a preferential pathway study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for horizontal and vertical migration that may be present in the vicinity of the site. The purpose of the preferential pathway study is to locate potential migration pathways and conduits and determine the probability of the NAPL and/or plume encountering preferential pathways and conduits that could spread contamination. Of particular concern is the identification of abandoned wells and improperly-destroyed wells that can act as vertical conduits to deeper water bearing zones, pumping wells in the vicinity of your site, and manmade conduits for shallow migration.

Discuss your analysis and interpretation of the results of the preferential pathway study (including the detailed well survey and utility survey requested below) and report your results in the SWI Report requested below. Include an evaluation of the probability of the dissolved phase and NAPL plumes for all constituents of concern encountering preferential pathways and conduits that could spread the contamination, particularly in the vertical direction to deeper drinking water aquifers. The results of your study shall contain all information required by 23 CCR, Section 2654(b).

a) Utility Survey

An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area(s) is required as part of your study. Submittal of map(s) and cross-sections showing the location and depth of all utility lines and trenches within and near the site and plume area(s) is required as part of your study.

Additionally, environmental reports for the area make references to former pipelines reportedly to have existed and/or currently exist in the vicinity of the Mill Springs Park Apartment Complex that is located within the current NAPL plume. Please include an evaluation of these pipelines as part of your study.

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 7

b) Well Survey

The preferential pathway study shall include a **detailed well survey** of all wells (monitoring and production wells: active, inactive, standby, destroyed (sealed with concrete), abandoned (improperly destroyed); and dewatering, drainage, and cathodic protection wells) within a 1-mile radius of the subject site. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as pathways for migration of contamination at and/or from your site. Please review historical maps such as Sanborn maps, aerial photos, etc., when performing the background study. Submittal of map(s) showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Include appropriate photographic prints, in stereo pairs, of historic aerial photos used as part of your study. We also request that you list by date all aerial photographs available for the site from the aerial survey company or library you use during your study. Please refer to the Regional Board's guidance for identification, location, and evaluation of potential deep well conduits (see Attachment 2) when conducting your preferential pathway study.

5) Project Approach and Investigation Reporting

We anticipate that characterization and remediation work in addition to what is requested in this letter will be necessary at and downgradient from your site. Considerable cost savings can be realized if your consultant focuses on developing and refining a viable Site Conceptual Model (SCM) for the project. A SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely magnitude of potential impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM no longer changes as new data are collected. At this point, the SCM is said to be "validated." The validated SCM then forms the foundation for developing the most cost-effective corrective action plan to protect existing and potential receptors.

When performed properly, the process of developing, refining and ultimately validating the SCM effectively guides the scope of the entire site investigation. We have identified, based on our review of existing data, some initial key data gaps in this letter and have described several tasks that we believe will provide important new data to refine the SCM. **We request that your consultant incorporate the results of the new work requested in this letter into their SCM, identify new and/or remaining data gaps, and propose supplemental tasks for future investigations.** There may need to be additional phases of investigations, each building on the results of the prior work, to

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 8

validate the SCM. Characterizing the site in this way will improve the efficiency of the work and limit its overall cost.

The SCM approach is endorsed by both industry and the regulatory community. Technical guidance for developing SCMs is presented in Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE, American Petroleum Institute Publication No. 4699, dated February 2000; "Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators" (EPA 510-B-97-001), prepared by the U.S. Environmental Protection Agency (EPA), dated March 1997; and "Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Appendix C," prepared by the State Water Resources Control Board, dated March 27, 2000.

The SCM for this project is to incorporate, but not be limited to, the following:

- A concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed, and copies (photocopies are sufficient) of regional geologic maps, groundwater contours, cross-sections, etc.
- A concise discussion of the on-site and off-site geology, hydrogeology, release history, source zone, plume development and migration, attenuation mechanisms, preferential pathways, and potential threat to downgradient and above-ground receptors. Be sure to include the vapor pathway in your analysis. Maximize the use of large-scale graphics (e.g., maps, cross-sections, contour maps, etc.) and conceptual diagrams to illustrate key points. Include a structural contour map (top of unit) and isopach map for the aquitard that is presumed to separate your release from the deeper aquifer.
- Identification and listing of specific data gaps that require further investigation during subsequent phases of work.
- Proposed activities to investigate and fill data gaps identified above.
- The SCM shall include an analysis of the hydraulic flow system at and downgradient from the site. Include rose diagrams for groundwater gradients. The rose diagram shall be plotted on groundwater contour maps and updated in all future reports submitted for your site. Include an analysis of vertical hydraulic gradients. Note that these likely change due to seasonal precipitation and pumping. To evaluate the potential interconnection between shallow and deep aquifers, include hydrographs of hydraulic head in the shallow aquifer versus pumping rates from nearby water supply wells.
- Temporal changes in the plume location and concentrations are also a key element of the SCM. In addition to providing a measure of the magnitude of the problem, these data are often useful to confirm details of the flow system inferred from the hydraulic

Dear Messrs. Angle and Rutherford

January 22, 2003

Page 9

head measurements. Include plots of the contaminant plumes on your maps, cross-sections, and diagrams.

- Several other contaminant release sites exist in the vicinity of your site. Hydrogeologic and contaminant data from those sites may prove helpful in testing certain hypotheses for your SCM. Include a summary of work and technical findings from nearby release sites, in particular the solvent release sites near CWS Supply Well #8. Incorporate the findings from nearby site investigations into your SCM.

Please update your site maps to include the locations of the March 1995 hydropunch samples (H-1 to H-3) along South L Street. We request that site maps included in future reports for the site show the locations of all current and former USTs, dispenser islands, and all existing and destroyed wells. Also, please send us a separate copy of Drawings 1, 2, and 3 (oversize plots) from Conor's November 1999 report, updated with H-1 to H-3, and a new larger scale site map of the source zone and vicinity. Include the locations of all past site borings, grab water samples, and monitoring points on the large-scale site map.

Cross-sections submitted for this site do not depict the construction of MS(MW-1). Please provide a well construction log for monitoring well MS(MW-1) and include its construction on your graphics. Report this information and the information discussed above in the SWI Report requested below.

6) NAPL Analysis

Reported free phase gasoline has been detected in both on and off-site wells in the vicinity of your site. Results from fuel fingerprint analyses have been reported by both Conor (November 1997) and by Earth Tech (October 1995). However, neither analysis quantified MTBE in the samples. Please determine if MTBE is present in historical fuel fingerprint analyses. Using chromatographs from the previously-analyzed samples described in both reports, have the laboratories identify all peaks in the fuel fingerprint analysis and quantify, if possible, the concentration and mole fraction of MTBE present during previous sampling events.

Free phase product is currently present in monitoring wells on and off your site. We request that you return to the site this month and collect new NAPL samples from onsite monitoring wells, off-site monitoring well (MS)MW-1, and any other wells having NAPL present for a fuel fingerprint analysis. Please request that the laboratory identify all peaks in the analysis and quantify the concentration and mole fraction of MTBE present, and perform a product comparison between NAPL present in on- and off-site wells.

Report your findings for this work in the SWI Report requested below.

7) Velocity Profiling/Depth Discrete Sampling & Destroy Long Screen Monitoring Well(s)

On-site monitoring well MW-1 is located within the source zone and screened from 27 to 77 feet bgs. This long screen well could potentially act as a conduit for the deeper migration of dissolved contaminants beneath your site. We recommend that you destroy this monitoring well and propose destruction of additional monitoring wells as appropriate.

Prior to destruction we request that you profile ambient groundwater flow in the well (using a heat-pulse flowmeter or similar tool), and perform depth discrete groundwater sampling and analysis. Analyze the groundwater samples for the analytes requested in Technical Comment 8 below. Perform this same testing and analysis in other conventional monitoring wells in the source area, as needed, to determine if existing on-site monitoring wells may be conveying shallow contaminants to greater depths via ambient flow within the wells. Report the results of your work in the SWI Report requested below.

8) Reporting Requirements

a) Quarterly Groundwater Monitoring

We request that you monitor the groundwater contaminant plumes on a quarterly basis. Monitoring of all wells associated with your site and well (MS)MW-1 on a quarterly basis is required. We anticipate that additional wells monitoring multiple depths will be required to further define the threat of the plumes to downgradient receptors.

We request that you analyze groundwater samples from all monitoring wells for TPHG, and by EPA Method 8260 for BTEX, MTBE, TAME, ETBE, DIPE, TBA, EtOH, EDB, and EDC. Include cumulative analytical data tables for these compounds (columns for both EPA Method 8020/21 and 8260 results) in your Quarterly Reports with ND results reported as a less than (<) the detection limit value. We request that you review the results of your analysis after 4 quarters of monitoring and if any of the above compounds are detected at your site and are judged to be of concern (pose a risk to human health, the environment, or water resources), provide recommendations for incorporating these compounds into your regular monitoring schedule.

Please note, some laboratories may set detection limits for oxygenates that are higher than regulatory reporting limits, particularly for TBA. Additionally, sample preservation techniques have been reported to hydrolyze ethers (e.g., formation of TBA from MTBE hydrolysis) during some laboratory analysis procedures. Please work with your laboratory to meet the regulatory reporting standards for California and determine appropriate sample preservation techniques. Please refer to the New England Interstate

Dear Messrs. Angle and Rutherford
January 22, 2003
Page 11

Water Pollution Control Commission's "Analytical Methods for Fuel Oxygenates," dated October 2002, included as Attachment 3.

Discuss the results of your plume monitoring in the Quarterly Reports requested below. Please compile your monitoring data on cross-sections, include groundwater contours, and rose diagrams for groundwater gradient. We request that Quarterly Reports contain a discussion of the results of your plume monitoring, in particular whether the results are consistent with the SCM. Be sure to point out any anomalies in the data, and include recommended activities to investigate and resolve those data anomalies.

b) Groundwater Monitoring Data Tables

The cumulative groundwater data tables in technical reports submitted for your site appear to be incomplete. Examples include but are not limited to: early sampling data for MW-1 is missing, analytical results for some monitoring events in 1995 are missing, dates for sampling and gauging do not corroborate and in some instances are weeks off, analytical data appears to be missing for several monitoring events, some events have gauging data but no analytical results or analytical results are included but gauging data is not, the current quarterly monitoring report does not include cumulative monitoring data, some monitoring wells are not sampled and no explanation of why sampling was not performed is given, etc.

Quarterly Reports submitted for this site are required to include cumulative data tables containing all analytical results, groundwater measurements, groundwater elevations, free product thickness, presence of sheen, explanation for not sampling well(s), etc., from all previous and current groundwater monitoring events for all wells monitored in relation to this site. We request that your gauging and analytical data tables be combined into one table to facilitate presentation of this data and identify missing data, and that dates are tabulated in a month/day/year format. Additionally, please include depth discrete groundwater monitoring data in your tables. Please update your cumulative groundwater data tables to include this information and include in all future Quarterly Reports submitted for this site.

Additionally, we request that data tables from Quarterly Reports for this site be e-mailed to ACEH (ddrogos@co.alameda.ca.us) at the time the reports are submitted to our agency.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Donna L. Drogos), according to the following schedule:

January 30, 2003 - Quarterly Report for the Fourth Quarter 2002

Dear Messrs. Angle and Rutherford
January 22, 2003
Page 12

February 14, 2003 - Work Plan Addendum

February 14, 2003 – List of off-site property owners for access request

90 days after Work Plan Addendum Approval– Soil and Water Investigation Report

February 28, 2003 – Interim Remediation Work Plan

90 days after Interim Remediation Work Plan Approval – Interim Remediation Startup Report

April 15, 2003 - Quarterly Report for the First Quarter 2003

July 15, 2003 - Quarterly Report for the Second Quarter 2003

October 15, 2003 - Quarterly Report for the Third Quarter 2003

January 15, 2004 - Quarterly Report for the Fourth Quarter 2003

These reports are being requested pursuant to the Regional Board's authority under Section 13267 of the California Water Code. **Each report shall include conclusions and recommendations for the next phases of work required at the site.** We request that all required work be performed in a prompt and timely manner. Revisions to the schedule above shall be requested in writing with appropriate justification for anticipated delays.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please be aware that you may be eligible for reimbursement of the costs of investigation from the California Underground Storage Tank Cleanup Fund (Fund). In some cases, a deductible amount may apply. If you believe you meet the eligibility requirements, I strongly encourage you to call the Fund for an application.

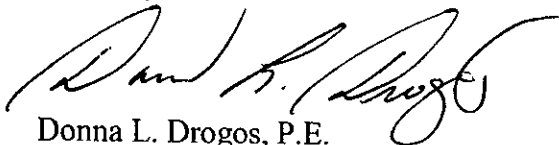
AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement follow up. Enforcement follow up may include administrative action or monetary penalties of up to \$10,000 per day for each day of violation of the California Health and Safety Code, Division 20, Chapter 6.75.

If you have any questions, please call me at (510) 567-6721.

Dear Messrs. Angle and Rutherford
January 22, 2003
Page 13

Sincerely,



Donna L. Drogos, P.E.
LOP Program Manager

Enclosures

cc:

Mr. Kris Johnson (w/enc)
Conor Pacific
2580 Wyandotte Street, Suite G
Mountain View, CA 94043

Ms. Danielle Stefani
Livermore – Pleasanton Fire
Department
3560 Nevada Street
Pleasanton, CA 94566

Ms. Betty Graham
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Dave Charter
State Water Resources Control Board
Underground Storage Tank Cleanup
Fund
P.O. Box 944212
Sacramento, CA 94244-2120

Mr. Matt Katen
Zone 7 Water Agency
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Pleasanton, CA 94588-5217

John Freeman, Jr.
California Water Service Company
195 South N Street
Livermore, CA 94550-4350

Mr. Murray Einarson
Einarson & Associates
2271 Old Middlefield Way
Mountain View, CA 94043

D. Drogos (w/orig enc), files (w/enc)

ATTACHMENT 1

Adjacent Property Owner - Access Cooperation Request
January 8, 2003

<DATE>

DISTRIBUTION LIST

Subject: Property Access by the Parties Responsible for the Investigation and Cleanup of Petroleum Hydrocarbon and Fuel Oxygenate Pollution at Fuel Leak Case No. <xx-xxx>, <Site Name and Address>

Dear Property Owner:

Alameda County Environmental Health (ACEH) is overseeing the investigation and cleanup of gasoline and the gasoline additives Methyl tert-Butyl Ether (MTBE) and benzene, released from fuel underground storage tanks at the subject site. We are uncertain as to how far the contamination from those tanks has moved.

The ACEH is requiring <RP COMPANY> to investigate and clean up contaminated soil and groundwater at the site to prevent the gasoline, MTBE, and benzene contamination from spreading to other properties or to drinking water sources and reduce the potential threat to human health and the environment. To properly determine the extent of that contamination in groundwater, <RP COMPANY> must perform additional off-site investigation. Therefore, we need your help in allowing access to your property by <RP COMPANY> to properly define the extent of contamination.

If you have any questions, please contact <RP CONTACT> at <RP COMPANY> at <RP PHONE NUMBER>. Thank you for your cooperation.

Sincerely,

<CASEWORKER>
<CASEWORKER TITLE>
LOP Program

cc: <LIA>, with Distribution List

<RP CONTACT>, with Distribution List
<RP COMPANY>
<ADDRESS>
<CITY, STATE ZIP>

D. Drogos, <CASEWORKER>

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

- M E M O -

To: Steven I. Morse, Chief
South Bay Division

July 3, 1986
File No. 1114.17 (TUB)

From: *Thomas J. Berkins*
Thomas J. Berkins
Environmental Engineer

Subject: Guidelines for the Identification, Location, and Evaluation of
Potential Deep Well Conduits

PURPOSE

Per your request this memo proposes Division staff guidelines for requiring dischargers to identify, locate, and evaluate private and public wells which may be potential conduits for contamination to migrate from shallow aquifers to deep aquifers. The guidelines below are based on the investigations which we have required some companies in the City of Mountain View to follow in the course of their investigation to define the extent of pollution.

INTRODUCTION

Recent investigations by companies in Mountain View have detected volatile organic chemical (VOC) pollution in a number of deep (C aquifer) monitoring wells installed to a depth of 500 feet. The contamination of the deep aquifer apparently occurred via improperly abandoned private wells located within the shallow aquifer contamination plume. It is important to note that pollution from the shallow aquifer zones (less than 100 feet) has reached the deep C aquifer zone (greater than 200 feet) even though there is a relatively clean aquifer zone and a 20-30 foot thick aquitard in between the shallow and deep aquifers.

Thus, it is important to require a more extensive investigation of potential conduits at other sites, beyond simply relying upon the records of the Santa Clara Valley Water District (SCVWD). The scope of the investigation to be conducted at each site will depend on the extent of contamination (known and unknown), available information, and the degree of uncertainty.

TECHNICAL REPORT

The following steps outline the minimum effort which should be considered by dischargers in cases where active and inactive/improperly abandoned private wells are known to exist within and in the vicinity of the contamination plume.

I. IDENTIFICATION OF WELLS

A. Records and Map Search

Typically, sites located in the Santa Clara Valley have relied solely upon the records of the SCVWD to obtain information regarding the location and status of any known wells in the vicinity of a site. However, the SCVWD

July 3, 1986

-2-

Potential Conduits

records are incomplete. Thus, the first step of the potential conduit investigation should involve a more thorough search of all available records and maps. The following sources of information should be utilized to gather all available data existing on potential conduits:

1. Santa Clara Valley Water District
 - a) active well printout
 - b) well location map
 - c) inactive well files
 - d) destroyed well files
 - e) abandoned well files
 - f) field canvas for Salt Water Intrusion Prevention Program
2. U. S. Geological Survey
 - a) library
 - b) Water Resources Division
3. California Department of Water Resources
4. "Ground Water in the Santa Clara Valley, California" - William O. Clark, 1924
5. Local well drillers
6. U. S. Department of Agriculture
7. Corps of Engineers
8. City and County offices

The information obtained from the various sources listed above should be compiled in a technical report. It would be useful to summarize the results of the records and map search in a table, including the following information:

- | | |
|---|------------------------------------|
| - well number | - owner |
| - source of information | - status |
| - water quality data | - condition |
| - water level data | - comments |
| - total depth | - period of usage |
| - screened interval(s) | - pumping rate |
| - gravel pack interval(s) | - accessibility |
| - sanitary seal | - location |
| - well construction method(s) | - casing (type, diameter(s), etc.) |
| - date installed | - date destroyed, if applicable |
| - top of casing elevation | - use (domestic, irrigation, etc.) |
| - pump information (type, capacity, depth, etc.) | |
| - log availability (driller's, lithologic, geophysical, and TV) | |

It would also be useful to list the wells by status, for example:

- a) wells officially listed as properly destroyed under a SCVWD permit
- b) active wells, including seasonal or standby wells
- c) inactive wells
- d) abandoned wells, location known but method of abandonment unknown
- e) abandoned wells, location unknown and method of abandonment unknown

B. AERIAL PHOTOGRAPHY SEARCH

Upon completion of the records and map search, a thorough search and review of historical aerial photographs should be conducted. Analysis of aerial photos has proven useful in identifying wells which were previously unknown (i.e., not found in the records or map search). The aerial photo search has also been shown to be useful in locating wells for which records were available but the well location was uncertain. Conducting the aerial photo search after the records search will enable one to better locate wells for which records exist but the location is uncertain. I recommend that all sites conducting the records and map search should also conduct the aerial photo review. The time and effort to be spent in this regard should be determined on a case-by-case basis.

Historical aerial photos should be obtained dating back to the period prior to residential and industrial development at the site. It is also important to obtain aerial photos taken intermittently over time (e.g., 1940, 1945, 1950, 1955, etc.). It would also be preferable to obtain aerial photos taken over a shorter time period during the period of residential growth in the area. Aerial photos with the smallest scale (i.e. greatest resolution) are obviously of much more use than larger scale photos. Oblique photos are very useful since they are usually taken from lower altitudes and therefore are in more detail for identifying wells, storage tanks, etc.

The following is a list of sources where aerial photos can be obtained or reviewed:

1. Local aerial surveyors (Aero-Geodetic and Pacific Aerial Surveys)
2. City and County Planning Departments
3. University's library, map room
 - a) U.C. Berkeley and U.C. Santa Cruz
 - b) Stanford University
 - c) University of Santa Clara
 - d) Whittier College, Geology Department, "Fairchild Collection"
 - e) San Jose State
4. U. S. Geological Survey, Western Mapping Center, Menlo Park
5. U. S. Department of Agriculture, Agriculture Adjustment Administration photos (these may be available at the University libraries)

6. Santa Clara Valley Water District
7. National Archives
8. Soil Conservation Service
9. Corps of Engineers

In general, the aerial photos obtained from the local aerial surveyors and the City/County files will have a greater resolution. However, the university libraries will have a larger collection and will probably cover a greater time period (i.e., photos prior to 1960). It should be understood that it may not be necessary to contact each of the above sources if adequate photo coverage (time period and resolution) can be obtained from one or two sources.

II. LOCATING AND GATHERING ADDITIONAL INFORMATION ON WELLS

A. Door-to-Door and Field Survey

It is likely that a majority of the information requested as part of the records and map search will not be available. In addition, it is also likely that the exact location of some wells will not be known. Thus, it probably will be necessary to conduct a more thorough investigation to determine the exact location of a well and also to gather additional data. A field survey and door-to-door survey are the only methods available to obtain this information. It should also be noted that door-to-door surveys have proven most useful in identifying wells which were not previously known to exist.

At a minimum, I recommend that a door-to-door survey be conducted of all residences, businesses, etc. located within the contamination plume (in all aquifers). It would also be prudent to expand the survey boundary (perhaps 1000 feet cross-gradient and 2500 feet downgradient of the known plume) to account for uncertainties associated with historical gradients and unknown extent of the plume.

The person conducting the survey should attempt to gather all the information requested as part of the records and map search (see page two). It may be useful to develop a form which could be given to each household/business, listing all the requested information. The survey form used in the City of Mountain View is attached for your reference. I recommend that all the information requested as part of the records and map search be included on the survey form. I also recommend taking a picture(s) of the well and/or well site when conducting the survey.

B. Metal Detector/Magnetometer

Based on the results of the door-to-door survey and aerial photo search it may be possible to identify the general location of a well. In certain cases, the use of a metal detector may prove useful in locating wells which

are covered over. The use of a metal detector was instrumental in locating improperly abandoned agricultural wells located under a concrete parking garage in Mountain View. An attempt should be made to uncover any well identified by the metal detector to the extent technically feasible.

The results of the door-to-door survey, including copies of any survey forms, should be documented in a technical report. A map showing the known and/or general location of all identified wells should also be provided.

III. EVALUATION OF POTENTIAL CONDUITS

Based on the results of the well identification and location program, it may then be appropriate to conduct an evaluation to determine a well's potential to act as a conduit. All wells located during the field survey that are found to be in a condition that is adequate for sampling and downhole inspection should be investigated. An attempt should be made to uncover any wells if the general location is known. An attempt should also be made to unplug wells (e.g., remove silt and/or surface concrete plugs which may be present) in order to conduct a proper investigation. Wells which have a potential to be a conduit should be investigated. It may be appropriate to conduct the following investigations on such wells:

1. borehole television inspection
2. natural gamma log
3. water quality and water level sampling

As part of the water quality sampling, the discharger may also want to consider time series sampling. It may also be appropriate to conduct "packer tests" for wells which are screened in more than one aquifer. Pumps which may be present in the wells should be removed to obtain access to the well for depth sounding, geophysical logging, TV inspection, water quality sampling and water level measurement, as appropriate.

Based on the results of the potential conduit evaluation it may be necessary to destroy certain wells. If the results of the evaluation indicate that a well is screened in a single discrete aquifer and is not contaminated it may be useful to utilize that well for future monitoring purposes. General criteria which may be used to decide whether to destroy a well include:

1. the well is located within the known contamination plume
2. groundwater at the well is contaminated
3. the well is screened and/or gravel packed in more than one aquifer
4. well depth

Similar to the identification and location portions of the potential conduit investigation, the results of the evaluation of potential conduits should be submitted in a technical report. The report should include all data, maps, logs, interpretation of logs, etc. In addition, the rationale for excluding any wells from a complete investigation and evaluation should also be provided.

July 3, 1986

CONCLUSION

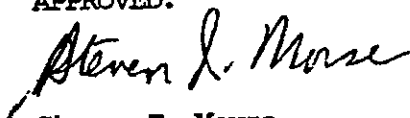
The above proposed staff guidelines outline a process to identify, locate, and evaluate private and public wells which may be potential conduits. This memo should be considered for transmittal to appropriate dischargers to assist them in investigating and evaluating potential conduits. I recommend that any discharger conducting a potential conduit investigation submit a technical proposal, outlining the scope of their investigation, to Regional Board staff prior to implementing the investigation.

RECOMMENDATION:

Approve the above proposed staff potential conduits investigation and evaluation guidelines.

Attachment: Door-to-Door Survey Form

APPROVED:



Steven I. Morse
Chief, South Bay Division

New England Interstate
Water Pollution Control
Commission

Boott Mills South
100 Foot of John Street
Lowell, Massachusetts
01852-1124

Bulletin 42
October
2002

L.U.S.T.LINE

A Report On Federal & State Programs To Control Leaking Underground Storage Tanks



Analytical Methods for Fuel Oxygenates

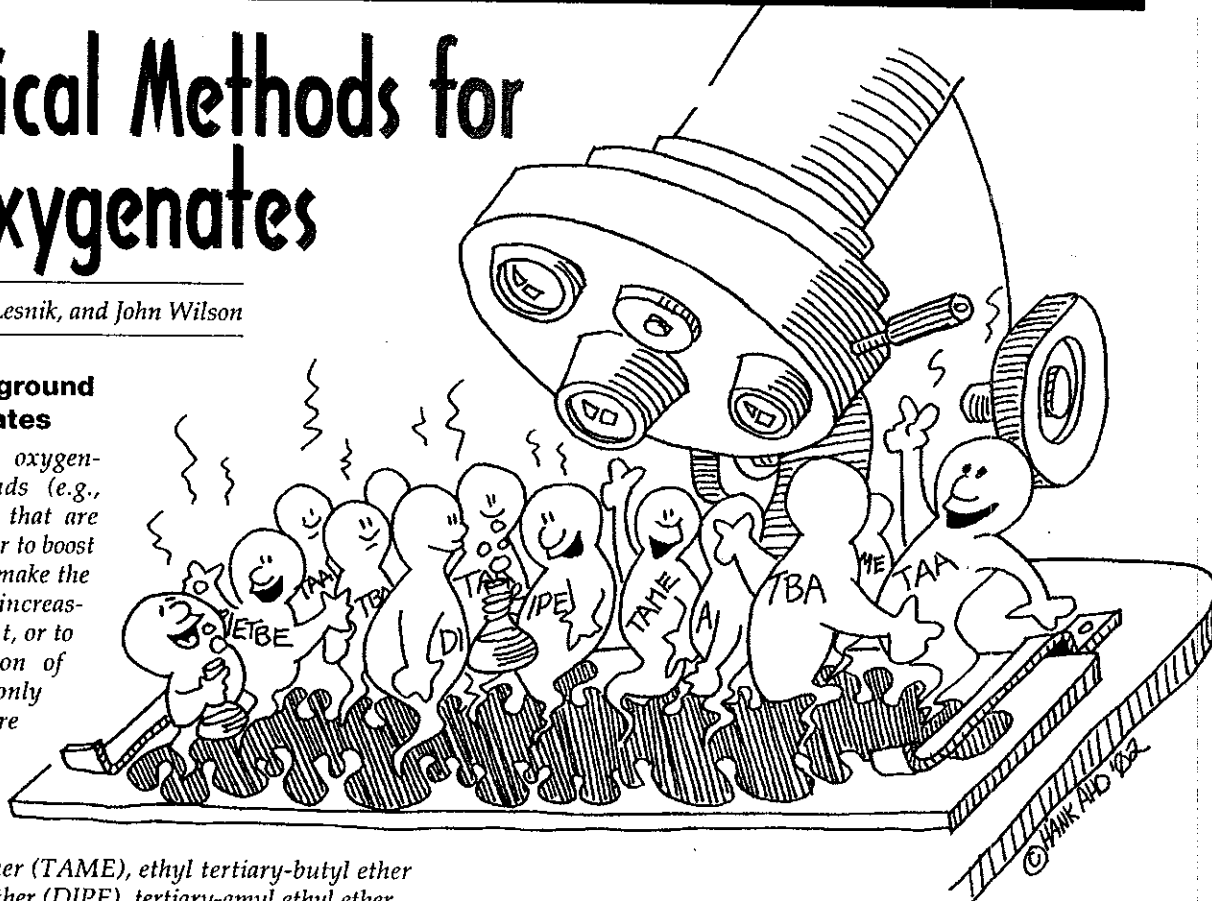
by Hal White, Barry Lesnik, and John Wilson

A Concise Background on Fuel Oxygenates

Fuel oxygenates are oxygen-containing compounds (e.g., ethers and alcohols) that are added to gasoline either to boost the octane rating, to make the fuel burn cleaner by increasing the oxygen content, or to achieve a combination of both. The most commonly used oxygenates are methyl tertiary-butyl ether (MTBE) and ethanol. Other oxygenates include tertiary-amyl methyl ether (TAME), ethyl tertiary-butyl ether (ETBE), diisopropyl ether (DIPE), tertiary-amyl ethyl ether (TAE), tertiary-butyl alcohol (TBA), tertiary-amyl alcohol (TAA), and methanol. Some oxygenates have a long history of usage in gasoline. For example, ethanol has been used in automotive fuel blends since the 1930s. Ethers, and primarily MTBE, have been used increasingly since the late 1970s. Initially, MTBE was used to boost the octane rating of mid- and high-grade gasoline and was present at concentrations of about 4 to 8 percent by volume. These fuels were transported, stored, and used nationwide.

Amendments to the Clean Air Act in 1990 led to the implementation of the Oxygenated Fuel (Oxyfuel) and Reformulated Gasoline (RFG) programs in 1992 and 1995, respectively. While these programs stipulated a minimum oxygen content for gasoline sold in specific metropolitan areas to reduce air pollution, the choice of which oxygenate to use was

■ continued on page 2



Inside

- 8 Study Gives Thumbs Up on Direct-Push Technology
- 9 The Eleven Myths about MTBE
- 17 Collect Reliable Soil-Gas Data: Active Soil-Gas Method
- 23 Flexible Pipe Concerns
- 24 News from California
- 25 Pay for Performance: Does It Work? The Data
- 28 Square Operators, Round Tanks, and Regulatory Hammers
- 30 California Announces BP-Amoco Settlement
- 34 OUST Announces UST Cleanup Goals
- 35 UST Systems in China
- 36 U.S. Secures Pleas in Tankology Case

■ Analytical Methods from page 1

left to the discretion of the petroleum refining industry. Primarily for economic and logistical reasons, the industry overwhelmingly opted for MTBE, and it is currently used in approximately 80 percent of oxygenated fuels at concentrations ranging from 11 to 15 percent by volume. Ethanol-containing fuel is used primarily in the midwestern United States and accounts for about 15 percent of the oxygenated fuel supply. The other oxygenates combined account for the remaining 5 percent.

The Down Side of Fuel Oxygenates

Releases of oxygenated fuel into the environment have occurred nationwide from leaking storage tanks and pipelines, transportation accidents, refueling spills, unburned fuel present in the exhaust from watercraft, and/or consumer misuse. Even at very low concentrations, the presence of some of these oxygenates can

render water unsuitable for a particular intended purpose (e.g., drinking, cooking, bathing, laundry, watering livestock) because it is either unsafe or unpalatable due to objectionable taste and/or odor.

Remediation of contaminated groundwater and treatment of contaminated drinking water is time-consuming and expensive. Detecting the presence of fuel oxygenates and delineating their extent in the environment is difficult for a variety of reasons. In fact, only a couple of states have even started to investigate the contamination of their groundwater with oxygenates other than MTBE. Thus, the extent and magnitude of oxygenate contamination in the United States is largely unknown.

Oxygenates easily dissolve into water and tend to migrate without significant retardation in flowing groundwater. MTBE plumes in particular may extend farther than is the case for the petroleum hydrocarbons benzene, toluene, ethylbenzene, and the three isomers of xylene (BTEX). Because they spread more extensively, oxygenate plumes are more difficult to detect and delineate. In *LUSTLine* #36 (2000), Jim Weaver and John Wilson discuss the difficulties of characterizing MTBE plumes in their article "Diving Plumes and Vertical Migration at Petroleum Hydrocarbon Release Sites."

A tremendous amount of oxygenate data from leaking UST sites have been generated over the past several years, yet there is understandable concern as to whether these data are valid. In general, these concerns are related to two issues:

- Analytical obstacles, and
- Ether hydrolysis (particularly of MTBE to TBA).

In the following sections, we'll discuss these issues and present some new information that may help us in dealing with oxygenates in the environment.

Analytical Obstacles

One of the greatest impediments to understanding the extent of contamination caused by fuel oxygenates is the perceived lack of a single analytical method for the determination of fuel oxygenates as a group. Although

the capability to conduct the analyses necessary to determine all of the fuel oxygenates at the concentrations of regulatory concern does exist in the current marketplace, the availability of this service is limited. It simply isn't standard operating procedure to calibrate for all of the oxygenates and, until now, no single method with this capability has undergone a rigorous demonstration of applicability. Conventional analytical procedures designed for petroleum hydrocarbons (i.e., BTEX) can also detect MTBE and the other ethers when properly calibrated for them, but they have very poor sensitivity for TBA and the other alcohols.

Of the several widely used determinative methods published in SW-846 (U.S. EPA, 1997), the two most appropriate for oxygenates are Method 8260 (Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry, GC/MS) and Method 8015 (Nonhalogenated Organics Using Gas Chromatography/Flame Ionization Detector, GC/FID). Other GC detectors (e.g., the electrolytic conductivity detector [ELCD] and the photoionization detector [PID]) are not designed to respond well to compounds that do not contain halogens (ELCD) or double bonds (PID). Therefore, methods using either of these detectors are not recommended for the analytical determination of oxygenates.

In particular, Method 8021 (PID detector) cannot be regarded as a consistently reliable analytical tool for the analysis of oxygenates because it is susceptible to both false positives (misidentifying the presence of an oxygenate) and false negatives (failing to identify the presence of an oxygenate). False positives often result in resources being wasted on unnecessary investigation and cleanup efforts. False negatives may result in the exposure of receptors to harmful levels of contaminants. The problems with Method 8021 are due primarily to coelution interferences and to the high ionization energies of many oxygenates.

Method 8021 uses a specialized light bulb (lamp) to ionize analytes of concern. The lamps typically used in a PID for Method 8021 operate at a maximum potential of 10 eV. The ionization potentials of ethanol and TBA are 10.2 eV and 10.25 eV, respec-



LUSTLine

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tively. As a result, ethanol and TBA are not ionized and cannot be detected by these lamps. The potential required to ionize MTBE is 10 eV, which is right at the maximum potential of these lamps. Although the PID may respond to MTBE when the lamp is new, the response becomes weaker as the lamp ages with use. If the calibration curve for Method 8021 is not current, the method can return false negatives for MTBE when MTBE is present at concentrations above regulatory action levels.

Method 8021 (PID) may also be subject to coelution interferences and generate false positive results when real-world samples contain significant concentrations of other contaminants such as petroleum hydrocarbons. Halden et al. (2001) found that when a sample contains petroleum contamination (as total petroleum hydrocarbon, TPH) of greater than about 1,000 µg/L (1 part per million), Method 8021 is subject to false positive results for MTBE. He also found that the effect is concentration-dependent (i.e., the effect increases as the concentration of other contaminants in the sample increases). Most laboratory QA/QC procedures for MTBE are not set up to identify circumstances in which coelution and concentration effects compromise the reliability of the method. Without this information the analyst may have the mistaken impression that the analytical results are accurate, when in fact they are erroneous.

A more important concern involves the unequivocal determination of the presence of oxygenates. Using either GC/MS (Method 8260) or GC/FID (Method 8015) with an appropriate GC column and an appropriate sample-preparation technique, it is possible to detect oxygenates at concentrations of 5 µg/L or less. However, GC/MS provides positive confirmation of the chemical identity of the analyte that is detected, while GC/FID does not.

It is not necessary to modify existing conventional practice for chromatography to obtain data for all of the oxygenates; only the sample preparation and method calibration steps need to be modified. If calibration curves are run for all of the other ethers, then concentrations of all of

these oxygenates can be determined for the same samples and in some of the same analytical runs used to determine BTEX and MTBE, provided that the concentrations of all target compounds fall within the operational calibration ranges of the detectors used.

It simply isn't standard operating procedure to calibrate for all of the oxygenates and, until now, no single method with this capability has undergone a rigorous demonstration of applicability. Conventional analytical procedures designed for petroleum hydrocarbons (i.e., BTEX) can also detect MTBE and the other ethers when properly calibrated for them, but they have very poor sensitivity for TBA and the other alcohols.

Another important concern is the method detection limit or the reporting limits of current analytical protocols for the alcohols, and TBA in particular. Analysis of the alcohol oxygenates is a more difficult challenge than analyzing for BTEX (or even MTBE). Many commercial laboratories set reporting limits for TBA that are much higher than reporting limits for BTEX and MTBE. Typical reporting limits for TBA may be as high as 100 or 1,000 µg/L. These reporting limits are higher than the concentrations of TBA that are of regulatory interest to many states.

Overcoming Analytical Obstacles

Methods 8015 (GC/FID) and 8260 (GC/MS) are appropriate for determining the presence and concentration of fuel oxygenates and BTEX. Appropriate sample-preparation methods include Methods 5021 (static headspace), 5030 (purge-and-trap), or 5032 (vacuum distillation). TBA can also be recovered for analysis using the azeotropic distillation technique (Method 5031). If ethers are the only target analytes of interest, then using Method 5030 at ambient temperature (rather than heated) is adequate to determine concentrations of oxygenates that are greater

than 5 µg/L. However, if alcohols (or acetone) are analytes of concern, the water sample must be heated to attain adequate recovery of analytes. If the sample is not heated, the effective limit of quantitation for TBA using Method 5030 is near 100 µg/L; when the water sample is heated to 80° C the limit of quantitation is near 10 µg/L.

In response to problems identified with current analytical practice, EPA conducted a study to determine the optimum conditions for purge-and-trap sample preparation of MTBE and the other fuel oxygenates in river water samples both with and without BTEX interferences in the form of gasoline spiked at 600 µg/L. The compounds included in the study were MTBE, TBA, DIPE, ETBE, TAME, TAEE, and acetone. The target sensitivity was 5 µg/L (U.S. EPA, 2002).

The study was performed over a five-point calibration range of 2 µg/L to 40 µg/L for each target analyte. The analytes were purged at 80° C for seven minutes and trapped on a Supelco H trap¹, held at 35° C, dry purged, desorbed and baked for three minutes each, and analyzed on a standard VOA column and a wax column. Water samples were run both with and without BTEX present in the samples. An additional evaluation using purge-and-trap conditions at ambient temperature (20° C) and the standard VOA column was also performed.

The results of EPA's study demonstrate that the recoveries of low levels of MTBE and related oxygenates can be improved over current practice. The most consistent oxygenate recoveries were obtained using the following combination of methods: sample preparation using Method 5030 with a heated (80° C) purge-and-trap, then analysis by Method 8260 using a DB-Wax capillary column as the determinative method. Use of an RTX-Volatile capillary column with a heated purge did not significantly improve the

¹Performance with other brands of traps may vary from that of the present study. If a different trap is used, its performance must be demonstrated, not merely assumed to be comparable to the Supelco H trap. Silica gel is needed as a trapping material for the trap to perform properly.

■ continued on page 4

■ Analytical Methods *from page 3*

overall oxygenate recovery compared to the DB-Wax capillary column. In addition, BTEX interferences did not adversely affect the chromatographic separation, quantitation, and recovery of oxygenates.

For samples with high concentrations of hydrocarbons and oxygenates, the samples will have to be diluted so that they are within the operating range of the instrument. As a general rule, analysts dilute and rerun samples when the concentration of any analyte exceeds 0.5 mg/L when using Method 8260 (MS detector) or exceeds 4 mg/L when using Method 8015 (FID). If the concentration of one of the BTEX compounds or oxygenates is much higher than the other analytes, then multiple runs will have to be made using diluted samples.

These methods must only be used by, or under the supervision of, analysts experienced in the use of gas chromatography for measurement of organic compounds at low concentrations (i.e., $\mu\text{g/L}$) and skilled in the interpretation of gas chromatograms and/or mass spectra. Each analyst must demonstrate the ability to generate acceptable results with these methods. This should be no different than current good laboratory practice.

To demonstrate that these methods work as well with real field samples as they do with laboratory-prepared samples, EPA recently participated in an interlaboratory comparison of the performance of methods for the BTEX compounds and the fuel oxygenates using static headspace as the sample preparation method. Water samples from monitoring wells in two fuel plumes on Long Island were sent to an EPA/ORD lab and two commercial labs. The agreement in the reported concentrations between the three laboratories was expressed as the percent relative standard deviation (%RSD) of the samples.

All three laboratories reported concentrations of MTBE above their detection limit in water from 23 of the 50 wells that were sampled. The %RSD for MTBE was 12.9. All three laboratories detected ETBE in water samples from six wells; the %RSD was 12.3. All three laboratories detected TAME in 12 wells; the %RSD was 5.3.

The EPA laboratory and one of

the commercial laboratories detected TBA in 10 wells; the %RSD was 21.4. The method detection limits for TBA in the EPA laboratory and the commercial laboratory were 2.4 and 5 $\mu\text{g/L}$ respectively. The reported concentrations of TBA ranged from 6 to 154 $\mu\text{g/L}$. The other commercial laboratory had a minimum reporting limit of 100 $\mu\text{g/L}$ and did not detect TBA in any of the water samples analyzed. The agreement between analyses of MTBE, TAME, ETBE, and TBA was good. The other oxygenates were not present in these plumes at concentrations that made it possible to make a comparison.

Ether Hydrolysis

Under normal environmental conditions ethers do not undergo hydrolysis at significant rates without enzyme catalysis; even in acidified ($\text{pH} < 2$) groundwater samples, ethers are generally stable (Church et al., 1999). However, Wade (1998) reported evidence of decreasing MTBE concentrations in 91 acidified groundwater samples collected over a two-year period from a site known to have experienced a release of gasoline that contained MTBE. He postulated that acid-catalyzed hydrolysis of MTBE during sample storage could explain these observations.

Most protocols for the preservation of groundwater samples call for the addition of a sufficient volume of hydrochloric acid to adjust the pH of the sample to < 2 . As a practical matter, more acid is added than is needed to preserve the samples. One standard drop of concentrated hydrochloric acid will adjust distilled water in a standard 40 mL VOA vial to $\text{pH} = 1.8$. Most field technicians add two or three drops of acid to each 40 mL VOA vial. Typically, it takes seven drops of acid to adjust a 40 mL VOA vial to $\text{pH} = 1$. The majority of groundwater samples that have been preserved with acid probably have a pH of between 1 and 2.

As discussed in the preceding section, if purge-and-trap is used as the sample preparation procedure for TBA and the other alcohols, then it must be modified to increase method sensitivity, or an alternate high-temperature sample preparative procedure must be used. One straightforward approach to increase sensitivity is to heat the water sample

to 80° C during sample preparation. However, heating creates a problem with conventional practice for preserving groundwater samples.

If the sample is heated, the acid commonly added to preserve the sample can actually cause the hydrolysis of ether bonds. As a consequence, ether concentrations originally present in the sample may be underestimated, and the concentration of the hydrolysis products may be overestimated (e.g., TBA formed from the MTBE hydrolysis).

These analytical errors can cause errors in risk assessment, can lead to the implementation of a remedial technology that is not necessary, and can bias an evaluation of monitored natural attenuation (MNA). For example, the alcohol that corresponds to the ether is often the first product of biotransformation of the ether. Higher concentrations of the alcohol and lower levels of the ether may be interpreted erroneously as evidence for natural biodegradation in the plume. Consequently, the time required for MNA to achieve cleanup goals may be significantly underpredicted.

Recently, O'Reilly et al. (2001) published rate constants that can be used to calculate the effect of temperature on the rate of acid hydrolysis of MTBE in samples of groundwater. They measured the rate of MTBE hydrolysis at 26° and 37° C. As discussed above, a temperature of 80° C is necessary to promote efficient transfer of alcohols to the gas phase for sampling. If the rates published by O'Reilly et al. are extrapolated to 80° C, they predict that MTBE should be rapidly hydrolyzed to TBA during analysis.

EPA/ORD measured the rate of MTBE hydrolysis at 80° C at $\text{pH} = 1$ and $\text{pH} = 2$; the results are presented in Table 1. The water samples in the heated headspace sampler are typically heated for 30 minutes before they are analyzed. After 30 minutes of incubation, 6 percent of the MTBE was hydrolyzed to TBA at a pH of 2, and 57 percent of MTBE was hydrolyzed at a pH of 1.

Data documenting the hydrolysis of MTBE during analysis of groundwater samples from an MTBE plume in California are presented in Table 2. The samples were preserved in the field with hydrochloric acid to $\text{pH} < 2$

Table 1 EFFECT OF PH ON THE EXTENT OF HYDROLYSIS OF MTBE* AT 80° C

Preserved with	Time of Incubation (minutes)	MTBE (µg/L)	TBA (µg/L)	Percent MTBE Hydrolyzed
HCL pH = 1	0	536	<3	
	30	196	255	57%
	60	88.5	343	77%
HCl pH = 2	0	495	<3	
	30	401	25.2	6.1%
	60	393	53.0	13%
1% trisodium phosphate pH > 12	0	476	<3	
	30	424	<3	<1%
	60	432	<3	<1%

* The hydrolysis of 1 µg/L of MTBE should yield 0.84 µg/L of TBA.

Table 2 EFFECT OF SAMPLE PRESERVATION WITH HYDROCHLORIC ACID ON THE MEASURED CONCENTRATION OF TBA

Sample ID	Dilution	TBA (µg/L) corrected for dilution	MTBE (µg/L) corrected for dilution	Percent MTBE Hydrolyzed
ML-12-16	none	3,230		89%
	1:10	1,065	2,953	
ML-16-12	none	10,400		83%
	1:10	2,644		5.8%
	1:100	2,006	12,669	
ML-17-12	none	6,170		56%
	1:10	1,483		0.7%
	1:100	1,405	13,273	
ML-19-12	none	4,640		60%
	1:10	1,309		12%
	1:100	591	7,216	
ML-19-16	none	5,100		68%
	1:10	1,222		7.3%
	1:100	740	8,551	
ML-23-16	none	719		22%
	1:10	260	2,550	

and shipped to EPA's R. S. Kerr Environmental Research Center for analysis using a static headspace sampler (Method 5021).

The water samples were brought to 80° C for 30 minutes prior to analysis of the headspace by GC/MS. Replicates of selected groundwater samples were diluted and then analyzed. The concentration of TBA reported for a sample was the sum of the concentration of TBA that was originally present plus the concentration of TBA produced from hydrolysis of MTBE.

For each tenfold dilution, the concentration of acid used as a

preservative was diluted tenfold, the rate of acid hydrolysis of MTBE was reduced tenfold, and the concentration of TBA produced from hydrolysis was reduced. The reported concentrations in Table 2 are corrected for dilution of the sample. The reported concentration of TBA in the undiluted samples was much higher than in the diluted samples.

The last column in Table 2 presents the fraction of MTBE that was hydrolyzed during analysis. The fraction was calculated by assuming that the reported concentration of TBA at the highest dilution was the true concentration of TBA that was originally

present in the sample and that the higher concentrations of TBA in the undiluted samples were produced by hydrolysis of MTBE.

In 15 undiluted samples, the fraction of MTBE that was hydrolyzed during analysis varied from 22 percent to 89 percent, with a median of 62 percent hydrolyzed. The hydrolysis of MTBE in the undiluted samples increased the reported concentration of TBA by a factor of four to eight. When samples that were diluted 1:10 are compared to samples that were diluted 1:100, the extent of hydrolysis in the samples that were diluted 1:10 varied from 1 percent to 18 percent with an average of about 9 percent.

These data-quality problems associated with the hydrolysis of MTBE to TBA illustrate the importance of a quality assurance/quality control program. Any significant hydrolysis of MTBE can be detected easily if matrix spike samples are included in the analyses. The accuracy of the analysis is determined by measuring the concentration of the target compound present in a sample, then adding a known concentration of the target compound to a replicate sample of the same water (a matrix spike) and again determining the concentration of the target compound. The concentration in the matrix spike sample should equal the sum of the spiked concentration and the original concentration.

Therefore, if water samples are preserved with acid, there is an understandable concern as to whether or not any of these data are valid. Unfortunately, the answer to this can only be determined by reviewing the reports of analytical results from each site of interest. The things to look for are indications of sample-preservation methods, method operating parameters, quality assurance/quality control results, and whether or not confirmatory identification of analytes is provided.

The rate constants published by O'Reilly et al. (2001) can be used to estimate the stability of MTBE in water samples. Figure 1 (page 6) presents predictions for water samples that are preserved at pH=1 and pH=2 and stored before analysis at temperatures of 4° C, 10° C, and 20° C. If the samples were refrigerated at 10° C or lower, less than 5 percent of

■ continued on page 6

■ Analytical Methods *from page 5*

the MTBE would be hydrolyzed in the first 30 days of storage. If samples were acidified to pH=1 and stored at 20° C, as much as 20 percent of the MTBE could be hydrolyzed in 30 days. If groundwater samples are refrigerated before analysis and all the sample preparation methods are carried out at ambient temperature (as opposed to an elevated temperature of 80° C), there is minimal opportunity for hydrolysis of the ether oxygenates.

Preventing Ether Hydrolysis Through Improved Sample-Preservation Technique

There are two widely used methods of preservation: refrigeration and chemical preservation (usually acidification). Often both methods are used on the same samples. If acid causes a problem with analysis of MTBE and TBA, one might be tempted to not use acid and rely on refrigeration alone.

It is essential, however, to use both a chemical preservative and refrigeration for groundwater samples, especially if they are to be analyzed for BTEX compounds. Groundwater samples from permanent wells typically contain microorganisms that are capable of degrading BTEX relatively quickly when oxygen is available. Contaminants may persist in groundwater because the plume is devoid of dissolved oxygen, but groundwater samples from wells invariably contain dissolved oxygen, particularly if samples were collected with a bailer. In samples that have not been preserved, BTEX compounds may be completely biodegraded in less than two weeks (Wilson et al. 1994) and MTBE and TBA may be completely degraded within two weeks of storage (Kane et al. 2001).

As good practice, samples should be packed in ice for shipment and refrigerated during storage. The temperature and general condition of the samples upon receipt by the laboratory should be indicated on the chain-of-custody. Samples should be cold (preferably close to 4° C upon arrival at the lab), they should be preserved, and they should be analyzed within prescribed holding times.

If samples arrived at the lab

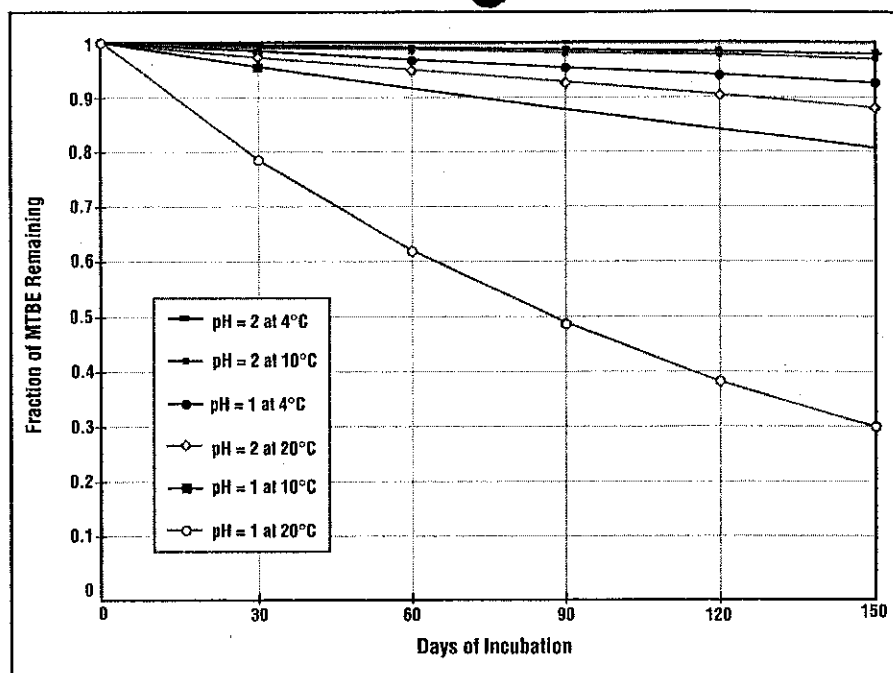


FIGURE 1. Predicted effect of pH and temperature on the stability of MTBE in samples of groundwater.

warm, if they weren't preserved, if they were analyzed past their holding time, or if acid-preserved samples were analyzed using a heated preparatory method, then there is a chance that some of the MTBE was hydrolyzed to TBA. If hydrolysis is a possibility, then examine the quality assurance/quality control data provided with the analytical report. If the recovery of MTBE (or other ether oxygenate) from spiked samples is near 100 percent, then hydrolysis of MTBE during analysis was minimal and should not be of concern.

We must reiterate that both a chemical preservative and refrigeration should be used to preserve sample integrity. Refrigeration by itself may slow the rate of biological degradation, but not to a useful extent. A conventional refrigerator is often near 10° C and refrigerated storage for samples is usually near 4° C.

The temperature of groundwater in the northern half of the United States ranges from 10° C to 15° C. As a consequence, the microorganisms collected along with a groundwater sample are already adapted to cold conditions. Storage of samples without a chemical preservative at 10° C to 4° C will only slow the rate of biological degradation of BTEX by a factor of two to four at most. Although refrigeration is only minimally effective in retarding biodegradation of

the sample, it is effective at inhibiting the chemical deterioration of the sample.

Kovacs and Kampbell (1999) developed an alternative procedure for chemically preserving groundwater samples that avoids hydrolysis of ether oxygenates. Instead of using an acid to lower the pH, samples are preserved with a base to a pH greater than 11. The elevated pH effectively prevents the biodegradation of organic compounds in the sample. The ethers are not subject to base-catalyzed hydrolysis, and a basic pH has no adverse effect on BTEX or the alcohol oxygenates (O'Reilly et al. 2001). The pH is elevated by adding a salt of a weak acid (trisodium phosphate dodecahydrate, or TSP), instead of a solution of a strong base such as potassium hydroxide. Table 1 compares MTBE hydrolysis in samples that were preserved with acid to samples preserved with TSP. There was no evidence of MTBE hydrolysis to TBA in the samples that were preserved with TSP.

The Kovacs and Kampbell (1999) procedure is safe and convenient. In the laboratory, between 0.40 and 0.44 gram of TSP is added to each 40 mL sample vial. Because it is more convenient to measure the required amount of TSP on a volume basis rather than by weight, staff of the R.S. Kerr Center use a precalibrated

spoon (Hach # 907-00 or equivalent). In the field, each vial is filled with the groundwater sample and sealed without headspace (the same as is done if the sample is preserved with acid).

The salt is added to excess. If a portion of the salt is washed out of the vial as the vial is filled with sample, enough TSP will remain to preserve the sample. As the salt dissolves, it buffers the sample to a pH greater than 11.

No special handling of the samples is required prior to analysis, although they should be stored in a refrigerator at 4° C. Water samples preserved with TSP are 1 percent salt by weight. If purge-and-trap (Method 5030) is used to prepare the water samples, it is particularly important to prevent the transfer of aerosols from the purged water to the trap and GC column. This should be no different than current good laboratory practice.

It is prudent to check the pH of the sample with indicator paper to ensure that the pH is greater than 11 prior to introducing it into the purge vessel or the headspace sampler for analysis. If it is necessary to analyze samples that have already been preserved with acid, the acid can be destroyed with TSP prior to analysis. An amount of TSP sufficient to raise the pH of the sample to greater than 11 is added to the sample vial, which is quickly resealed without headspace and shaken gently to dissolve the salt. Generally, about 0.7 gram of TSP is sufficient for a 40 mL VOA vial, but sometimes (depending upon the pH of the sample) more must be added to elevate the pH to greater than 11.

Recommended Protocol

The protocol described in this article enables us to determine the presence and concentration of all of the common oxygenates and BTEX at levels of regulatory interest. Routine use of this protocol will greatly improve the quality of the data that are reported, which in turn will enable us to make better decisions, which will ultimately result in more effective utilization of available resources.

Because MTBE (and potentially any other oxygenate) may be present at any petroleum UST site, whether the release is new or old, virtually

anywhere in the United States, it is also important to respond promptly to any petroleum release. The sooner all of the contaminants in a plume are identified and their subsurface extent determined, the sooner a remedy can be selected and implemented. Because a contaminant plume is smaller and more easily managed early on, the magnitude of the impact and the overall cost of the cleanup should be less than if the plume is allowed to expand.

The protocol described in this article enables us to determine the presence and concentration of all of the common oxygenates and BTEX at levels of regulatory interest. Routine use of this protocol will greatly improve the quality of the data that are reported, which in turn will enable us to make better decisions, which will ultimately result in more effective utilization of available resources.

Consequently, it is prudent to analyze samples for the entire suite of oxygenates as identified in this protocol (i.e., MTBE, TAME, ETBE, DIPE, TAEE, TAA, and TBA). Samples should be prepared for analysis, preferably using EPA Method 5030 heated to 80° C (although either Method 5021 or Method 5032 may be used if the laboratory can demonstrate appropriate performance with these methods).

The determinative method (e.g., Method 8260, 8015, or other appropriate method) should be calibrated for the entire suite of oxygenates, and these analytes should be reported for every sample analyzed. With the understanding that ethanol and methanol are potentially present at fuel release sites, it is also advisable to have samples analyzed for these alcohol oxygenates using appropriate preparative and determinative methods.

EPA Method 8260 (or another method that provides confirmatory identification of all of the fuel oxygenates and can be demonstrated to meet project data quality objectives) is the preferred determinative analyt-

ical method for fuel oxygenates (and other contaminants of concern) when the analyses will be used to (1) characterize the three-dimensional extent of a contaminant plume, (2) determine whether a site requires active remediation, (3) select an active remedy, (4) design an active remedy, (5) determine whether a site has met site-specific cleanup objectives, or (6) determine if it is no longer necessary to continue monitoring a site.

After all of the oxygenates (and other contaminants of concern) present at a site have been identified and their concentration and extent determined, future analyses might then be conducted using a less expensive determinative method (e.g., 8015). Situations that might not require confirmatory analysis would include routine long-term performance monitoring as part of a MNA remedy or exposure management strategy.

To properly implement this protocol, groundwater samples should be collected from locations where oxygenates are most likely to occur, based on their chemical and physical behavior. Because oxygenates are more soluble than petroleum hydrocarbons and can be more recalcitrant, oxygenate plumes may be longer than typical BTEX plumes.

Oxygenate plumes may also "dive" beneath conventional monitoring wells and migrate undetected until a drinking water source is impacted. (See Weaver and Wilson's article in LUSTLine #36.) To ensure that such plumes aren't migrating undetected, samples should be collected from a series of discrete sampling points that draw in groundwater only over short vertical intervals. There should be a sufficient number of sampling points to cover the entire vertical distance over which an oxygenate plume may migrate. Generally this means that additional sampling points are required at progressively greater depths below the water table as the downgradient distance from the source increases. Increasing the length of monitoring well screens is not appropriate as this will only dilute the concentration of contaminants in the sample and mask the true concentration in the plume.

To prevent constituents in the samples from being biodegraded

■ continued on page 8

■ Analytical Methods from page 7

during storage and transport, samples should be preserved. To prevent chemical hydrolysis of the ether oxygenates during storage, the samples should be preserved with a base delivered as a salt (TSP), rather than as a strong acid, and also refrigerated. Preservation with TSP will also eliminate the possibility that ethers will be hydrolyzed during sample preparation. Stored samples should be refrigerated at 4° C and analyzed within the holding period. ■

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For More Information

For additional information about analytical methods, call the Methods Information Communication Exchange (MICE) hotline at 703-676-4690, or visit the MICE web site at http://www.epa.gov/SW_846/mice.htm. For information about the Underground Storage Tank program, visit <http://www.epa.gov/oust>. For information about either this article or the soon-to-be-released EPA Fact Sheet, e-mail Hal White (EPA/OUST) at white.hal@epa.gov.

Disclaimer

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MASS FLUX ESTIMATES TO ASSIST DECISION-MAKING TECHNICAL BULLETIN

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Introduction

A conceptual site model (CSM) is a tool to manage contaminated sites. A CSM is a written or graphical summary of the likely sources, pathways, and receptors for a site. The CSM is revised as additional data are collected. The CSM should be used to assist decisions regarding site characterization and remediation. Risk-based decisions are typically concentration-based, applying the highest concentrations measured at a contaminant release site in a concentration versus distance framework. A concentration-based approach does not distinguish between small and large releases. This type of approach does not account for the contaminant mass flux from a release site.

Einarson and Mackay (2001) describe a complete conceptual model for a contaminant release site and water supply well. This Technical Bulletin summarizes Einarson and Mackay (2001) and information found in the "Supplementary Material to the ES&T Feature Article." The Einarson and Mackay (2001) conceptual model accounts for the contaminant mass flux from a release site and the mixing of groundwater caused by a supply well. Figure 1 illustrates capture of a dissolved plume by a supply well. Mass flux estimates are useful to prioritize sites and evaluate potential impacts to receptor wells. Mass flux estimates may also be used for commingled plumes to determine the impact of individual sites on receptors.

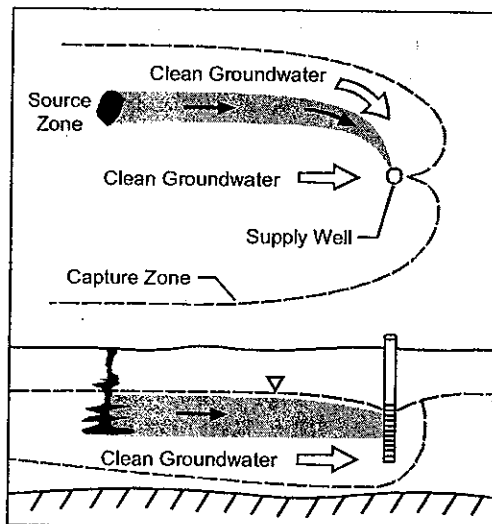


Figure 1. Complete Conceptual Model: Plume + Supply Well
(Einarson and Mackay, 2001)

The mass flux calculation is an estimate of the contaminant mass flowing past a cross section in the groundwater system per unit time (grams per day or g/d). This approach can distinguish between small and large releases. The mass flux estimates at multiple transects, perpendicular to the direction of groundwater flow across the plume, can also be used to demonstrate natural attenuation. If remediation is required, the mass flux estimate can be used to select the remedial alternative. For example, the contaminant mass flux can be used to determine oxygen demand (or demand for other electron acceptors) exerted by the target compound for a biostimulation remedy.

Estimating the Mass Flux of Contaminants from a Release Site

There are three methods to estimate the mass flux from a release site that appear to offer promise for practical application:

- Snapshot sampling of transects of single- or multi-level monitoring wells across a plume
- Short-term plume capture and extraction by pumping from one or more wells
- Remediation system performance data

It is important to note, however, that more demonstration sites are required to determine the accuracy and precision of these methods for different contaminant settings and densities of monitoring or extraction well transects.

Transects of Monitoring Wells Across a Plume

Sampling transects can consist of single- or multi-level monitoring wells. Single-screened wells may be adequate for thin plumes or if the groundwater flow system is relatively homogeneous. For more complex hydrogeological conditions, transects of multi-level wells are preferred to delineate the dissolved plume. Monitoring well transects should be perpendicular to groundwater flow direction, although it may be possible to utilize data from angled transects if appropriate corrections are made in the calculations described below. To account for a large percentage of the contaminant mass, sampling points should extend a sufficient distance (both laterally and vertically) so the plume is bounded by concentrations at least two orders of magnitude below concentrations in the core of the plume. It is also necessary to estimate the groundwater velocity (specific discharge) using Darcy's Law. The calculation of specific discharge requires reliable estimates of hydraulic conductivity, which would be available from a pumping test or slug test(s).

A cross section is drawn parallel to the transect, showing concentration contours and/or boundaries of the hydrostratigraphic units. Polygons are defined based on the distances separating the sampling points (see example below). The areas of these polygons are used in equation (1). The product of the contaminant concentration, area of the polygon, and specific discharge, yields the contaminant mass flux through the polygon (M_{di}). Einarson and Mackay (2001) provide the following equation for the summation of these values as an estimate of the total mass flux (M_d) across the transect:

$$M_d = \sum_i^n M_{di} = \sum_i^n C_i A_i q_i c_f \quad \text{equ. (1)}$$

where:

M_d = contaminant mass flux across a transect (g/d)

M_{di} = contaminant mass flux through polygon i (g/d)

n = number of polygons

C_i = average contaminant concentration within polygon i (ug/L or ppb)

q_i = specific discharge (ft/d) (product of hydraulic conductivity and hydraulic gradient)

A_i = cross sectional area of polygon i (ft²)

c_f = units conversion factor = 2.83×10^{-5} (g-L)/(ug-ft³)

Short-Term Capture and Extraction of the Plume by Pumping

A second method to estimate contaminant mass discharge is based on short-term pumping of wells located in a transect across the plume. This technique, developed by German researchers (Bockelmann et al., 2000), relies on capturing the contaminated groundwater flowing within the plume. Ideally, pumping should continue until steady state conditions are achieved, although the German researchers are exploring methods to interpret non-steady state data. An advantage of this method, assuming that it does in fact capture all of the plume, is that it does not require interpolation of contaminant concentrations between monitoring points, as is the case with transects of monitoring wells. Depending on the number of extraction wells needed to capture the contaminated groundwater, one or several wells can be used. Einarson and Mackay (2001) calculate contaminant M_d as:

$$M_d = \sum_i^n Q_i C_i c_f \quad \text{equ. (2)}$$

where:

M_d = contaminant mass flux (g/d)

Q_i = extraction rate from well i (gal/min)

C_i = contaminant concentration measured in extracted groundwater (ug/L or ppb)

c_f = units conversion factor = 5.45×10^{-3} (min-L-g)/(d-gal-ug)

Remediation System Performance Data

A third method to estimate contaminant mass flux entails the calculation of mass removal rate for an operating remediation system, which is known to be capturing the entire plume. The mass removal rate for a pump and treat system near a nonaqueous phase liquid (NAPL) source area is likely an overestimation of the mass flux for ambient conditions because the hydraulic gradient induced by pumping is greater than the ambient gradient and may therefore increase the contaminant emanation from the NAPL zone. However, the calculation of mass removal can be useful, particularly where remediation is occurring at two or more release sites and the task is to determine the relative contributions of the sites to a receptor. Using this method to compare two sites assumes the remediation systems have similar recovery efficiencies, i.e. capture the same fraction of the plume mass discharge at each site and/or have the same positive bias caused by increased hydraulic gradient near the NAPL sources. The mass removal rate for a pump and treat system is calculated using equation (2) above. C_i is the influent concentration to the groundwater treatment system. At a site where groundwater extraction and soil vapor extraction (SVE) are both being conducted, the SVE mass removal rate can also be calculated. While the SVE mass removal rate is not as relevant to the dissolved

contaminant mass flux, it can be compared to the groundwater extraction mass removal rate to evaluate the performance of the remedial strategy.

Contaminant Mass Flux to a Water Supply Well

Mass flux estimates are useful to prioritize sites and evaluate the impact on a receptor well. According to Einarson and Mackay (2001), M_d emanating from the source zone can not exceed M_d extracted from the supply well, if the following six conditions are satisfied:

- The flow field is constant (in rate and direction)
- The release rate of dissolved contaminants from the source zone is constant
- The entire plume is captured by the supply well
- Mass transfer processes (sorption and diffusion into low permeability units) within the saturated zone are at equilibrium
- Mass transfer from the saturated zone (volatilization, transpiration, etc.) is negligible
- There is no loss of mass due to in situ biotic or abiotic transformation

In general, most sites will deviate from the six conditions in ways that result in an overestimation of the contaminant mass flux to the supply well. For example, if the last condition is not valid and biodegradation of the target contaminant occurs, the mass flux declines along the direction of groundwater flow. By estimating mass flux at multiple transects across a plume, a natural attenuation rate can be calculated.

If NAPL is depleted of MTBE by the time monitoring is conducted, a transect near the source may yield a lower M_d than a transect in a more downgradient portion of the plume.

The hydraulic capture zone of the supply well should be determined in order to assess the risk of impacting the supply well. The contaminant mass flux calculation from a source zone or migrating past any transect across the plume can be used to estimate the concentration in a downgradient supply well, given the six conditions described above. The concentration in the supply well is defined by Einarson and Mackay (2001) as:

$$C_{sw} = \frac{M_d}{Q_{sw}} c_f \quad \text{equ. (3)}$$

where:

C_{sw} = maximum concentration of contaminant in water extracted from the supply well (ug/L or ppb)

M_d = contaminant mass flux from release site (g/d)

Q_{sw} = supply well pumping rate (gal/min)

c_f = units conversion factor = 184 (ug-gal-d)/(g-L-min)

Given an estimate of contaminant mass flux and the receptor well pumping rate, it is possible to estimate the receptor well concentration. Figure 2 is a nomogram from Einarson and Mackay (2001) to estimate concentrations in a pumping well, based on the mass flux estimate and the supply well pumping rate.

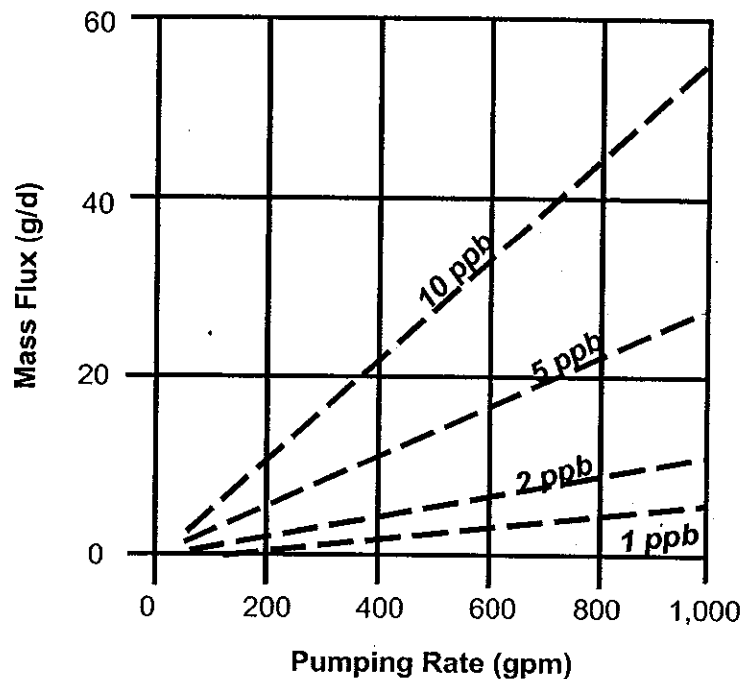


Figure 2: Nomogram to Estimate Concentrations in a Pumping Well
(Einarson and Mackay, 2001)

Example Mass Flux Estimates

Transects of Monitoring Wells Across a Plume

At a former service station in northern California, 23 Geoprobe borings were advanced to define the site stratigraphy and the three-dimensional extent of MTBE and other gasoline constituents. A multi-level well cluster was installed to define the occurrence of three water-bearing zones. Between 8 and 15 feet below grade (fbg), an unconfined, "perched" water table zone is present within fine-grained materials. The "shallow permeable zone" occurs at 18 to 22 fbg and the groundwater flow direction is to the west (Figure 3). Specific discharge in the "shallow permeable zone" is 0.34 ft/d, based on a pumping test performed in that zone. The "deeper permeable zone" is between 38 and 48 fbg. The shallow and deeper permeable zones are confined water-bearing zones. Groundwater elevations measured in the monitoring well cluster consisting of MW-13A (perched), MW-5 (shallow), and MW-13B (deeper), demonstrate an upward hydraulic gradient. MTBE was detected in the "shallow permeable zone" but not in the "deeper permeable zone." Therefore, the mass flux estimates below are based on MTBE concentrations in the "shallow permeable zone."

Figure 3 is a site map for the former service station, which illustrates MTBE plume contours for October 1997. Figure 3 also shows the locations of two transects, approximately perpendicular to the direction of groundwater flow. Transect 1 is about 50 feet from the former USTs and transect 2 is 100 feet downgradient of the first transect. Table 1 summarizes the mass flux calculation for transect 1, which includes three monitoring wells (MW-5, 6, and 10) and two Geoprobe well points (GP-4 and 5). (Well

point GP-3, shown in Figure 3, was not included in transect 1 because it was completed at a greater depth.) The polygon thickness for the monitoring wells is defined by the well screen thickness. The polygon thickness for the Geoprobe well points is 4 feet, the thickness of the "shallow permeable zone", based on boring logs.

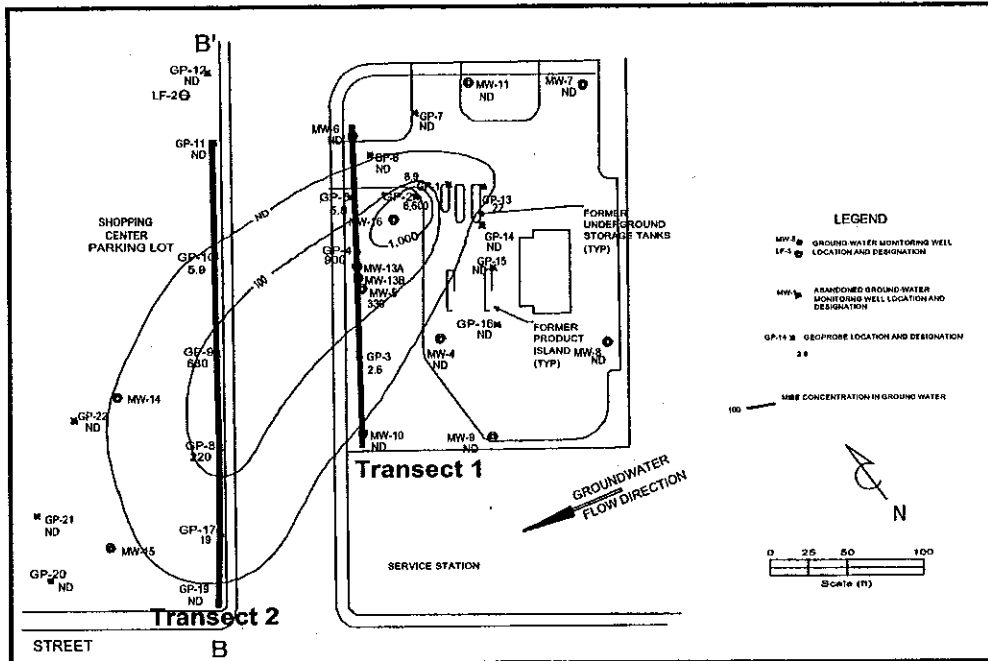


Figure 3. Locations of Mass Flux Transects

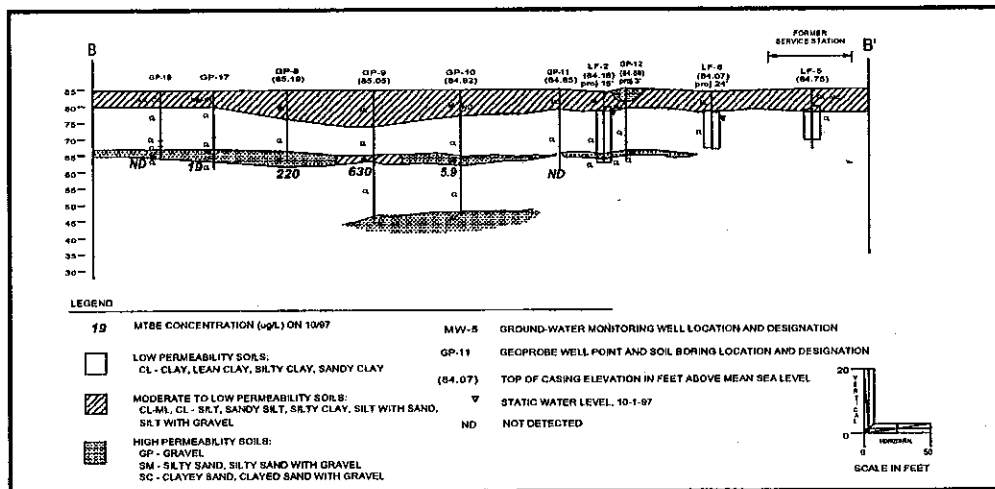


Figure 4. Mass Flux Transect 2

Figure 4 is a cross section for transect 2, constructed with six Geoprobe well points. MTBE concentrations in the "shallow permeable zone" are posted in Figure 4. The MTBE mass flux for transect 2 is summarized in Table 2.

Table 1. MTBE Mass Flux Across Transect 1

Well Point	MTBE Concentration C (ug/L)	Polygon			Specific Discharge q (ft/d)	Mass Flux Mdi (g/d)
		Length L (ft)	Thickness b (ft)	Area A (ft ²)		
MW-6	0	42	7.5	315	0.34	0.00
GP-5	5.8	40	4	160	0.34	0.01
GP-4	900	31.5	4	126	0.34	1.09
MW-5	330	62.5	9	562.5	0.34	1.79
MW-10	0	108	8	864	0.34	0.00
Mass Flux Across Transect, Md (g/d)						2.9

Table 2. MTBE Mass Flux Across Transect 2

Well Point	Concentration C (ug/L)	Polygon			Specific Discharge q (ft/d)	Mass Flux Mdi (g/d)
		Length L (ft)	Thickness b (ft)	Area A (ft ²)		
GP-11	0	75	4	300	0.34	0.00
GP-10	5.9	69.5	4	278	0.34	0.02
GP-9	630	63	4	252	0.34	1.53
GP-8	220	61.5	4	246	0.34	0.52
GP-17	19	52	4	208	0.34	0.04
GP-19	0	46	4	184	0.34	0.00
Mass Flux Across Transect, Md (g/d)						2.1

Note: Assume ND=0 ug/L

The MTBE mass flux is estimated to be 2.9 g/d across transect 1 and 2.1 g/d across transect 2. These mass flux rates are very small, consistent with a low strength plume. The site hydrogeology and stratigraphy made it possible to estimate MTBE mass flux based on single level well points. A site with more complex hydrogeology would require multi-level wells points and/or short screened monitoring wells.

Remediation System Performance Data

Sites 1 and 2 are located within 500 feet of a receptor well, which was pumping at approximately 1200 gpm before it was shut in because MTBE was detected at 1.1 ppb. Table 3 summarizes the remediation performance data at Sites 1 and 2. A pump and treat system was operated for 42 months at Site 1. At Site 2, a pump and treat system was operated for 31 months and a SVE system was operated for 38 months.

Table 3. Mass Removal Rates at Remediation Sites

Site	MTBE Mass Removal Rate in the Dissolved Phase (g/d)	Cumulative MTBE Mass Removal in the Dissolved Phase (kg)	MTBE Mass Removal Rate in the Vapor Phase SVE System (g/d)	Cumulative MTBE Mass Removal in the Vapor Phase (kg)
1	2.4	3.0		
2	45.8	43.0	618	1129

The Site 1 MTBE mass removal rate in the dissolved phase (extracted groundwater) is estimated to be 2.4 g/d and the cumulative MTBE removal estimate is 3.0 kg. The MTBE mass flux at Site 2 is estimated to be 45.8 g/d and the cumulative MTBE removal estimate is 43.0 kg. As noted earlier, these mass removal rates are likely an overestimation of

mass flux for ambient conditions. Assuming the hydraulic effects caused by the extraction systems are similar at both sites, these performance data suggest that Site 2 releases almost 20 times as much MTBE as Site 1. The Figure 2 nomogram suggests that the natural mass flux from Site 1 alone would likely not result in a detectable MTBE concentration in the supply well. As shown in this example, mass removal rates can be useful to estimate maximum mass flux values, which can, in some instances, be used to determine the contributions of two or more sites to a receptor well.

Summary

- **Mass flux estimates at release sites may be a useful and economical way to prioritize the need for site remediation.**

Given the economics of direct push technologies, it may be cost-effective to install an appropriate number of well points to estimate mass flux. In some cases, the existing monitoring well / well point network may be adequate to estimate mass flux. This type of estimate can be very useful in making remediation decisions.

- **Mass flux estimates may be used for commingled plumes to determine the contributions from individual sites to a receptor well.**

As illustrated with the remediation example for Sites 1 and 2 above, this calculation can be done with remediation system performance data (or with transects). If done properly, these calculations can be used to assign responsibility at commingled plumes.

- **Mass flux estimates can be used to properly scale remediation systems.**

In situ remediation systems can be focused on the area of the greatest mass flux. Ex-situ systems can be designed to handle the expected flux-based concentration. This can result in a smaller treatment system than one based on monitoring well concentrations.

- **Mass flux calculations for remediation sites can be used to evaluate system performance.**

By comparing mass removal rates for different remedial options, it is possible to evaluate system performance. For example, the removal rate for the SVE system at Site 2 above suggests SVE is an effective remedial technology and residual NAPL containing MTBE remains in the source zone in the vadose zone, i.e. accessible to SVE.

- **Additional estimates for MTBE mass flux will be needed to demonstrate the utility of this method.**

ERTC would like to collect more data to evaluate the mass flux estimate as a tool in our prioritization process for sites contaminated with MTBE.

References:

Bockelmann, A., T. Ptak, and G. Teutsch. 2000. Field Scale Quantification of Contaminant Mass Fluxes and Natural Attenuation Rates Using an Integral Investigations Approach. Proceedings of the International Conference on Groundwater Research, Copenhagen, Denmark, June 6-8, 2000, A.A. Balkema: 309-310.

Einarson, M.D. and D.M. Mackay. 2001. Predicting Impacts of Groundwater Contamination. *Environmental Science & Technology*, 35(3): 66A-73A.

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ALAMEDA COUNTY ENVIRONMENTAL HEALTH
1131 HARBOR BAY PARKWAY, SUITE 250
ALAMEDA, CA 94502-6577
TELEPHONE 510-567-6700 FAX 510-337-9335

FACSIMILE TRANSMITTAL SHEET

TO:	Tom Mestaz	COMPANY:	Earth Tech
FAX NUMBER:	408-232-2801	DATE:	1/8/2003
FROM:	Donna Drogos 510-567-6721	PROGRAM:	LOP Program
RE:	Mill Springs Park Apts	TOTAL NO. OF PAGES INCLUDING COVER:	4

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Hi Tom,

Thanks for getting back to me. Am looking for Vol. 2 of the report attached

**FINAL REPORT
LNAPL ASSESSMENT AND
GROUNDWATER
CHARACTERIZATION EVALUATION
(VOLUME I - REPORT)**

**Mill Springs Park Apartments
Livermore, California**

Prepared for:

**WINGFIELD VENTURE FUND
Hinsdale, Illinois**

Prepared by:

**EARTH TECH
Berkeley, California**

October 1995



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ADDITIONAL INFO FOR R0278

RAFAT A. SHAHID, Assistant Agency Director

StID 4618

April 18, 1995

Mr. Mark Milani
Earth Tech
2030 Addison St, Suite 500
Berkeley, CA 94704

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

RE: Mill Springs Park Apartments, 1809 Railroad Ave, Livermore

Dear Mr. Milani:

This office is in receipt of Earth Tech's April 1995 LNAPL Assessment Report, and a deposit of \$200.00 for the review of the case file for the above referenced site. Upon review of the files, past activities included remedial action to remove soil contaminated with #6 fuel oil and oil and grease. It appears the recent detection of gasoline constituents in free phase in the onsite monitoring well may be from an offsite source.

Case closure was granted by the SF-RWQCB on December 24, 1993, after the onsite well was sampled for two years without detecting elevated levels of TPH or BTEX. A maximum of 4.5 ppb benzene was detected in the past.

At this time, this case will not be re-opened. A potential upgradient source of the gasoline release has been identified. This office will require the responsible party of the site upgradient from Mill Springs Park Apartments to fully delineate the extent of their plume and to assess if their plume has impacted your client's site.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Jim Hardy, Wingfield Venture Fund, 121 E Maple Street,
Hinsdale, IL 60521
John Rutherford, Desert Petroleum, P.O.Box 1601, Oxnard.
CA 93032
files



State Water Resources Control Board

Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs

1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
(916) 341-5831 • FAX (916) 341-5806 • www.swrcb.ca.gov/cwphome/ustcf



Gray Davis
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.swrcb.ca.gov.

February 8, 2001

Balaji Angle
35584 Conovan Ln
Fremont, CA 94536

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,
CLAIM NO. 011496, PRE-APPROVAL REQUEST NO. 4
SITE ADDRESS: 2008 1ST ST, LIVERMORE, CA 94550**

I have reviewed your request, received on January 31, 2001, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the January 2, 2001, Conor Pacific workplan approved by the Alameda County EHD (County) in their January 5, 2001 letter, is \$16,449; see the table below for a breakdown of costs.

Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary. If the Fund agrees that they were in fact necessary, the Fund will reimburse at reasonable rates (rates consistent with those pre-approved.)

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.

All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.

California Environmental Protection Agency

 Recycled Paper

COST PRE-APPROVAL BREAKDOWN

#	Task*	Amount Pre-Approved	Comments
1	Pre-Field Access negotiations, scheduling and per	\$2,946	Preparation of WP, H&S plan, traffic control plan, arrange off-site access, pre-mark borings, scheduling and permitting and all other necessary activities associated with pre-field work.
2	Drilling	\$8,651	Drill two soil borings to 70' bgs (each). Collect soil samples at 5' interval for lithological logging. Includes all costs associated with drilling, logging, sampling, wells development and traffic coordination. Includes Lab analysis of soil samples.
3	Surveying and GW sampling	\$1,887	Survey the newly installed wells TOC to a benchmark of know elevation above MSL. Wells gauging, sampling, traffic control and surveying. All costs associated with GW sampling and lab analysis.
4	Reporting	\$2,965	Prepare detailed SAR (sections for site background, history, geology, geohydrology, field activities, methodology, log of borings, figures, cross-sections, isoconcentration maps in soil and GW [TPH(g), benzene, MTBE], conclusions & Recommendations
	TOTAL PRE-APPROVED	\$16,449	

* Task descriptions are the same as those identified in Conor Pacific's January 2, 2001 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Conor Pacific proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated January 2, 2001 by Conor Pacific for conducting the work approved by the County for implementing the January 2, 2001, Conor Pacific workplan.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5831.

Sincerely,



Hari Patel, Sanitary Engineering Associate
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Ms. Eva Chu
Alameda County EHD
✓ 1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

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

StID 1689

January 5, 2001

Mr. Balaji Angle
Angle Enterprises
5131 Shattuck Avenue
Oakland, CA 94609

RE: Workplan Approval for B&C Gas Mini Mart, 2008 1st Street, Livermore, CA

Dear Mr. Angle:

I have completed review of Conor Pacific's January 2001 *Workplan Addendum for Additional Downgradient Investigation* prepared for the above referenced site. The proposal to install two additional downgradient wells to delineate the extent of the MTBE/BTEX plume is acceptable. It is my understanding that Conor Pacific may encounter difficulties in gaining access to the properties where the wells are proposed. This Agency will assist with obtaining access, if necessary. If Conor Pacific encounters difficulties, they may also consider re-locating the wells. If new locations are proposed, they should still be down-gradient of wells MW-8 and MW-13 and closer in, rather than further away.

The workplan addendum should be implemented as soon as possible. Please provide at least 72 hours advance notice of field activities. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Mark Smolley
Conor Pacific
2580 Wyandotte Street, Suite G
Mountain View, CA 94043



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
1001 I Street • Sacramento, California 95814 • (916) 341-5757
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 341-5806 • Internet Address: <http://www.swrcb.ca.gov/cwphome/ustcf>

Gray Davis
Governor

EC
RO 0278

January 2, 2001

Balaji Angle
35584 Conovan Ln
Fremont, CA 94536

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 011496,
SITE ADDRESS: 2008 1ST ST, LIVERMORE, CA 94550**

I have reviewed your request, received on December 27, 2000, for pre-approval of corrective action costs. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the September 1, 2000, Conor Pacific workplan approved by the Alameda County EHD (County) in their September 11, 2000 letter, is \$ 18,999; see the table below for a breakdown of costs.

Be aware that this pre-approval does not constitute a decision on reimbursement: **necessary** (as determined by the Fund) corrective action costs for action work **directed and approved by the County** will be eligible for reimbursement at costs consistent with those pre-approved in this letter. However, depending on what happens in the field, some costs may not actually be necessary. If the Fund agrees that they were in fact necessary, the Fund will reimburse at reasonable rates (rates consistent with those pre-approved.)

In an effort to expedite future reimbursement requests associated with the implementation of the corrective action tasks pre-approved in this letter, we ask that the attached 'Pre-Approval Specific Reimbursement Request Form' be completed, updated and submitted with each reimbursement request. All relevant supporting documentation must also be included with each reimbursement request.

In order for future costs for corrective action to be part of the expedited reimbursement process, they must be pre-approved in writing by Fund staff.

All costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations in order to be eligible for reimbursement.

COST PRE-APPROVAL BREAKDOWN

#	Task*	Amount Pre-Approved	Comments
1	Quarterly Sampling & Analysis	\$12,979	This cost is for all time, material and labor associated with this task.
2	Reporting	\$6,020	Ancillary charges are not approved. All receipts for all services must be submitted at the time of reimbursement.
TOTAL PRE-APPROVED		\$ 18,999	This is the cost for 4 events.

* Task descriptions are the same as those identified in Conor Pacific's November 10, 2000 cost estimate.

- Only the tasks/costs reflected on the above table are pre-approved at this time. The Fund will review any tasks/costs that go beyond the pre-approved amount to be determined if the additional tasks and costs are necessary and reasonable. However, if costs exceed the above pre-approved amounts, the Fund will be unable to expedite your Reimbursement Request.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Conor Pacific proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated November 10, 2000 by Conor Pacific.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary future corrective action work. If you need assistance in procuring contractor and consultant services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. ***Please insure that your consultant prepares their invoices to include the required breakdown of costs on a time and materials basis, that invoiced tasks are consistent with the original proposal, and that reasonable explanations are provided for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:***

- subcontractor invoices,

Balaji Angle
Claim No. 011496

-3-

January 2, 2001

- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 341-5757.

Sincerely,

Sunil Ramdass

Sunil Ramdass, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

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

DEAR EVA

REFERS TO MY TELECALL Page 1 of 2
LAST WEEK. SEE IF YOU CAN CONVINCED
CLEANUP FUND SO THAT MONITORING IS
NOT DELAYED. *Thank you*

SUNIL RAMDASS,
STATEWATER RESOURCES BOARD,
SACRAMENTO - 94244-2120

BALAJI ANGLE,
104 C GASMINI MART
2008 FIRST ST.
Livermore CA 94533
12/21/00

Request for pre-approval costs:-

DEAR SUNIL,

AT THE OUTSET LET ME WISH YOU AND OTHERS
IN THE DEPARTMENT MERRY CHRISTMAS AND VERY
HAPPY NEW YEAR.

PL. PARDON ME FOR THIS HAND WRITTEN NOTE.
YOU WILL PLEASE OBSERVE THAT, THE ENCLOSED
TYPED LETTER OF NOV. 10, 2000 WAS NOT DESPATCHED
TO YOU THEN BECAUSE I WANTED TO DISCUSS THIS
FURTHER WITH AL. COUNTY HEALTH DEPT - EVA CH.
AS ALSO COUPLE OF CLEAN UP CONTRACTORS TO
IF WE CAN SAVE SOME COSTS. IT WAS ONLY AF
I WAS CONVINCED THAT THIS WAS NOT POSSIBLE
I DECIDED TO SEND THIS LETTER.

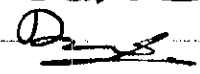
DURING THE INTERREGNUM, I PLEADED WITH
CONOR PACIFIC TO REDUCE THE COSTS SO THAT IF YOU
AND THEY CAN AGREE WE CAN DO THE CLEANUP
WORK UNINTERRUPTED AND WITH SPEED AS IT HAS
ALREADY BEEN DELAYED IN THE PAST BECAUSE
OF VARIOUS REQUIREMENTS FROM THE BOARD.

YOU WILL NOTICE FROM YOUR FILE THAT THE
DEPT. HAD SENT ME A LETTER OF APPRECIATION
IN GETTING THE BEST BID FROM CONOR PACIFIC.

AMONGST MANY OTHERS WHO WERE HIGHLY PRICED. THE REASON WAS THEIR COMPANY IS A SMALLER ONE WITH LESSER OVERHEADS. SINCE THEN THEY HAVE BEEN FOUND TO BE VERY EFFICIENT AND COSTWISE QUITE REASONABLE. ALL THE SAME, THIS TIME THEY PLEADED THEIR INABILITY TO REDUCE THE COSTS ANY FURTHER BECAUSE THEY CLAIM THEIR MARGINS IN THIS PROJECT IS RAZOR THIN.

I DID CONTACT QUITE A FEW - 3 - OTHER CONTRACTORS WHO WERE NOT EVEN WILLING TO CONSIDER THIS KIND OF WORK. THEY ALSO CLAIMED THAT IF THEY WERE UNDERTAKE THIS TASK, IT WILL INVOLVE ADDITIONAL LABOR AND ENERGY TO STUDY THE BACKGROUND OF THE PROJECT AND THE WORK DONE IN THE PAST WHICH WILL CONSIDERABLY INCREASE THE AGGREGATE COST.

I THEN HAD EXTENSIVE DISCUSSIONS WITH EVA CHU OF AL-COUNTY WHO HANDLES THIS PROJECT. SHE CONCURS THAT THE QUALITY OF WORK, PROFESSIONALISM, THE COST AND OVERALL PERFORMANCE OF CONOR PACIFIC HAS BEEN SUPERB COMPARED TO MANY OTHER CONTRACTORS SHE HAS BEEN DEALING WITH.

I TOTALLY CONCUR WITH YOU THAT WE MUST SAVE WHATEVER WE CAN THE SCARCE PUBLIC FUNDS USED FOR CLEAN UP. AND I AM PREPARED TO GO TO ANY LENGTHS YOU WANT ME TO. BUT THE SUBJECT CASE SEEMS TO BE ONE WHERE WE CANNOT SAVE ANY FURTHER. IF YOU SO DESIRE YOU CAN CONTACT EVA CHU DIRECTLY OR I CAN ASK HER TO CALL YOU. IN THE CIRCUMSTANCES KINDLY APPROVE MY REQUEST IMMEDIATELY FOR ^{Small} PRE-APPROVAL COSTS. 

November 10, 2000

Mr. Sunil Ramdass
State Water Resources Control Board
UST Cleanup Fund, Technical Review Unit
P.O. Box 944212
Sacramento, CA 94244-2120

Re: Request for Pre-Approval of Corrective Action Costs, Claim No. 011496, Site Address:
2008 First Street, Livermore CA 94550

Dear Mr. Ramdass:

I am responding to your letter of October 24, 2000 that addressed my request for Pre-Approval of Corrective Action Costs for the B&C Gas Mini Mart at 2008 First Street, Livermore, California. The October 24, 2000 letter indicated that you are approving \$14,855 from the total requested amount of \$19,235 for Quarterly Groundwater Sampling, Analysis and Reporting. Based on the following information, I am requesting that you re-evaluate the amount approved.

1. The hours budgeted for the Technician in Task 1 were reduced from 90 to 52 hours. This does not seem reasonable given the number of wells that are sampled at the B&C site. Nine wells are sampled each quarter and an additional seven wells are sampled annually. This equates to approximately 11 wells for each quarterly event. The *Cost Guidelines for the UST Cleanup Fund (July 1996)* budgets 12 hours for sampling six 50-foot deep wells during a quarterly event. The average depth of the wells at the B&C site is more than 60 feet, with some of the wells being deeper than 100 feet. Using the information listed above, the following calculation shows the approximate number of hours that might be anticipated for sampling the B&C site:

$11 \text{ wells sampled} / 6 \text{ wells typical} \times 12 \text{ hours/quarter} \times 4 \text{ quarters/year} = 88 \text{ hours}$

Based on this information, the 90 hours budgeted in the Conor Pacific Cost Estimate seems reasonable.

2. The mileage rate was reduced from 0.43/mile to 0.35/mile according to the Cost Guidelines and I understand the reason for this change. However, the number of miles was reduced from 280 to 160 although the Cost Guidelines budget 60 miles per quarterly event. My consultant, Conor Pacific is located approximately 45 miles one-way from the B&C site. The mileage budgeted should be at least 240 miles based on the Cost Guidelines, if not the 360 actual miles.

(Handwritten mark)

Mr. Sunil Ramdass

11/10/00

3. The Purge Water/Drum Disposal cost of \$2,000 was not approved since the B&C site has a Sewer Discharge Permit. The purge water from some of the wells is discharged to the sewer, however the water from at least five of the wells is hazardous and this water is disposed at an approved hazardous waste disposal facility. Therefore, the \$2,000 disposal costs are necessary. In addition, since this disposal cost is necessary, the 15% mark-up of \$300 on these costs is also appropriate.
4. The ancillary charges of \$200 are for report copying costs. I understand that the Cost Guidelines budget \$12 per quarter for these costs. I can agree that the costs should be reduced from \$200 annually to \$48.

Based on the information presented in Items 2 and 4, I requested that Conor Pacific revise their cost estimate, which is attached. I hope that you can approve the revised Cost Estimate of \$19,047. I do not want to have to get bids from other consultants at this time and feel that this would considerably delay the Corrective Action Process. When I originally hired Conor Pacific in 1997, they were competitively priced. Since the hourly rates for the UST Cleanup Fund work have not been changed since 1996, I expect that it will be difficult to find other technically competent firms that are willing to work at these rates.

Thank you for taking the time to consider my request.

Sincerely,



Balaji Angle
Angle Enterprises

Attachment: Cost Estimate from Conor Pacific

**CONOR PACIFIC/EFW
COST ESTIMATE - REVISED**

CLIENT: Mr. Balaji Angle
PROJECT: B&C Gas Mini Mart, Livermore,
Quarterly Groundwater Monitoring - 3rd Quarter 2000 Through 2nd Quarter 2001

DATE: November 10, 2000
PROJECT NO. BNC 103

DESCRIPTION	UNIT	UNIT COST	QUANTITY	COST	SUB-TOTAL	TASK TOTAL
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MMARY:						
TASK 1 - Quarterly Sampling and Analysis						\$12,979
TASK 2 - Reporting						\$6,068
TOTAL						\$19,047

TASK 1 - Quarterly Sampling and Analysis

SCOPE: Quarterly sampling and analysis of nine wells (MW-2, 5, 7, 8, 10, 12, 13, D-2, (MS)MW-1), and dispose of purge water. Included are additional analyses for 8260 oxygenates per Alameda County Environmental Health Services request.

Annual sampling and analysis of seven additional wells (MW-1, 3, 4, 6, 9, 11, and D-1) during 3rd quarter 2000

Professional Services

Technician	hour	\$50	90	\$4,500		
Geologist	hour	\$75	4	\$300	\$4,800	

Chargeable Equipment

Mileage	mi	\$0.35	240	\$84		
Pump	day	\$50	8	\$400		
Bailer	each	\$5	50	\$250		
pH, EC, temp, DO meter	day	\$50	8	\$400		
Water Level Indicator	day	\$20	8	\$160	\$1,294	

Indirect Charges

55-gallon drums	each	\$50	10	\$500		
Purge Water/Drum disposal	drum	\$200	10	\$2,000		
City Sewer Discharge Permit	year	\$250	1	\$250		
TPHg/BTEX/MTBE	each	\$55	50	\$2,750		
EPA8260 for oxygenates	each	\$140	4	\$560		
<i>Administrative Fee (15% of Indirect)</i>				\$825	\$6,885	

TASK TOTAL \$12,979

TASK 2 - Reporting

SCOPE: Prepare report and submit to client and agencies

Professional Services

Admin. Support	hour	\$35	4	\$140		
Drafter	hour	\$45	8	\$360		
Geologist	hour	\$75	64	\$4,800		
Sr. Geologist	hour	\$90	8	\$720	\$6,020	

Consumable Materials

Report	each	\$12	4	\$48	\$48	
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TASK TOTAL \$6,068

PROJECT TOTAL \$19,047

ENVIRONMENTAL
PROTECTION

00 DEC 28 AM 9:22

Conor Pacific**Facsimile**

To: Ms. Eva Chu, Alameda County
Environmental Health Services

Phone: Business (510) 567-6762
Fax (510) 337-9335

Re: Conor Pacific response to State
Tank Fund regarding lowering of
costs for quarterly sampling.

From: Katrin Schliewen

Phone: Bus (650) 843-3828
Fax (650) 843-3815

Date: November 14, 2000

Proj. No.: BNC103

Number of pages including cover sheet:

Remarks: Urgent Please review Reply ASAP Please Comment

Dear Ms. Chu,

This is our response to the Mr. Sunil Ramdass of the State Tank Fund regarding lowering our quarterly sampling costs. Since any correspondence must go through Mr. Angle, and since Mr. Angle is out of the country until November 18th, Mr. Ramdass likely has not received this response yet. It is also up to Mr. Angle whether to send the response as is. You can contact either myself or Mark Smolley regarding this letter, Mark Smolley reviewed our costs, the State Fund Cost Guidelines, and prepared this response in Mr. Angle's name. We hope that this matter can be resolved quickly, and thank you very much for your interest.

Katrin

CONOR PACIFIC/EFW COST ESTIMATE - REVISED

CLIENT: Mr. Balaji Angle
PROJECT: B&C Gas Mini Mart, Livermore,
Quarterly Groundwater Monitoring - 3rd Quarter 2000 Through 2nd Quarter 2001

DATE: November 10, 2000
PROJECT NO. BNC 103

DESCRIPTION	UNIT	UNIT COST	QUANTITY	COST	SUB-TOTAL	TASK TOTAL
-------------	------	-----------	----------	------	-----------	------------

MMARY:						
TASK 1 - Quarterly Sampling and Analysis						\$12,979
TASK 2 - Reporting						\$6,068
TOTAL						\$19,047

TASK 1 - Quarterly Sampling and Analysis

SCOPE: Quarterly sampling and analysis of nine wells (MW-2, 5, 7, 8, 10, 12, 13, D-2, (MS)MW-1), and dispose of purge water. Included are additional analyses for 8260 oxygenates per Alameda County Environmental Health Services request.

Annual sampling and analysis of seven additional wells (MW-1, 3, 4, 6, 9, 11, and D-1) during 3rd quarter 2000

Professional Services

Technician	hour	\$50	90	\$4,500		
Geologist	hour	\$75	4	\$300	\$4,800	

Chargeable Equipment

Mileage	mi	\$0.35	240	\$84		
Pump	day	\$50	8	\$400		
Bailer	each	\$5	50	\$250		
pH, EC, temp, DO meter	day	\$50	8	\$400		
Water Level Indicator	day	\$20	8	\$160	\$1,294	

Indirect Charges

55-gallon drums	each	\$50	10	\$500		
Purge Water/Drum disposal	drum	\$200	10	\$2,000		
City Sewer Discharge Permit	year	\$250	1	\$250		
TPH _g /BTEX/MTBE	each	\$55	50	\$2,750		
BPA8260 for oxygenates	each	\$140	4	\$560		
Administrative Fee (15% of Indirect)				\$825	\$6,885	

TASK TOTAL \$12,979

TASK 2 - Reporting

SCOPE: Prepares report and submit to client and agencies

Professional Services

Admin. Support	hour	\$35	4	\$140		
Drafter	hour	\$45	8	\$360		
Geologist	hour	\$75	64	\$4,800		
Sr. Geologist	hour	\$90	8	\$720	\$6,020	

Consumable Materials

Report	each	\$12	4	\$48	\$48	
--------	------	------	---	------	------	--

TASK TOTAL \$6,068

PROJECT TOTAL \$19,047

Conor Pacific**Facsimile**

To: Ms. Eva Chu, Alameda County
Environmental Health Services

Phone: Business (510) 567-6762
Fax (510) 337-9335

Re: B&C Mini Mart workplan due
Nov 13, 2000.

From: Katrin Schliewen

Phone: Bus (650) 843-3828
Fax (650) 843-3815

Date: November 13, 2000

Proj. No.: BNC103

Number of pages including cover sheet: 1

Remarks: Urgent Please review Reply ASAP Please Comment

Dear Ms. Chu,

I understand that you have been away from the office for several days and with this fax I am following up on two phone messages I left at your office during the past week.

On September 11, 2000 you sent us a letter titled *Additional Groundwater Monitoring Wells at 2008 1st Street, Livermore, CA* specifying a November 13, 2000 deadline for a workplan proposing a minimum of two groundwater monitoring wells installed to better delineate the lateral extent of the plume to the north-northwest. We are unable to submit the requested workplan at this time because (1) Mr. Angle of B&C Mini Mart is away to attend to a family emergency, and (2) we are in the process of reviewing and justifying quarterly monitoring costs to the State Water Resources Control Board Tank Fund which may affect our future work at the B&C Mini Mart site.

We hope that we will be able to continue our regular groundwater monitoring at the site and proceed with further characterization of the existing plume, as soon as the above mentioned items are finalized. We anticipate receiving a reply from the Tank Fund by the middle of December and look forward to agreeing on a new due date for the workplan.

Please note that as of November 15, 2000, we will have a new office location and phone number, as follows:

2580 Wyandotte Street, Suite G, Mountain View, CA 94043
Business (650) 386-3828, Fax (650) 386-3815

Please contact either myself or Mark Smolley at our office should you have any comments or questions.

Thank you for your understanding in this matter,

Katrin

If you have received this transmission in error, please call the sender immediately. If you are not the intended recipient of this facsimile, you are hereby notified that the information in this facsimile may be confidential, proprietary, and/or legally privileged information, and that any copying or distribution of this information is prohibited. Thank you for your cooperation.

*Returning new
18th/19th Nov.*

Conor Pacific

BNC 103

Facsimile**To:** Mr. Balaji S. Angle, Angle's Am-
PM Mini Mart**Phone:** Business (510) 654-3461

Fax (510) 654-5904

Re: Pre-Approval of Costs**From:** Mark Smolley/Kris Johnson**Phone:** Business (650) 843-3828

Fax (650) 843-3815

Date: November 9, 2000**Proj. No.:****Number of pages including cover sheet:****Remarks:** Urgent Please review Reply ASAP Please Comment

Angle - We have reviewed the response from the State Water Resources Control Board to your request for Pre-Approval of the costs for the Quarterly Groundwater Sampling, Monitoring, and Reporting at the B&C site. We cannot agree to their reduction in the costs and cannot do the work at their revised cost.

We have drafted a letter for you to review and send to the State, if you wish to do so. The letter describes why we think our costs are reasonable and justified. The letter has to come from you, since the UST Fund staff will not talk to consultants on these matters. We have revised our Cost Estimate based on the information contained in the letter and recommend that you send the revised Cost Estimate with the letter.

We hope this letter helps you get the approval you need so that we can continue working together.

November 10, 2000

Mr. Sunil Ramdass
State Water Resources Control Board
UST Cleanup Fund, Technical Review Unit
P.O. Box 944212
Sacramento, CA 94244-2120

Re: Request for Pre-Approval of Corrective Action Costs, Claim No. 011496, Site Address:
2008 First Street, Livermore CA 94550

Dear Mr. Ramdass:

I am responding to your letter of October 24, 2000 that addressed my request for Pre-Approval of Corrective Action Costs for the B&C Gas Mini Mart at 2008 First Street, Livermore, California. The October 24, 2000 letter indicated that you are approving \$14,855 from the total requested amount of \$19,235 for Quarterly Groundwater Sampling, Analysis and Reporting. Based on the following information, I am requesting that you re-evaluate the amount approved.

1. The hours budgeted for the Technician in Task 1 were reduced from 90 to 52 hours. This does not seem reasonable given the number of wells that are sampled at the B&C site. Nine wells are sampled each quarter and an additional seven wells are sampled annually. This equates to approximately 11 wells for each quarterly event. The *Cost Guidelines for the UST Cleanup Fund (July 1996)* budgets 12 hours for sampling six 50-foot deep wells during a quarterly event. The average depth of the wells at the B&C site is more than 60 feet, with some of the wells being deeper than 100 feet. Using the information listed above, the following calculation shows the approximate number of hours that might be anticipated for sampling the B&C site:

11 wells sampled/6 wells typical x 12 hours/quarter x 4 quarters/year = 88 hours

Based on this information, the 90 hours budgeted in the Conor Pacific Cost Estimate seems reasonable.

2. The mileage rate was reduced from 0.43/mile to 0.35/mile according to the Cost Guidelines and I understand the reason for this change. However, the number of miles was reduced from 280 to 160 although the Cost Guidelines budget 60 miles per quarterly event. My consultant, Conor Pacific is located approximately 45 miles one-way from the B&C site. The mileage budgeted should be at least 240 miles based on the Cost Guidelines, if not the 360 actual miles.

Mr. Sunil Ramdass
11/10/00

3. The Purge Water/Drum Disposal cost of \$2,000 was not approved since the B&C site has a Sewer Discharge Permit. The purge water from some of the wells is discharged to the sewer, however the water from at least five of the wells is hazardous and this water is disposed at an approved hazardous waste disposal facility. Therefore, the \$2,000 disposal costs are necessary. In addition, since this disposal cost is necessary, the 15% mark-up of \$300 on these costs is also appropriate.
4. The ancillary charges of \$200 are for report copying costs. I understand that the Cost Guidelines budget \$12 per quarter for these costs. I can agree that the costs should be reduced from \$200 annually to \$48.

Based on the information presented in Items 2 and 4, I requested that Conor Pacific revise their cost estimate, which is attached. I hope that you can approve the revised Cost Estimate of \$19,047. I do not want to have to get bids from other consultants at this time and feel that this would considerably delay the Corrective Action Process. When I originally hired Conor Pacific in 1997, they were competitively priced. Since the hourly rates for the UST Cleanup Fund work have not been changed since 1996, I expect that it will be difficult to find other technically competent firms that are willing to work at these rates.

Thank you for taking the time to consider my request.

Sincerely,

Balaji Angle
Angle Enterprises

Attachment: Cost Estimate from Conor Pacific



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
1001 I Street • Sacramento, California 95814 • (916) 341-5757
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 341-5806 • Internet Address: <http://www.swrcb.ca.gov/cwphome/ustcf>

Gray Davis
Governor

October 24, 2000

Balaji Angle
35584 Conovan Ln
Fremont, CA 94536

REQUEST FOR PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 011496, SITE ADDRESS: 2008 1ST ST, LIVERMORE, CA 94550

I have reviewed your request, received on October 6, 2000, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

Pursuant to Section 2811.4, subdivision (c), of the Cleanup Fund regulations and based upon the materials submitted, the Cleanup Fund must deny your request for pre-approval. You have failed to submit the required three bids for the tasks covered by your pre-approval request. Also the, single bid you provided for the task covered by your pre-approval request is unreasonable for the scope of work. Based on the Cleanup Fund's experience with similar sites in your area, we have determined that \$ 14,855 is reasonable for the tasks included in your pre-approval request. The breakdown of costs associated with each task is shown in Table 1 below.

There are two options available to you. You must secure the requisite bids for the tasks covered by the pre-approval request, and the Cleanup Fund will evaluate the reasonableness of the costs in light of the additional bids.

Or, you may resubmit the existing bid and request pre-approval for the amounts specified in Table 1. Since the Cleanup Fund has determined that the amount specified in Table 1 is reasonable for this scope of work, the three-bid requirement is unnecessary if you concur with the Cleanup Fund's determination. The Cleanup Fund has the authority to waive the three-bid requirement as unnecessary upon your request to do so. Therefore, if your resubmitted pre-approval request only seeks pre-approval for the amount the Cleanup Fund has determined reasonable (the amount specified in Table 1) and you request waiver of the three-bid requirement as unnecessary, the Cleanup Fund will grant your request for pre-approval and waive the three bid requirement, with respect to this scope of work, as unnecessary.

A waiver does not waive the three-bid requirement for the claim, but only for the tasks covered by the pre-approval request. Again, if you decide to seek waiver of the three-bid requirement because it is unnecessary, then you must provide a written request for waiver of the three-bid requirement and resubmit your pre-approval request seeking only the amounts specified in Table 1.

In an effort to assist you in expediting the pre-approval process we have prepared the attached *Acceptance of Reasonable Cost/Request for Bid Waiver* form letter. If you concur/accept our reasonable cost determination and would like to request a bid waiver, then just sign and date the attached letter and return to us for further processing your Pre-Approval.

Table 1
REASONABLE COST BREAKDOWN

#	Task*	Reasonable Cost, \$	Comments/Changes
1	Quarterly Sampling & Analysis	\$8,835	From the proposal submitted, the following items were adjusted for task 1: Technician Hours reduced to 52 hrs, mileage reduced to 160 miles @ \$0.35/ mile. Purge Water/Drum disposal was not approved since there is a cost for a City Sewer Discharge Permit. Markup reduced by \$300.
2	Reporting	\$6,020	Ancillary charges are not approved (\$200). This is the cost for 4 events.
TOTAL Reasonable Cost		\$ 14,855	17,285

280 mi
88 hrs
based on
1996
should be
743

* Task descriptions are the same as those identified in Conor Pacific's September 1, 2000 Cost Estimate

Should you decide to obtain the additional bids for satisfying the three-bid requirement, and if you need assistance in procuring contractor and consultant services for corrective action don't hesitate to call me at (916) 341-5757.

Sincerely,

water disposal to sanitary
sewer

Sunil Ramdass

Sunil Ramdass, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc: Eva Chu
Alameda County EHD
✓ 1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

ENVIRONMENTAL
PROTECTION

00 OCT 30 PH 4: 41



GRAND JURY

County of Alameda

September 18, 2000

Ms. Eva Chu, Hazardous Materials Specialist
Alameda County Office of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502

Dear Ms. Chu:

Pursuant to our conversation, this will confirm your appearance before the Health Committee of the 2000-2001 Alameda County Grand Jury on Wednesday, September 27, 2000, at 9:30 a.m. The Grand Jury is located at 1401 Lakeside Drive, Suite 1104, at the corner of Lakeside and 14th Street and across the street from the Oakland Public Library. Your appearance is expected to last approximately one hour.

If you have any questions regarding your appearance, please call me at (510) 208-9855. Thank you for your cooperation in this matter. We look forward to meeting with you.

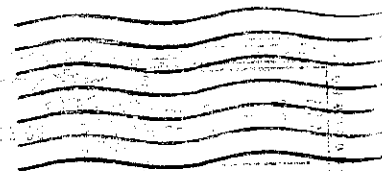
Sincerely,

Cassie Barner
Legal Assistant
Alameda County Grand Jury

:cab/encl

GRAND JURY

County of Alameda
1401 Lakeside Drive, Suite 1104
Oakland, CA 94612



ENVIRONMENTAL
PROTECTION

00 SEP 19 PM 2:45

Ms. Eva Chu, Hazardous Materials Specialist
Alameda County Office of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502

3450246340



ENVIRONMENTAL
PROTECTION
00 SEP 19 PM 2:45

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

StID 1689

September 11, 2000

Mr. Balagi Angle
B & C Gas Mini Mart
35584 Conovan Lane
Fremont, CA 94536

RE: Additional Groundwater Monitoring Wells at 2008 1st Street, Livermore, CA

Dear Mr. Angle:

I have completed review of Connor Pacific/EFW's (Connor Pacific) August 2000 *Second Quarter 2000 Groundwater Monitoring Results* report prepared for the above referenced site. Groundwater monitoring was conducted in June 2000. Groundwater analytical results from the eight wells sampled were consistent with previous monitoring results. Connor Pacific recommended that additional monitoring wells be installed in the upper water-bearing zone north of Wells MW-5, MW-7, MW-8, and MW-13.

This office concurs with Connor Pacific's recommendation. A minimal of two groundwater monitoring wells should be installed to better delineate the lateral extent of the plume toward the north-northwest. Please provide an addendum to Einarson, Fowler & Watson's September 1998 *Workplan for Additional Downgradient Investigation* where the proposed north-northwesterly wells were not installed due to access constraints and negotiation difficulties. An addendum to the workplan is due within 60 days of the date of this letter, or by **November 13, 2000**.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Katrin Schliewen, Connor Pacific, 2650 East Bayshore Road, Palo Alto, CA 94303

DEAR
EVA

OUR FRIENDS IN
LEAK FUND DEPT.
ARE REAL
EFFICIENT &
TAKE 9 MONTHS
TO RETURN
CLAIM DESPITE
PROMISES TO
EXPEDITE.

State Water Resources Board,
Payments Unit, U.S.T. CLEAN
UP FUND,
P.O. Box 944212,
SACRAMENTO,
CA - 94244-2120

DISHERRENS
AFROSTATES
AN HONEST
GUY LIKE ME
DELAYS
COMPLETION
OF WORK

BALAJI ANGLE
B+C GAS MINIMART,
2008 FIRST ST HVERMORE
CA 94550
1215799

TEL: 510-654-3461
FAX 510-654-590

REIMB. CLAIM #011496,
REIM #4 B+C GAS MINIM

2008 FIRST, HVERMORE CA 94550

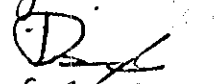
THIS REFERS TO MS. BARBARA REMPEL'S LETTER OF
11-18-99 RETURNING MY PREVIOUS CLAIM #4 OF WHICH
A BALANCE OF \$26502.05 IS STILL DUE.

DESPITE PROVIDING ALL DOCUMENTATION TO MARK OWE
ENGINEER I AM NOW ASKED TO FILE A FRESH CLAIM.
THIS MEANS PROVIDING YOU THE SAME SET OF PAPER
PAPERS WHICH YOU ALREADY HAVE IN FILE AND
ALSO INVOLVE DELAY IN PAYMENT AS THIS WILL
BE TREATED AS A FRESH CLAIM. THIS IS 9 MONTHS OLD

THIS KIND OF BUREAUCRACY DAMPENS SPIRIT OF
AN HONEST CITIZEN/BUSINESSMAN LIKE ME AND DEFEND
THE PURPOSE OF WHY I PAY 0.12 C.P.GALLON. I AM
NOW SENDING ENTIRE SET OF PAPERS AT
GREAT COST OF TIME & ENERGY FOR ME (I AM
A SMALL BUSINESSMAN AND HAVE NO SECRETARIE
TO DO PAPER WORK) INCLUDING PAPERS NOTES
TEL. DISCUSSIONS WITH YOUR OFFICE SO THAT
YOU ARE ABLE TO JOIN THE CASE PROPERLY.

AS THIS CLAIM IS NEARLY 9 MONTHS OLD,
I HUMBLBY REQUEST THAT PMT. BE EXPEDITED.
MY CONTRACTOR HAS REFUSED TO WORK ON THE
PROJECT FURTHER PER DIRECTIONS OF REG. AGENCY
BECAUSE OF TREND OF DELAYED PMTS ON YOUR SIDE.

Enc: PL: DO CALL IF YOU HAVE QUESTIONS
COPY EVA CHU, AL COUNTY, H.M. DIVS.


B.S. ABE

ENVIRONMENTAL
PROTECTION

99 DEC -8 PM 4: 12

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

(510) 567-6700

(510) 337-9432

StID 1689

November 16, 1999

Mr. Balagi Angle
B & C Gas Mini Mart
35584 Conovan Lane
Fremont, CA 94536

RE: Continued Groundwater Monitoring at 2008 1st Street, Livermore, CA

Dear Mr. Angle:

I have completed review of Conor Pacific/EFW's November 1999 report titled *Report of Downgradient Investigation* prepared for the above referenced site. That report summarized activities completed in June/July 1999 to delineate the vertical and lateral extent of the MTBE plume in the two uppermost water-bearing zones. Seven shallow groundwater monitoring wells and two deep monitoring wells were installed downgradient of the site. Analytical results of groundwater samples collected from the newly-installed wells identified maximum MTBE and benzene concentrations at 332ppb and 42.8ppb, respectively, in Well MW-13.

Based on the results of this latest investigation, Conor Pacific/EFW recommended the following actions to monitor the plume:

- Monitor groundwater elevations in all wells quarterly. Determine if groundwater extraction of the municipal well CWS #8 effects groundwater elevations in the shallow/deep well pairs (MW-11/D-1 and MW-12/D2).
- Annual monitoring of Wells MW-1, MW-3, MW-4, MW-6 and MW-9. Quarterly monitoring of wells MW-2, MW-5, and the newly-installed shallow and deep wells (MW-7, MW-8, MW-10 through MW-13, D-1 and D-2).

The above-recommended monitoring schedule is acceptable to this office and should be implemented as soon as possible. After additional groundwater quality data have been collected from the new wells, the installation of additional groundwater monitoring wells may be required north of Wells MW-8, MW-10 and MW-13.

Finally, free product removal, to the extent possible, should be conducted at Well MSP MW-01, located at Mill Springs Park Apartments. This well should also be sampled on a quarterly basis when free product is no longer present.

Mr. Balagi Angle
re: 2008 1st Street, Livermore
November 16, 1999
Page 2 of 2

If you have any questions, I can be reached at (510) 567-6762.



eva chu
Hazardous Materials Specialist

c: Kris Johnson
Connor Pacific/EFW
2650 East Bayshore Road
Palo Alto, CA 94303

Matt Katen
Alameda County Zone 7
QIC Code 80201



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

5997 PARKSIDE DRIVE PLEASANTON, CALIFORNIA 94588-5127 PHONE (925) 484-2600 FAX (925) 462-3914

August 20, 1999

Honorable Gray Davis
Governor's Office
State Capitol
Sacramento, CA 95814

*C. Aime
Tom*

AUG 25 1999

Dear Governor Davis:

Over two years ago, when the Zone 7 Board passed its pioneering resolution calling for the discontinuation of MtBE, this Board foresaw the devastating potential which MtBE could have on the water systems of California. Shortly after the passage of the resolution, Zone 7 discovered that there was a large MtBE plume in Livermore. Fortunately, the groundwater basin was not immediately threatened. However, MtBE is now showing up in surface water supplies and in tap water in other areas around the state.

Shortly after the Livermore plume was reported, representatives from Alameda County Environmental Health declared that a clean-up plan "would be in place within thirty days." It has now been over 730 days, and we are still no closer to having one of the largest MtBE plumes in the state cleaned up than we were two years ago. The time for bureaucratic impotence and red tape must come to an end if we are to achieve our goal of maintaining public health and safety. Recent news articles underscore that importance.

Locally, the issue is not whether it is to be cleaned up but when. It must be removed. Too much time has been allowed to pass. Who will ultimately be accountable if this plume ends up in our groundwater basin and who will bear the treatment costs? The internecine bureaucratic wrangling which has resulted in two and a half years of inaction must come to an end.

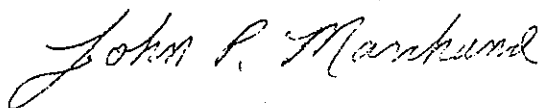
Because of the threat to our precious statewide water resources, we call again upon the Governor to accelerate the removal of MtBE from the gasoline. Furthermore, we ask that efforts to clean up identified spill sites and plumes be accelerated and that funds be provided from the gas tax that was imposed for that purpose. It is unfair that local water districts and their customers should have to shoulder the costs of protecting their groundwater basins from a compound whose use was mandated by the State.

It is imperative that cleanup efforts be initiated quickly to avert a water quality disaster. To expedite the cleanup of contaminated sites, the State must first put up the money toward the cleanup before our groundwater basins are impacted. Then after the

Governor Gray Davis
August 20, 1999
Page 2

immediacy is over, the State can recover the costs from the responsible parties. To delay the cleanup over a groundwater basin may adversely impact the public health and safety which we are sworn to protect.

Respectfully submitted,



John P. Marchand, Vice-President
for the Board of Directors

JPM:bkm

Enc.

cc: State Senator Richard Rainey
State Senator Richard Mountjoy
State Senator Liz Figueroa
State Senator Don Perata
State Assemblywoman Lynne Leach
California Environmental Protection Agency
California Air Resources Board
Alameda County Environmental Health
Zone 7 Board Members

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ZONE 7
BOARD OF DIRECTORS

RESOLUTION NO. 99-2061

INTRODUCED BY DIRECTOR MARCHAND
SECONDED BY DIRECTOR LAYTON

WHEREAS, there are over 14,000 contaminated well sites which have been identified in the State of California; and

WHEREAS, one of the largest of these has been identified in Livermore, overlying a groundwater basin which serves as a drinking water source to over 140,000 people; and

WHEREAS, no remediation work has been started on this plume since its discovery in 1989 despite assurances from the local oversight agency, Alameda County Environmental Health that remediation work was to have started years ago; and

WHEREAS, the addition of MtBE to all gasolines was mandated by the State of California Air Resources Board and the Legislature of the State of California; and

WHEREAS, funding exists at the state level to provide for the remediation of gasoline leaks from a gas tax specifically for that purpose;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Zone 7 of Alameda County Flood Control and Water Conservation District calls upon the Governor to accelerate the elimination of MtBE from the motor vehicle fuels; and

BE IT FURTHER RESOLVED that funds should be freed up to clean up identified plumes, the priority of the cleanup being the threat to underlying groundwater basins, recognizing that further delays may adversely impact the public health and safety which we are sworn to protect.

ADOPTED BY THE FOLLOWING VOTE:

AYES: DIRECTORS CONCANNON, FIGUERS, LAYTON, MARCHAND, STEVENS
NOES: NONE
ABSENT: DIRECTORS GRECI, KALTHOFF
ABSTAIN: NONE

I certify that the foregoing is a correct copy of a resolution adopted by the Board of Directors of Zone No. 7 of the Alameda County Flood Control and Water Conservation District on AUG 18 1999
ATTEST:

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



StID 1689

August 17, 1999

Mr. Scott Haggerty
Board of Supervisors
1221 Oak Street, Suite 536
Oakland, CA 94612

ENVIRONMENTAL HEALTH SERVICES

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

RE: MTBE-Impacted Site in Livermore, CA

Dear Mr. Haggerty:

This letter is in response to your request for information regarding the MTBE plume in Livermore, CA. The one major MTBE plume of concern in Livermore is from the gasoline service station located at 2008 1st Street (source). The service station is located on the northeast corner of 1st and L Streets. When gasoline was released to the subsurface (on or before 1988, March 1995, September 1995), it migrated vertically to groundwater and is now transported in the dissolved phase. It is believed there is a small amount of residual gasoline constituents in soil located above the groundwater table. The groundwater contaminant plume has migrated across P Street in a northwesterly direction. The estimated length of the plume is approximately 1,200 feet (see attached site plans).

The fuel leak and ongoing sources have been stopped with the removal of the former underground storage tanks and installation of new double-walled tanks, upgraded dispensers and product pipelines (July 1996). Several phases of subsurface investigations have been conducted to delineate the extent of the plume.

Listed below are some site specific data which may be of interest:

- Most of the gasoline constituents are now in the dissolved phase (that is, it is in groundwater);
- MTBE has moved in groundwater from the site, across Groth Brothers, to the Mill Springs Park Apartment (MSP), and across Railroad Avenue (approximately 1,200 feet from the original source);
- Maximum MTBE concentration detected was 67,000 parts per billion (ppb) at MSP (approximately 600 feet from the source) in August 1995;
- Most current groundwater data identified up to 2,160 ppb MTBE in groundwater monitoring well MW-7, approximately 600' from the source;
- Depth to groundwater at the vicinity has ranged from 17 to 70 feet below ground surface (bgs);

Scott Haggerty
re: MTBE in Livermore
August 17, 1999
Page 2 of 2

- MTBE has impacted the upper aquifer. The upper aquifer is separated from the lower aquifer by a low-permeability clay unit found at depths of approximately 75 to 100 feet bgs;
- It appears that the lower aquifer (found at depths ranging from 110 to 145 feet bgs) has not been impacted by the MTBE plume;
- The California Water Service Company (CWS) operates two municipal water-supply wells downgradient from the site (CWS#3 is 2,800 feet west-southwest of the site and CWS#8 is 2,300 feet west of the site). According to CWS staff, the municipal wells are sampled at least annually for MTBE. MTBE has not been detected to date;
- Well CWS #3 is screened from 280 to 412 feet bgs. And well CWS #8 is screened from 122 to 263 feet bgs;
- Recent field activities (June 1999) included the installation of additional permanent groundwater monitoring wells. Some of the wells are within the contaminant plume and some are perimeter wells to delineate the plume edge to the north and south. Guard wells were also installed between the edge of the plume and the water supply wells. The guard wells will provide an early warning for the possible future impact to the water supply wells. Two deep wells were also installed to monitor and act as guard wells for the lower aquifer. A final report of this recent work is pending.

Currently there are thirteen shallow and two deep groundwater monitoring wells installed to monitor the plume. The plume appears to be moving more northerly beyond Railroad Avenue. Concentrations of benzene and MTBE have decreased significantly since 1995. This may be due in combination to dilution, dispersion, advection, adsorption, and natural attenuation. Additional monitoring wells will be required to delineate the leading edge of the plume in the northerly direction. Active remediation or cleanup has not been proposed for the site.

Also enclosed is information that was prepared for MTBE-impacted sites in Pleasanton. If I can be of further assistance, I can be reached at (510) 567-6762.



eva chu
Hazardous Materials Specialist

enclosures

c: Tom Peacock, LOP Manager (w/o)
Dick Pantages, Chief of Environmental Protection (w/o)

desert29



BOARD OF SUPERVISORS

AUG 04 1999

*Fun -
Please handle - Let Scott handle
that you're handling this because of
a vacation -
John,
K*

STID 1689

SCOTT HAGGERTY
SUPERVISOR, FIRST DISTRICT

August 3, 1999

Dick Pantages
Environmental Health Services
1131 Harbor Bay Parkway
Alameda, California 94502-6577

Dear Mr. Pantages:

As you are aware, there has recently been a situation in the City of Livermore with regards to MTBE leaking from a downtown gas station located on First Street.

As a point of reference, I am enclosing an article from the Tri-Valley Herald (Internet version) regarding this issue. At this time, I would like to request that you, or a member of your department, please update me as to progress made with regards to this MTBE issue and the clean-up time line proposed for this leakage. I am primarily concerned with soil contamination and potential leakage into our groundwater table.

Thank you in advance for your time and efforts. I look forward to hearing from you soon.

Sincerely,

SCOTT HAGGERTY, Vice-President
Alameda County Supervisor, District 1

SH/jmt

Enclosure

Tri-Valley Herald

Local

Page One

The stores never close in the Last Frontier

MTBE leak probe starts in Livermore

Monitoring wells near gas station

Monday June 14, 1999

By Jason Montiel
STAFF WRITER

LIVERMORE -- Monitoring wells will be drilled starting as soon as today to study a large underground leak of the gas additive MTBE that came from a downtown gas station, a consultant says.

Officials said the MTBE plume, which originated years ago from a station now called Valley Gas & Food Mart, does not appear to be threatening any drinking water wells for the time being.

But Zone 7 Water Agency board member John Marchand expressed a mix of worry and frustration that work to clean up the contamination is not taking place faster. The MTBE spill -- which came to light in spring of 1997 -- is believed to be one of the largest of its kind in the state.

MTBE -- also known as methyl-tertiary-butyl-ether -- may cause cancer. It is added to gasoline to reduce air pollution. The state is looking to phase out use of the additive by the end of 2002.

"I am certainly heartened that this is moving ahead," said Marchand, adding he is frustrated that little has been done to clean up the mess in the past two years. "We have been fortunate in this case. It doesn't seem to be moving rapidly. If it had been moving fast, the results could have been disastrous to drinking water."

The station, which used to be called B & C Gas Minimart, sits at the northeast corner of First and L streets. A Zone 7 official estimated that the MTBE plume stretches about 1,300 feet northwest of the station, running under Groth Brothers Chevrolet-Oldsmobile-Geo and Mill Springs Park Apartments. Also, a plume of benzene from the station is about 1,100 feet long, experts say.

Matt Katen, a senior water resource engineer with Zone 7, said the MTBE is believed to be about 800 feet from a deep drinking water well run by California Water Service Co. The benzene is not as close to the water well, he said.

Dick Pantages, division chief for the Alameda County Environmental Health Department, was unsure how much the monitoring of the wells and any possible cleanup might cost. Marchand said much of the bill will likely be paid through a state underground tank cleanup fund.

Gas station owner Balagi Angle of Fremont did not return phone calls last week. But a spokesman for Conor Pacific, an environmental management firm working on behalf of Angle, said difficulties in getting permission from nearby land holders is largely responsible for delays in drilling the wells.

"It is difficult when you're dealing with other people's property," said Kris Johnson of the Palo Alto office of Conor Pacific. "We just got done getting permission from local property owners and from the city as far as encroachment in the city right-of-way."

Johnson, who is directly involved in the project, said eight or nine wells will be installed to study the spill. Many will be drilled near the leading edge of the MTBE plume to see how fast it is moving.

"We don't know exactly where the plume is and where it is moving," Johnson said last week. "You can't plan a cleanup until you know that. This is really helpful."

Johnson said most of the well drilling should be wrapped up in the next few weeks.

Pantages said tests done using the wells will determine the next step. "Since there is a drinking-water well close by, it is my guess there will be some remediation," he said.

Katen said Zone 7 has granted permission to drill at nine sites.

Four wells are planned on North P Street between Railroad Avenue and the railroad tracks. Three more are scheduled along Railroad Avenue between P and L streets. One is set for land on the east side of Mill Springs Park Apartments, while another is expected to be drilled on N Street.

Officials say the MTBE and benzene likely entered the ground years ago. Marchand said the county may have known about some benzene contamination in 1989 following a leak in 1988. Desert Petroleum, owner of the station at the time, filed for bankruptcy in 1992.

Angle gained control of the station in 1994. MTBE may have entered the ground after a spill in March 1995. That spill was detected in October 1995, an official said.

Visit Alaska



Please check out our featured link(s) above:

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Conor Pacific



March 26, 1999
Project No. BNC 102

Mr. John A. Clark
Bank of America Legal Department
555 South Flower Street
Los Angeles, CA 90071

Re: Property Access to Install Monitoring Well
Bank of America Branch at 1748 Railroad Avenue, Livermore, California

Dear Mr. Clark:

This letter is written in response to changes to Section 14 of the proposed Site Access Agreement transmitted by letter dated March 5, 1999. As stated in our previous letter dated February 22, 1999, we cannot agree to reimbursable costs (\$10,000 per year limit) for Bank of America's review, agreement preparation, consultation, or observation of well installation and sampling. This work is being funded by the California State Underground Storage Tank Reimbursement Fund, which does not allow payments to third parties for the work referenced. Because of the reimbursable costs issue, we cannot sign the Site Access Agreement. This letter serves to withdraw the request for access to the site.

Please call me if you have any questions.

Sincerely,
Conor Pacific/EFW

A handwritten signature in cursive script that reads "Kris H. Johnson".

Kris H. Johnson, C.E.G.
Senior Engineering Geologist

cc: B. S. Angle, B & C Gas Mini Mart, Livermore
Eva Chu, Alameda County Environmental Health Services

Conor Pacific



March 26, 1999
Project No. BNC 102

Mill Springs Park Apts., LLC
c/o Matteson Realty Services, Inc.
1991 Broadway, Suite 300
Redwood City, CA 94063
Attn: James A. Blake

Re: Property Access to Install Monitoring Well
Mill Springs Park Apartments, Railroad Avenue, Livermore, California

Dear Mr. Blake:

This letter transmits one signed copy of the Access and Use Agreement between Mill Springs Park Apartments, B&C Gas Mini Mart, and Conor Pacific/EFW. B&C Gas Mini Mart and Conor Pacific/EFW each have retained a signed copy of the Agreement. As stated in the agreement, and during our conversation, Conor Pacific/EFW will notify Janette Davenport of The Matteson Companies at least ten days prior to well installation.

Thank you for your cooperation with this work. Please call should you have any questions regarding this work.

Sincerely,
Conor Pacific/EFW

A handwritten signature in black ink that reads "Kris H. Johnson". The signature is written in a cursive, flowing style.

Kris H. Johnson, C.E.G.
Senior Engineering Geologist

Attachment: Access and Use Agreement

cc: B. S. Angle, B & C Gas Mini Mart, Livermore (w/o attachment)
Eva Chu, Alameda County Environmental Health Services (w/o attachment)

Conor Pacific



ENVIRONMENTAL
PROTECTION
99 FEB 19 PM 2:45

February 10, 1999
Project No. BNC 102

Mr. James A. Blake
The Matteson Companies
1000 El Camino Real, Suite 300
Menlo Park, CA 94025

Re: Property Access to Install Monitoring Well
Mill Springs Park Apartments, Railroad Avenue, Livermore, California

Dear Mr. Blake:

This letter presents a revised request for access to install and sample one groundwater monitoring well at the Mill Springs Park Apartments property on Railroad Avenue in Livermore, California. The original request was sent by letter dated October 21, 1998 (attached for reference). Conor Pacific/EFW (formerly Einarson, Fowler & Watson) represents the owner of the B&C Gas Mini Mart gas station at the corner of First and L Streets, located southeast of the Mill Springs Park Apartments property. A documented release to groundwater of gasoline and its components was mapped in 1997¹ to be about 1,400 feet west and downgradient of the station. The Mill Springs Park Apartments property is located within the mapped area of groundwater contamination.

Alameda County Environmental Health Services (ACEHS) requested that further investigation of the petroleum hydrocarbon release from the B&C station be conducted. In addition, ACEHS has requested that permanent monitoring wells be installed. The purpose of this work is to delineate the plume with permanent wells and define the vertical distribution of methyl tertiary-butyl ether (MTBE) in the upper and lower aquifer (if any). There are two municipal water-supply wells located to the west of the site, and this investigation is intended to provide sufficient monitoring to assess the potential for the

¹ Einarson, Fowler & Watson, November 7, 1997, *Report of Downgradient Investigation, B&C Gas Mini Mart, Livermore, California.*

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contaminant plume (if any) to impact the water-supply wells. A workplan was prepared to address the County's request, and was later approved by the County.²

We understand that you have discussed this project with Ms. Eva Chu of the ACEHS. Based on our previous conversation, your letter dated November 18, 1998, and the results of your discussions with Ms. Chu, we have prepared an agreement that addresses your concerns regarding the well installation. An access agreement that specifies the information that you requested has been attached to this letter. Please review and if it meets your approval please sign and return one copy.

Thank you for your time and cooperation with this project. Please call me should you have any questions.

Sincerely,
Conor Pacific/EFW

ORIGINAL SIGNED BY

Kris H. Johnson, C.E.G.
Senior Engineering Geologist

cc: B. S. Angle, B & C Gas Mini Mart, Livermore
Eva Chu, Alameda County Environmental Health Services

² Einarson, Fowler & Watson, September 8, 1998, *Workplan for Additional Downgradient Investigation, B&C Gas Mini Mart, Livermore, California.*

ACCESS AGREEMENT

This agreement is between Matteson Realty Services and B&C Gas Mini Mart. Matteson allows B&C Gas Mini Mart, and its consultant, Conor Pacific/EFW, permission to install a groundwater monitoring well at the specified location and in accordance with the Alameda County Environmental Health Services approved workplan. In addition, permission is granted to access the well on a quarterly basis for the purpose of obtaining a groundwater sample for laboratory analysis for petroleum hydrocarbons.

This permission to enter shall terminate when B&C Gas Mini Mart or the County determines that there is no further need for additional monitoring of the well. This need will be reviewed annually and is anticipated to cover a period of at least two (2) years. When the monitoring well is no longer needed, the well will be abandoned. Abandonment will be permitted through the ACEHS, and is anticipated to be pressure grouted. The ground surface will be restored to as near its original condition as possible.

Each party agrees to indemnify and hold harmless the other party for any injury, damage, claim, or demand arising out of such party's breach of any provision of this Agreement. Conor Pacific/EFW will exercise reasonable professional care to screen for utilities or impediments to drilling activities. Conor Pacific/EFW maintains a policy of professional liability, worker's compensation, and employer's liability insurance that will name the Mill Springs Park Apartments as additional insured in amounts of at least \$1,000,000. After drilling is completed, Conor Pacific/EFW will restore the surface of the property as near to its original condition as possible within reasonable time after the work has been completed. Nothing in this agreement shall be deemed to make B&C Gas Mini Mart responsible for the clean up of any contaminants which may be discovered as part of the well installation and monitoring activities.

Matteson Realty Services, Inc.

B&C Gas Mini Mart

Conor Pacific/EFW

COPY

FAX

To:

EVA CHU

HAZARDOUS

A.L. COUNTY

1131 MARA

Suite 250

Phone: 510-567

Fax phone: 510-567

CC: -

REMARKS:

Urgent

For your review


Reply ASAP

Please comment

Copy of my LETTER TO ~~GAL~~ KRIS JOHNSON
DATED 1/9/99 IN RESPONSE TO YOURS
TO ME OF 1/6/99.

I WILL CALL YOU ON MONDAY.

Thanks


B. Angle

See 1

KRIS H. JOHNSON,
SR. ENG. GEOLOGIST,
GINA BOWEN FOWLER & WATSON,
2650 E. BAYSHORE RD,
PALO ALTO, CA 94303

B.S. ANGLE,
BHE GAS MINI MART,
35384 CONOVAN LN.
FREMONT CA 94536
1/9/99

DEAR KRIS,

2008 FIRST ST, LIVERMORE

I ENCLOSE COPY OF EVA CHU'S LETTER OF JAN 6, CONTENTS OF WHICH ARE SELF-EXPLICIT IN VIEW OF THE TIMEFRAME PRESCRIBED BY EVA, I REQUEST YOUR URGENT ACTION ON REMOVAL OF THE FREE PRODUCT AS DESIRED BY HER. WE WILL THEN SEEK APPROVAL FOR THE EXPENDITURE POST-FAC FROM LEAK FUND. I HOPE THEY UPHOLD OUR ACTION AND REIMBURSE IN VIEW OF THE URGENCY. I WILL SPEAK TO EVA ON THIS ON MONDAY.

WITH REGARD TO BANK OF AMERICA LETTER, THEIR AGREEMENT IS ALL PERVERSIVE AND I CANNOT SIGN IT WITHOUT MY ATTORNEY'S APPROVAL. IN ADDITION THE REIMBURSEMENT THEY WANT US TO PAY THEM WITHIN 30 DAYS CAN RUN TO A STAGGER AMOUNT AND AS YOU RIGHTLY SAID ARE NOT ELIGIBLE FOR REIMBURSEMENT BY LEAK FUND NOR WILL LEGAL EXPENSES FOR MY ATTORNEY WILL BE PAID BY THE LEAK FUND. EVA SHOULD THEREBY SPARE US THIS REQUIREMENT.

DUE TO FAMILY EMERGENCY, I AM URGENTLY LEAVING FOR INDIA ON 1/13 AND WILL BE BACK ON 6TH FEB. MEANTIME, KINDLY TAKE URGENT ACTION ON THE (1) REMOVAL OF FRESH PRODUCT AND (2) ON INVESTIGATIVE WORK. I WILL PHONE YOU ON MONDAY.

Thans

Scien

Copy of this is being sent to Eva.

I WILL
INFORMALLY ACTION
FOR MONDAY
BY FAX & MAIL
COPY TO EVA CHU
CALL YOU

KRIS H. JOHNSON,
SR. ENG. GEOLOGIST,
EINA KNOFOWLER & WATSON,
2650 E. BAYSHORE RD,
PALO ALTO, CA 94303

B.S. ANGLE,
BHE GAS MINI MART,
35584 CONOVAN LN
FREMONT CA 94536
1/9/99

DEAR KRIS,

2008 FIRST ST LIVERMORE

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Thurs

[Signature]

COPY OF THIS IS BEING SENT TO EVA.

FAX & MAIL COPY TO EVA CHU FOR INFO & URGENT ACTION I WILL CALL YOU ON MONDAY

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)

StID 1689

January 6, 1999

Mr. Balagi Angle
B & C Gas Mini Mart
35584 Conovan Lane
Fremont, CA 94536

RE: Free Product Removal at 2008 1st Street, Livermore, CA

Dear Mr. Angle:

I have completed review of Einarson, Fowler & Watson's *Fourth Quarter 1998 Groundwater Monitoring Results* report prepared for the above referenced site. Groundwater was sampled in November 1998. Up to 0.22 feet thick free product was reported in well MW-5. Well MW-6 was blocked at approximately 28.4' bgs and could not be sampled.

At this time you need to take interim remedial actions to removed free product from well MW-6. Section 2655 of Article 5, Title 23 of the California Code of Regulations requires that the owner or operator conduct free product removal in a manner that will minimize the spread of contamination into previously uncontaminated zones. Free product removal reports must be prepared in compliance with said section and be submitted within 45 days upon completion of interim remediation (see attachment).

In addition, well MW-6 must be made accessible for sampling.

Lastly, I am attempting to contact Mill Springs Park Apartment to facilitate an access agreement so that the approved workplan (Einarson, Fowler & Watson's September 8, 1998 "Workplan for Additional Downgradient Investigation") can be implemented.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

attachment

c: Kris Johnson, EFW, 2650 E. Bayshore Rd, Palo Alto, CA 94303
desert28

ENVIRONMENTAL
SECTION

STATE WATER RESOURCES DIVISION
DIVISION OF CLEAN WATER PLAN,
U.S.T. CLEAN UP FUND,
PAYMENT UNIT,
P.O. BOX 944212,
SACRAMENTO, CA - 94244-2120

BALAJI ANGLE DBA
B+C GAS MINIMART,
2008 FIRST ST, FIVERMOR
CA 94550.

1/21/99

PHONE 510-654-3461

FAX : -510-654-0279

Ref: - U.S.T. CLEAN UP FUND - CLAIM 1149 SITE

DEAR MS. SOFIE,

2008 FIRST ST, FIVERMOR CA 94
X

FURTHER TO MY LETTER OF 12/10/98, WITH REGARD
TO REQUEST OF RE-IMBURSEMENT, I FORWARD
FOR YOUR REVIEW & FILE FOURTH QUARTER 1998
GROUND WATER MONITORING RESULTS RECEIVED
FROM CONTRACTORS EINARSON FOWLER & WATSON

THEY HAVE AGAIN REQUESTED ME FOR
EXPEDITIOUS PAYMENT OF THEIR BILLS (ALREADY
SUBMITTED TO YOU) AGGREGATING \$13863.31.
AS THEY HAVE BEEN OVER SIX MONTHS OLD.

I WILL BE OUT OF COUNTRY FROM
1/13-99 TO 2/7/99 DUE TO FAMILY EMERGENCY
AS SUCH, I REQUEST THAT THE PAYMENT
BE MADE BEFORE THAT DATE.

I WILL CALL YOU NEXT WEEK TO CHECK
STATUS OF REIMBURSEMENT.

COPY OF THIS ALONG WITH COPY OF THE
REFERENCED REPORT IS SENT TO EVA-CHU O.
ALAMEDA COUNTY.

Encl: 1

Thomas

~~Copy along with copy of G.M.R.P.
to EVA CHU.~~

Sincerely

Balaji S. Angle

Encl: 1

98 OCT 22 PM 4: 23

October 21, 1998
Project No. BNC 102

Jim Blake attorney

Reg McGr
Donna OvermanMs. Janet Davenport
The Madison Companies
1000 El Camino Real, Suite 300
Menlo Park, CA 94025
650/327-3030Re: Property Access to Install Monitoring Well
Mill Springs Park Apartments, Railroad Avenue, Livermore, California

Dear Ms. Davenport:

This letter presents a request for access to install one groundwater monitoring well at the Mill Springs Park Apartments property on Railroad Avenue in Livermore, California. Einarson, Fowler & Watson (EFW) represents the owner of the B&C Gas Mini Mart gas station at the corner of First and L Streets, located southeast of the Mill Springs Park Apartments property. The gas station has a documented release to groundwater of gasoline and its components (benzene, toluene, ethylbenzene, xylenes [BTEX], and methyl-tertiary-butyl ether [MTBE]). The release was mapped in 1997¹ to be at least 1,400 feet west and downgradient of the station. The Mill Springs Park Apartments property is located within the mapped area of groundwater contamination (Figure 1).

As you may know, there are municipal water supply wells in the area to the west of the Mill Springs Park Apartments property (CWS#3 and CWS#8 on Figure 1). Alameda County Environmental Health Services has requested that the owner of the B&C gas station install groundwater monitoring wells to determine the extent of BTEX and MTBE in groundwater downgradient of the site and determine the potential for the contaminated groundwater to impact the water supply wells. EFW's scope of work includes installing several monitoring wells along Railroad Avenue and P Streets and obtaining groundwater samples from these wells. The location of the groundwater contamination with respect to the Mill Springs Park Apartments property and the proposed well location (MW-7) are shown on the attached figure (Figure 1). If desired, we can locate the well on the Mill Springs Park Apartments property within the landscaped area, so the asphalt pavement will not be disturbed.

¹ Einarson, Fowler & Watson, November 7, 1997, *Report of Downgradient Investigation, B&C Gas Mini Mart, Livermore, California.*

i:\bnc\102\corres\wellmsp.doc



We anticipate that the well installation will take one working day. The monitoring well will be permitted through the Alameda County Flood Control District, Zone 7. The boring for the well will be drilled using an 8-inch-diameter hollow-stem auger. The boring is anticipated to be drilled approximately to a depth of 70 to 80 feet. Soils will be logged by an EFW geologist according to the Unified Soil Classification System (USCS) under the supervision of a California Certified Engineering Geologist. Soil cuttings will be containerized on-site in drums. These drums will be removed from the property upon completion of drilling. The drummed soil will be properly disposed. The well will be constructed within the 8-inch hollow-stem augers using 2-inch-diameter, Schedule 40, flush-threaded polyvinyl chloride (PVC) casing. A sanitary seal of neat cement will be placed to within one foot of ground surface. A traffic-rated well vault box will be installed at the surface and the well head will be capped with a water-tight locking expansion cap and lock.

Following well installation, periodic (likely quarterly or semi-annually) groundwater sampling of the well will be performed. To obtain a sample from the well, EFW will be on the Mill Springs Park Apartments property for approximately 1 to 2 hours. We will notify your office prior to conducting the sampling and will notify the office on site. We will contain any purge water in a drum that will be taken with us when we leave the property. EFW will properly dispose of the purge water. Groundwater samples will be obtained and submitted to a California certified laboratory for analysis. The analyses would include Total Petroleum Hydrocarbons as gasoline, BTEX, and MTBE, using EPA Methods 8015 and 8020. Following sampling of the well, the well box lid will be replaced and secured, and the area will be left clean. Results will be included in reports that will be submitted to the Alameda County Environmental Health Services and the San Francisco Bay Regional Water Quality Control Board. Copies of analytical reports can be transmitted to your office, should you wish.

We understand that you may have specific environmental and contract requirements. Thank you for your time and cooperation with this project. Please call me should you have any questions regarding this project. If you would like more information regarding the regulatory issues involved, please contact Ms. Eva Chu of the Alameda County Environmental Health Services (510) 567-6762.

Sincerely,
Einarson, Fowler & Watson



Kris H. Johnson, C.E.G.
Senior Engineering Geologist

cc: B. S. Angle, B & C Gas Mini Mart, Unocal Station, Livermore
Eva Chu, Alameda County Environmental Health Services

98 OCT -9 PM 3: 29

October 7, 1998
Project No. BNC 102

Mr. Brad Collins
Compass Management and Leasing
294 Waterman Court
Danville, CA 94526

Re: Property Access to Install Monitoring Wells
Bank of America, 1748 Railroad Avenue, Livermore, California

Dear Mr. Collins:

This letter presents a request for access to install two groundwater monitoring wells at the Bank of America property at 1748 Railroad Avenue in Livermore, California. Einarson, Fowler & Watson (EFW) represents the owner of the B&C Gas Mini Mart gas station at the corner of First and L Streets, located southeast of the Bank of America property. The gas station has a documented release to groundwater of gasoline and its components (benzene, toluene, ethylbenzene, xylenes [BTEX], and methyl-tertiary-butyl ether [MTBE]). The release was mapped in 1997¹ to be at least 1,400 feet west and downgradient of the station. The Bank of America property is located within the mapped area of groundwater contamination (Figure 1).

As you may know, there are municipal water supply wells in the area to the west of the Bank of America property (CWS#3 and CWS#8 on Figure 1). Alameda County Environmental Health Services has requested that the owner of the B&C gas station install groundwater monitoring wells to determine the extent of BTEX and MTBE in groundwater downgradient of the site and determine the potential for the contaminated groundwater to impact the water supply wells. EFW's scope of work includes installing several monitoring wells along Railroad Avenue and P Streets and obtaining groundwater samples from these wells. The location of the groundwater contamination with respect to the Bank of America property and the proposed well locations (MW-8 and MW-12) are shown on the attached figure (Figure 1). If desired, we can locate the wells on the Bank of America property within the landscaped areas, so the asphalt pavement will not be disturbed.

¹ Einarson, Fowler & Watson, November 7, 1997, *Report of Downgradient Investigation, B&C Gas Mini Mart, Livermore, California.*

i:\bnc\102\corres\bellbofa.doc




We anticipate that the well installation will take one working day. The monitoring wells will be permitted through the Alameda County Flood Control District, Zone 7. The borings for the wells will be drilled using an 8-inch-diameter hollow-stem auger. The borings are anticipated to be drilled approximately to a depth of 70 to 80 feet. Soils will be logged by an EFW geologist according to the Unified Soil Classification System (USCS) under the supervision of a California Certified Engineering Geologist. Soil cuttings will be containerized on-site in drums. These drums will be removed from the property upon completion of drilling. The drummed soil will be properly disposed. The wells will be constructed within the 8-inch hollow-stem augers using 2-inch-diameter, Schedule 40, flush-threaded polyvinyl chloride (PVC) casing. A sanitary seal of neat cement will be placed to within one foot of ground surface. A traffic-rated well vault box will be installed at the surface and the well heads will be capped with a water-tight locking expansion cap and lock.

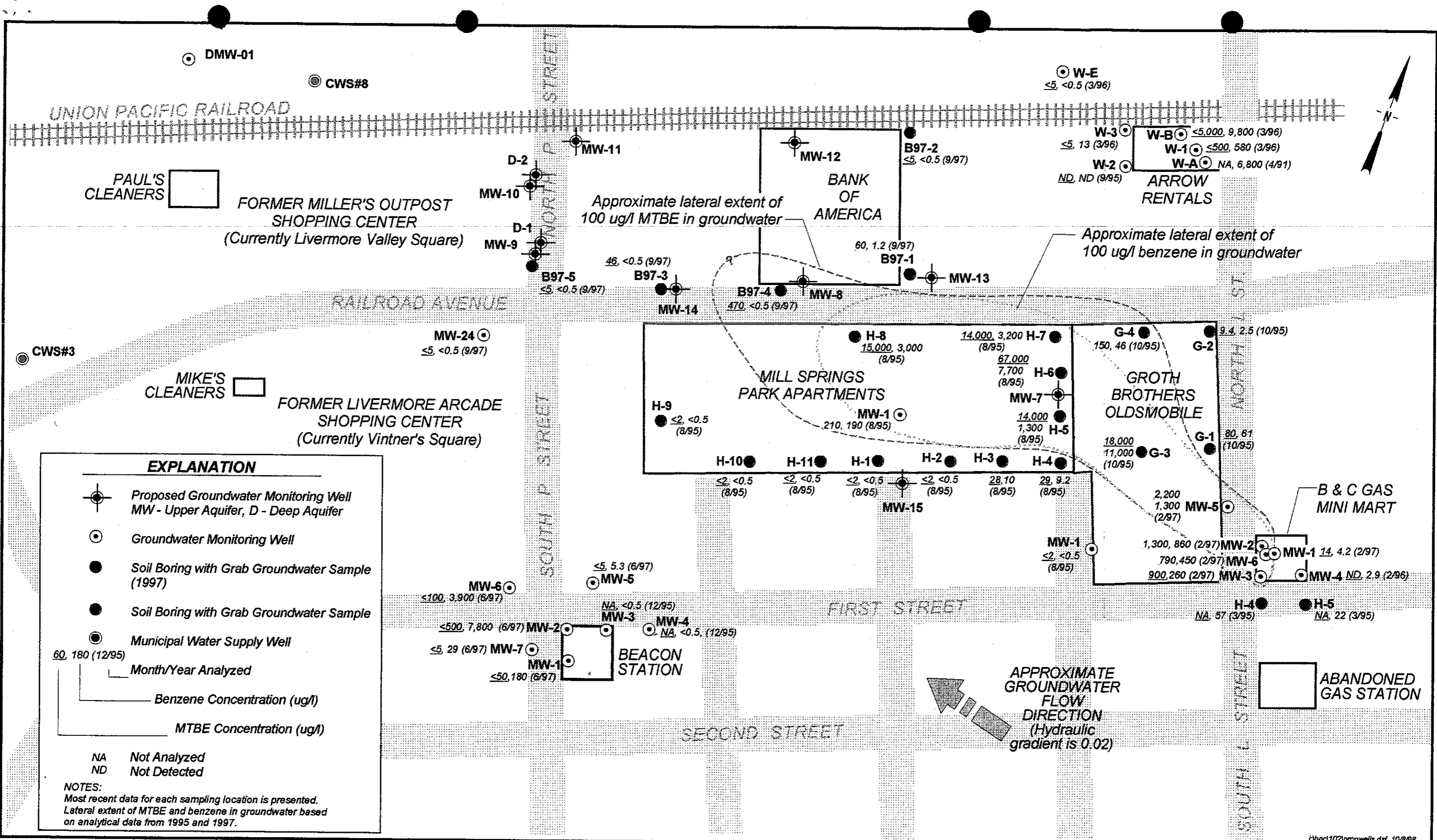
Following well installation, periodic (likely quarterly or semi-annually) groundwater sampling of the wells will be performed. To obtain a sample from the wells, EFW will be on the Bank of America property for approximately 1 to 2 hours. We will notify your office prior to conducting the sampling and will notify the office on site. We will contain any purge water in a drum that will be taken with us when we leave the property. EFW will properly dispose of the purge water. Groundwater samples will be obtained and submitted to a California certified laboratory for analysis. The analyses would include Total Petroleum Hydrocarbons as gasoline, BTEX, and MTBE, using EPA Methods 8015 and 8020. Following sampling of the wells, the well box lid will be replaced and secured, and the area will be left clean. Results will be included in reports that will be submitted to the Alameda County Environmental Health Services and the San Francisco Bay Regional Water Quality Control Board. Copies of analytical reports can be transmitted to your office, should you wish.

We understand that Bank of America may have specific environmental and contract requirements. Thank you for your time and cooperation with this project. Please call me should you have any questions regarding this project. If you would like more information regarding the regulatory issues involved, please contact Ms. Eva Chu of the Alameda County Environmental Health Services (510) 567-6762.

Sincerely,
Einarson, Fowler & Watson


Kris H. Johnson, C.E.G.
Senior Engineering Geologist

cc: B. S. Angle, B & C Gas Mini Mart, Unocal Station, Livermore
Eva Chu, Alameda County Environmental Health Services



I:\bnc102\propwells.dwg 10/8/98

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)

StID 1689

October 5, 1998

Mr. Balagi Angle
B & C Gas Mini Mart
35584 Conovan Lane
Fremont, CA 94536

Mr. John Rutherford
Desert Petroleum
P.O.Box 1601
Oxnard, CA 93032

RE: Workplan Approval for 2008 1st Street, Livermore, CA

Dear Messrs. Angle and Rutherford:

I have completed review of Einarson, Fowler & Watson's September 8, 1998 "Workplan for Additional Downgradient Investigation" prepared for the above referenced site. The proposal to install two groundwater monitoring wells in the main part of the plume, four perimeter monitoring wells, three guard wells, and two deep wells downgradient of the plume is acceptable.

Field work should commence once you receive pre-approval from the UST Clean Up Fund. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Cheryl Gordon, UST Clean Up Fund
Kris Johnson, EFW, 2650 East Bayshore Road, Palo Alto, CA 94303

EVA CHU
A.C.H.C.'S SERVICES,
ENV. HEALTH SERVICES,
ENV. PROTECTION,
1131 HARBOR PARKWAY, #250
ALAMEDA, CA - 94502-6577

BALAJI ANGLE DBA
B&E GAS MINIMART
2008 FIRST STREET,
LIVERMORE CA 94550
9/10/98

RE:- WORKPLAN FOR ADDTNL. DOWNGRADE
INVS. B&E GAS MINIMART, 2008 F-ST. LIVERMORE

DEAR EVA,

FURTHER TO MY LETTER OF JULY 23, 98,
I NOW ENCLOSE FOR YOUR EXPEDITIOUS APPROVAL
A WORKPLAN SUBMITTED BY EINARSON, FOWLER &
WATSON. THIS I AM TOLD THAT THIS HAS BEEN
DRAWN IN CONFORMITY WITH REQUIREMENTS OF
A.C.H.C. THE COST IS NEARLY \$68,000.00

I WOULD APPRECIATE YOUR EARLIEST POSSIBLE
APPROVAL SO THAT I CAN THEN APPROACH LEAK
FUND FOR THEIR PRE-APPROVAL OF COSTS. I AM
VERY KEEN TO SEE THAT THIS PROJECT GOES ON
WITH ALL POSSIBLE SPEED. KINDLY ALSO REPLY TO
MY LETTER OF 23RD JULY.

Enc: 1

Sincerely,



B. S. Angle

SEP 15 98 AM 9:29

EFW FacsimileDate July 28, 1998Number of pages including cover sheet 2

TO: Ms. Eva Chu
 Alameda County Environmental
 Health Services
 1131 Harbor Bay Parkway, Suite
 250
 Alameda, CA 94502-6577

Phone Business (510) 567-6762
 Fax Phone Fax (510) 337-9335

FROM: Kris H. Johnson
 Senior Engineering Geologist
 Einarson, Fowler & Watson
 2650 East Bayshore Road
 Palo Alto, CA 94303
 khj@efwi.com

Phone (650) 843-3828
 Fax Phone (650) 843-3815

CC:

REMARKS:

 Urgent For your review Reply ASAP Please Comment

Eva -

Attached is a map for the 2008 First Street site in Livermore showing proposed well locations for the upcoming work. The map is from our last report and shows the plume as we know it. There's quite a few wells shown. Right now, I'm not certain they're all needed or possible, given the access constraints. Therefore, if you have any comments let me know what you think. The well locations are loosely based on our meeting. In general, I wanted to

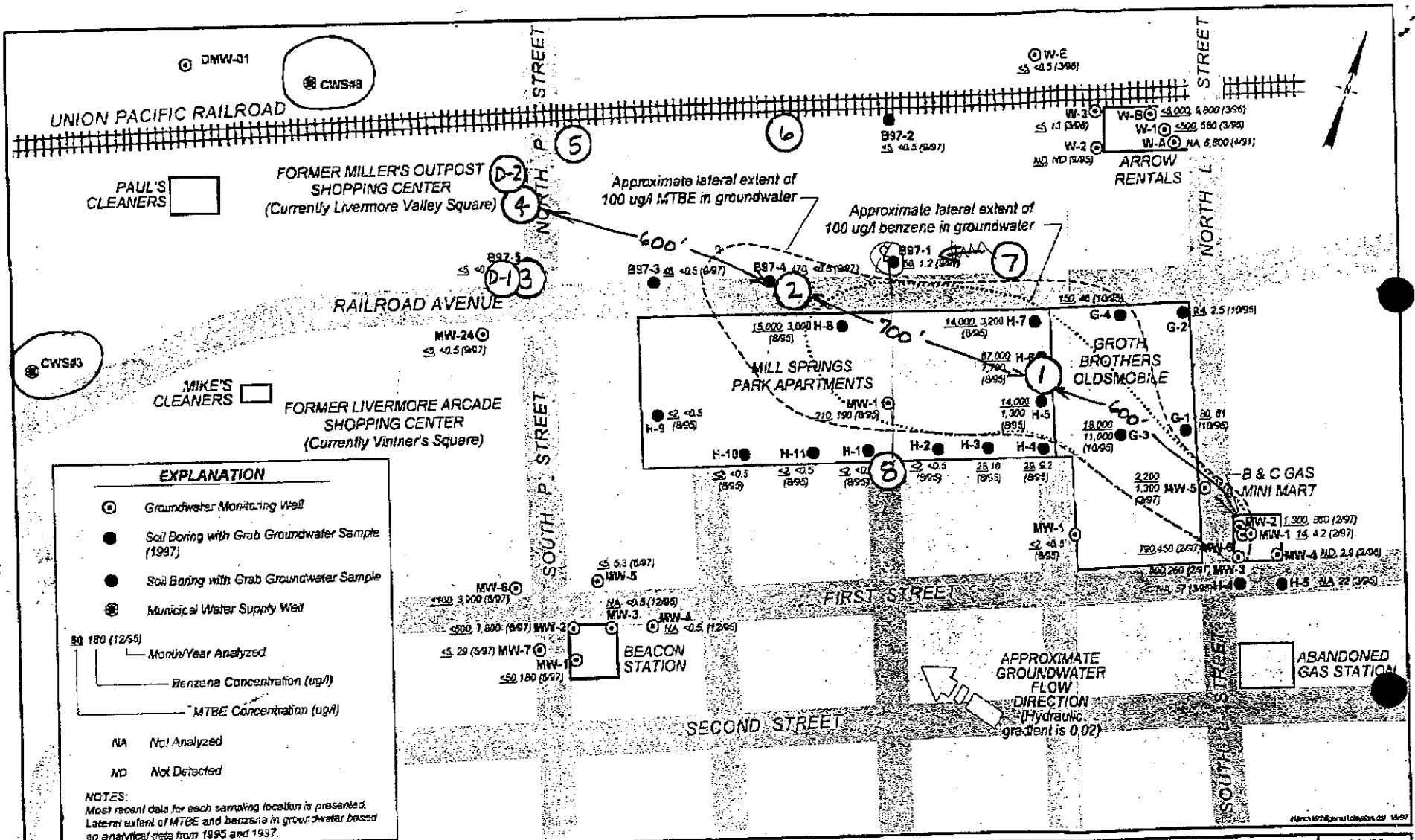
- get wells in the main part of the plume (wells 1 & 2)
- provide "guard wells" downgradient and between the plume and water supply wells (3, 4, & 5)
- locate wells that would define the lateral extent of the plume, and likely be ND (6, 7, & 8)
- define the aquitard and lower aquifer and determine whether the MTBE has reached it using deep wells downgradient of the plume (D-1 & D-2). These wells also serve the "guard well" purpose.

Wells 1 & 2 are fairly equidistant from the source (site) and the "guard wells". This will provide four points along the axis of the plume to monitor the plume progress.

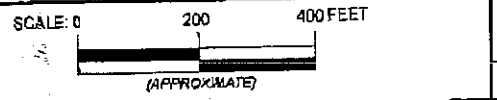
The "guard wells" will provide the early warning for the water supply wells and since they are nearly the same distance from the water supply well (CWS#8) and the plume well (2) we should have a good handle on how fast the plume is moving and how much time before the water supply well would see the plume. The lateral wells (6, 7, & 8) will answer the questions of how well we've defined the plume and show whether it's moving more northerly or southerly.

The deep wells should help in defining the competency of the aquitard. They're located where the shallow aquifer isn't impacted, so we don't create any conduits for contaminated groundwater to reach the lower aquifer.

To install these wells, we'll need to reach access agreements with several parties (City of Livermore, Mill Springs Apartments, Bank of America, and the bowling alley at the corner of P and Railroad). Alternatively, if the city is cooperative, all but one of the locations can be located on city property. In contacting these parties, would it be possible for us to say they can contact you if they question the validity of our request?



**EINARSON
FOWLER & WATSON**



**WATER QUALITY EVALUATION
B & C GAS MINI MART
LIVERMORE, CALIFORNIA**

MTBE AND BENZENE CONCENTRATIONS IN GROUNDWATER

FIGURE
3
PROJECT NO.
BNC101

ENVIRONMENTAL
PROTECTION ANGLE

98 JUL 29 AM 10:53 MINI MART
2008 F-ST HYVERMORE

EVA CHU,
HAZARDOUS MATERIALS SPECIALIST, CA 94550.
AL. COUNTY ENV. HEALTH DEPT. 7/23/98
ALAMEDA

QUARTLY GROUND WATER MONIT

DEAR EVA,

I REFER TO YOUR DIRECTIVE ON THE
ABOVE MENTIONED SUBJECT AND MY INTERIM REPLY.
I HAVE RECEIVED THE ENCLOSED JULY 22
ND COST ESTIMATES FOR THE WORK EXTENDING
UP TO 2ND QUARTER OF 1999 FROM E. F. &
WATSON.

PL. REVIEW AND CONFIRM TO ME IF THIS
IS WHAT YOU DIRECTED MR. KRIS JOHNSON
TO UNDERTAKE AND THAT IT IS PER COUNTY
REQUIREMENTS.

AS THIS IS THE FIRST TIME I AM UNDERTAKING
QUARTERLY MONITORING, I SHALL BE GRATEFUL
TO KNOW WHETHER THE COSTS INDICATED
ARE GENERALLY IN LINE BEFORE I APPROACH
LEAK FUND FOR PRE-APPROVAL. IT WILL BE
HELPFUL TO HAVE A LETTER FROM YOU EMPHASIZING
WHY YOU WANT THIS TO BE DONE WITH EXPEDIENCY
(NONE WAS DONE IN 1997) SO THAT LEAK FUND MAY
APPROVE THE SAME EARLY.

PL. TREAT THIS AS URGENT.

Carol

Sincerely

D. J.

**EINARSON
FOWLER & WATSON**

Consultants In Environmental Hydrogeology & Engineering

July 22, 1998
Project No. BNC103

Mr. Balaji Angle
5131 Shattuck Avenue
Oakland, CA 94609

Re: Quarterly Groundwater Monitoring Cost Estimate, B&C Gas Mini Mart,
2008 First Street, Livermore, California

Dear Mr. Angle:

Attached is our cost estimate for performing quarterly groundwater monitoring at the B&C Gas Mini Mart site, 2008 First Street, Livermore, California. The work has been requested by Ms. Eva Chu of the Alameda County Environmental Health Services (ACEHS). We have estimated costs for an initial groundwater-sampling event (Task 1), which would include sampling and analysis of all site wells and the downgradient well located at the Mill Springs Apartments. All wells will be sampled this initial quarter, at the request of the ACEHS, because groundwater monitoring has not been performed at the site in over one year. A report will be prepared for submittal to the ACEHS (Task 2). Subsequent quarterly monitoring is expected to be performed on a reduced number of wells. We have assumed five wells will be monitored in subsequent quarters (Task 3). Quarterly reports will be prepared for submittal to the ACEHS (Task 4). The ACEHS has indicated that semi-annual monitoring may be acceptable, so the monitoring costs may be reduced in the future.

If you have any questions about this invoice, please call me at 650-843-3828.

Sincerely,
Einarson, Fowler & Watson

ORIGINAL SIGNED BY

Kris H. Johnson, C.E.G. 1763
Senior Engineering Geologist

Enclosures: Cost Estimate

I:\bnc\103\qtrly\$.doc



**EINARSON, FOWLER & WATSON
COST ESTIMATE**

CLIENT: Mr. Balaji Angle
PROJECT: B&C Gas Mini Mart, Livermore,
3rd Quarter 1998 Through 2nd Quarter 1999 -Quarterly Groundwater Monitoring

DATE: July 21, 1998
PROJECT NO. BNC 103

ITEM DESCRIPTION	UNIT	UNIT COST	QUANTITY	COST	SUB-TOTAL	TASK TOTAL
------------------	------	-----------	----------	------	-----------	------------

SUMMARY:

TASK 1 - Initial Sampling of All Site Wells and Mill Springs Well (3rd QTR)						\$2,385
TASK 2 - Initial Reporting (3rd QTR)						\$1,435
TASK 3 - Continuing Quarterly Sampling of 5 Wells (4th QTR 1998 - 2nd QTR 1999)					\$1,332	\$3,996
TASK 4 - Continuing Quarterly Reporting (4th QTR 1998 - 2nd QTR 1999)					\$1,015	\$3,045
TOTAL						\$10,861

TASK 1 - Initial Sampling of All Site Wells and Mill Springs Well (3rd QTR)

SCOPE: Sample and analysis of 7 wells, 2@40', 3@60', 2@75', and dispose of drummed water on site

EFW Professional Services

Technician	hour	\$50	16	\$800		
Geologist	hour	\$75	1	\$75	\$875	

Chargeable Equipment

Mileage	mi	\$0.43	70	\$30		
Pump	day	\$50	2	\$100		
Bailer	each	\$5	7	\$35		
Water Level Indicator	day	\$20	2	\$40	\$205	

Indirect Charges

Water disposal	gal	\$1.50	500	\$750		
TPHg/BTEX/MTBE	each	\$55	7	\$385		
<i>Administrative Fee (15% of Indirect)</i>				\$170	\$1,305	

TASK TOTAL \$2,385

TASK 2 - Initial Reporting (3rd QTR)

SCOPE: Prepare report and submit to client and agencies

EFW Professional Services

Admin. Support	hour	\$35	1	\$35		
Drafter	hour	\$45	4	\$180		
Geologist	hour	\$75	12	\$900		
Sr. Geologist	hour	\$90	3	\$270	\$1,385	

Consumable Materials

Report	ea	\$10	5	\$50	\$50	
--------	----	------	---	------	------	--

TASK TOTAL \$1,435

**EINARSON, FOWLER & WATSON
COST ESTIMATE**

CLIENT: Mr. Balaji Angle
PROJECT: B&C Gas Mini Mart, Livermore,
3rd Quarter 1998 Through 2nd Quarter 1999 -Quarterly Groundwater Monitoring

DATE: July 21, 1998
PROJECT NO. BNC 103

ITEM DESCRIPTION	UNIT	UNIT COST	QUANTITY	COST	SUB-TOTAL	TASK TOTAL
------------------	------	-----------	----------	------	-----------	------------

TASK 3 - Continuing Quarterly Sampling of 5 Wells (4th QTR 1998 - 2nd QTR 1999)

SCOPE: Sample and analysis of 5 wells, 2@40', 1@60', 2@75' and dispose of purge water

EFW Professional Services

Technician	hour	\$50	12	\$600		
Geologist	hour	\$75	1	\$75	\$675	

Chargeable Equipment

Mileage	mi	\$0.43	70	\$30		
Pump	day	\$50	1	\$50		
Bailer	each	\$5	5	\$25		
Water Level Indicator	day	\$20	1	\$20	\$125	

Indirect Charges

Water disposal	gallon	\$1.50	125	\$188		
TPHg/BTEX/MTBE	each	\$55	5	\$275		
<i>Administrative Fee (15% of Indirect)</i>				\$69	\$532	

TASK SUBTOTAL \$1,332
THREE QUARTERLY SAMPLING EVENTS \$3,996

TASK 4 - Continuing Quarterly Reporting (4th QTR 1998 - 2nd QTR 1999)

SCOPE: Prepare report and submit to client and agencies

EFW Professional Services

Admin. Support	hour	\$35	1	\$35		
Drafter	hour	\$45	2	\$90		
Geologist	hour	\$75	10	\$750		
Sr. Geologist	hour	\$90	1	\$90	\$965	

Consumable Materials

Report	ea	\$10	5	\$50	\$50	
--------	----	------	---	------	------	--

TASK SUBTOTAL \$1,015
THREE QUARTERLY REPORTING EVENTS \$3,045

PROJECT TOTAL \$10,861

THOMAS E. ALBORG
MICHAEL J. VEILUVA
THERESE Y. CANNATA
VEDICA S. PURI
JEFFREY R. WARD
MIA S. BLACKLER
JAMES C. JARDIN

ALBORG, VEILUVA & CANNATA LLP

ATTORNEYS AT LAW
1220 OAKLAND BOULEVARD, SUITE 200
WALNUT CREEK, CALIFORNIA 94596-4337

ENVIRONMENTAL
PROTECTION

98 JUL 22 PM 1:30

(925) 939-9880
TELEPHONE

(925) 939-9915
FACSIMILE

avclaw@slip.net

File No.: 800026

July 17, 1998

VIA FAX AND U.S. MAIL
(510) 337-9335

Ms. Eva Chu
Alameda County Health Care Services Agency
Environmental Health Services - Environmental Protection
1131 Harbor Bay Parkway #250
Alameda, CA 94502

Re: 2008 First Street, Livermore

Dear Ms. Chu:

Please find enclosed a recorded notice of default from the foreclosure trustee for Desert Petroleum, Inc.

When my clients, Balaji and Chhaya Angle, purchased the 2008 First Street gas station from Desert Petroleum out of bankruptcy in 1993, Desert Petroleum committed by contract to continue its ongoing monitoring and clean up activities at the station in consideration for a promissory note and deed of trust executed by the Angles. The monthly installments (which were part of the overall consideration for the property) were to be deposited into escrow and specifically utilized by Desert Petroleum to pay for the clean up cost.

As you are aware, Desert Petroleum ceased all clean up activities in 1996 despite administrative orders from your office. Consequently, the Angles were required to employ their own contractor, assume continuing responsibility clean up and monitoring, and acquired status as a sole applicant for reimbursement from the Underground Storage Tank Fund.

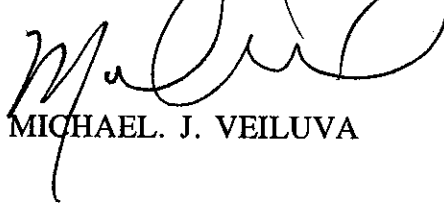
While it is not the Angles' intention in any way to draw your office into the Angles' contractual conflict with Desert Petroleum, it is our desire to inform your office that the harmful foreclosure efforts by Desert Petroleum will threaten on-going clean up activities at the site. Desert Petroleum is claiming reimbursement for clean up which it has refused to perform in violation of your orders. In our view, the county should take whatever appropriate action to prevent such an occurrence. It is our intention to take whatever legal measures necessary to prevent the foreclosure and to protect the status quo in order that the

Ms. Eva Chu
July 17, 1998
Page 2

Angles may continue their efforts to comply with your directives to mitigate the contamination at the site.

Very truly yours,

ALBORG, VEILUVA & CANNATA

A handwritten signature in black ink, appearing to read 'Michael J. Veiluva', written over the printed name below.

MICHAEL. J. VEILUVA

MJV:kss
41823

cc: Balaji Angle

ALBORG, VEILUVA & CANNATA LLP

1220 Oakland Boulevard, Suite 200
Walnut Creek, CA 94596-4337

TEL: 510/939-9880

FAX: 510/939-9916

FAX Transmittal

Date: July 17, 1998	Total Pages (w/ Cover): 5
From: Michael J. Veiluva, Esq.	Re: 2008 First Street, Livermore
To: Ms. Eva Chu	(510) 337-9335

This facsimile transmission is intended only for the addressee(s) shown above. It may contain information that is confidential, or otherwise protected from disclosure. Any review, dissemination or use of this transmission or its contents by persons other than the addressee(s) is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, and mail the original to us at the above address. We will reimburse your reasonable mailing expenses.

- HARD COPY TO FOLLOW PLEASE CALL AFTER YOUR REVIEW
 NO HARD COPY TO FOLLOW FOR YOUR INFORMATION

Enclosed Documents:

- LETTER PLEADING AGREEMENT
 OTHER:

Letter from Michael Veiluva to Ms. Eva Chu on July 17, 1998.

This section for internal use only.

File Name:

File No.: 800026

On Computer: 30896

Transmitter:

ALBORG, VEILUVA & CANNATA LLP

ATTORNEYS AT LAW

1220 OAKLAND BOULEVARD, SUITE 200
WALNUT CREEK, CALIFORNIA 94596-4337

THOMAS E. ALBORG
MICHAEL J. VEILUVA
THERESE Y. CANNATA
VEDICA S. PURI
JEFFREY R. WARD
MIA S. BLACKLER
JAMES C. JARDIN

(925) 939-9880
TELEPHONE
(925) 939-9915
FACSIMILE

avclaw@slip.net

File No.: 800026

July 17, 1998

VIA FAX AND U.S. MAIL
(510) 337-9335

Ms. Eva Chu
Alameda County Health Care Services Agency
Environmental Health Services - Environmental Protection
1131 Harbor Bay Parkway #250
Alameda, CA 94502

Re: 2008 First Street, Livermore

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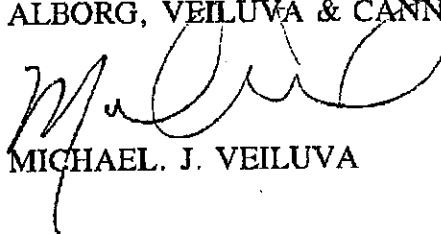
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Ms. Eva Chu
July 17, 1998
Page 2

Angles may continue their efforts to comply with your directives to mitigate the contamination at the site.

Very truly yours,

ALBORG, VEILUVA & CANNATA



MICHAEL. J. VEILUVA

MJV:kss

41823

cc: Balaji Angle

RECORDING REQUESTED BY

The following copy of 'NOTICE', the original of which was filed for record on 06/25/98 in the office of the County Recorder of said County, is sent to you inasmuch as an examination of the title page to said property shows you may have an interest in the Trustee's Sales Proceedings

AND WHEN RECORDED MAIL TO

J.L.M. RECONVEYANCE, INC
266 MOBIL AVE., #108
CAMARILLO, CA 93010

(805)987-7032

Space above this line for recorder's use

Title Order No.
APN 097-0001-024-01

Trustee Sale No. 98563

Reference No. 563

**IMPORTANT NOTICE
NOTICE OF DEFAULT AND ELECTION TO SELL UNDER DEED OF TRUST**

IF YOUR PROPERTY IS IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR PAYMENTS, IT MAY BE SOLD WITHOUT ANY COURT ACTION, and you may have the legal right to bring your account in good standing by paying all of your past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of your account, which is normally five business days prior to the date set for the sale of your property. No sale date may be set until three months from the date this notice of default may be recorded (which date of recordation appears on this notice). This amount is \$110,866.45 as of 06/11/98 and will increase until your account becomes current.

While your property is in foreclosure, you still must pay other obligations (such as insurance and taxes) required by your note and deed of trust or mortgage. If you fail to make future payments on the loan, pay taxes on the property, provide insurance on the property, or pay other obligations as required in the note and deed of trust or mortgage, the beneficiary or mortgagee may insist that you do so in order to reinstate your account in good standing. In addition, the beneficiary or mortgagee may require as a condition to reinstatement that you provide reliable written evidence that you paid all senior liens, property taxes, and hazard insurance premiums.

Upon your written request, the beneficiary or mortgagee will give you a written itemization of the entire amount you must pay. You may not have to pay the entire unpaid portion of your account, even though full payment was demanded, but you must pay all amounts in default at the time payment is made. However, you and your beneficiary or mortgagee may mutually agree in writing prior to the time the notice of sale is posted (which may not be earlier than the end of the three-month period stated above) to, among other things, (1) provide additional time in which to cure the default by transfer of the property or otherwise; or (2) establish a schedule of payments in order to cure your default; or both (1) and (2). Following the expiration of the time period referred to in the first paragraph of this notice, unless the obligation being foreclosed upon or a separate written agreement between you and your creditor permits a longer period, you have only the legal right to stop the sale of your property by paying the entire amount demanded by your creditor. To find out the amount you must pay, or to arrange for payment to stop the foreclosure, or if your property is in foreclosure for any other reason, contact: DESERT PETROLEUM, INC., A CALIFORNIA CORP., ATTENTION: LOU CARPIAC, C/O J.L.M. RECONVEYANCE, INC, 266 MOBIL AVE., #108, CAMARILLO, CA 93010 (805)987-7032

Trustee Sale No. 98563

If you have any questions, you should contact a lawyer or the governmental agency which may have insured your loan. Notwithstanding the fact that your property is in foreclosure, you may offer your property for sale, provided the sale is concluded prior to the conclusion of the foreclosure.

REMEMBER, YOU MAY LOSE LEGAL RIGHTS IF YOU DO NOT TAKE PROMPT ACTION.

NOTICE IS HEREBY GIVEN THAT: J.L.M. RECONVEYANCE, INC

is the duly appointed Trustee under a Deed of Trust dated 10/11/93, executed by BALAJI S. ANGLE AND CHHAYA ANGLE, HUSBAND AND WIFE AS JOINT TENANTS

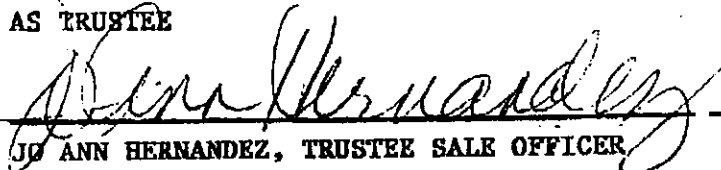
as Trustor, to secure obligations in favor of DESERT PETROLEUM, INC., A CALIFORNIA CORPORATION, DEBTOR-IN-POSSESSION

as Beneficiary recorded on 12/30/93 as instrument no. 93456683 in book _____ page _____ of Official Records in the Office of the Recorder of ALAMEDA County, California, as more fully described on said Deed of Trust. Including 1 note(s) for the sum of \$250,000.00 ; that the beneficial interest under said Deed of Trust and the obligations secured thereby are presently held by the current beneficiary; that a breach of, and default in, the obligations for which said Deed of Trust is security has occurred in that the payment has not been made of: THE MONTHLY INSTALLMENT OF INTEREST DUE ON 07/30/96, AND ALL SUBSEQUENT INTEREST PLUS THE FINAL PAYMENT OF PRINCIPAL AND INTEREST DUE ON 12/30/97 WERE NOT PAID WHEN DUE AND ARE STILL DUE AND UNPAID (PLUS LATE CHARGES THEREON); AND ALL ADVANCES MADE UNDER TERMS OF SAID SECURED NOTE ALL ARE DUE WITH INTEREST FROM DATE OF EXPENDITURE.

That by reason thereof, the present beneficiary under such Deed of Trust has executed and delivered to said Trustee a written Declaration and Demand for Sale, and has deposited with said duly appointed Trustee such Deed of Trust and all documents evidencing the obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable, and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

DATE: 06/11/98

J.L.M. RECONVEYANCE, INC
AS TRUSTEE


JO ANN HERNANDEZ, TRUSTEE SALE OFFICER

EVA CHU,
HAZARDOUS MATERIALS SPECIALIST, 2008 FIRST ST.
A.C.H.C. SERVICES AGENCY, LIVERMORE, CA - 94538
1131 HARBOR BAY PKWY, SUITE 250, 7/7/98
ALAMEDA,
CA - 94502 - 6577

BALAJI ANGLE,
BAR GOSMINI MART,
LIVERMORE, CA - 94538

DEAR EVA

QMR FOR 2008, 181 ST - Livermore
CA 94530

I REFER TO YOUR LETTER OF JUNE 25, 98 AND
NOTE CONTENTS FOR COMPLIANCE.

AS YOU KNOW, MY CONSULTANTS HAD SUBMITTED A
REPORT OF THEIR FINDINGS TO YOUR OFFICE. PURSUANT
TO THAT, YOUR OFFICE HAD MEETING WITH ALL PARTIES
CONCERNED (DP DID NOT ATTEND) AND YOU DIRECTED TO
SUBMIT ONE MORE PLAN OF ACTION - I RECEIVED
FROM CONSULTANTS QUOTE FOR ^{3235.00} ~~3235.00~~ TO CONDUCT
THE PRELIMINARY WORK PRECEDENT TO SUBMISSION OF
PLAN OF ACTION TO YOU FOR YOUR APPROVAL. IT WAS
ONLY YESTERDAY THAT I RECEIVED DEAR FUND
PREAPPROVAL FOR THE COST AND I PROMPTLY DIRECTED
ON 7/5 ~~OF~~ KRIS TO UNDERTAKE THE WORK. COPY OF MY
LETTER IS ENCLOSED.

AT NO POINT OF TIME DURING OUR VARIOUS DISCUSSIONS
WAS I DIRECTED BY YOUR OFFICE TO CONDUCT THE QMR. I
THOUGHT THAT THE INVESTIGATIONS WE CARRY ON AN
ONGOING BASIS TAKES CARE. NOW THAT YOU DESIRE ME
TO CONDUCT QMR I AM ASKING THE CONSULTANTS TO DO
THE SAME IN CONSULTATION WITH YOU. A COPY OF THIS IS
SENT TO KRIS JOHNSON. PL. INFORM HIM THE SCOPE OF
AND DETAILS OF WELLS TO BE MONITORED.

Enc 1, 2 - C. to KRIS JOHNSON with copy of EVA'S letter
C. to DANIELLE STEFANI, LIVERMORE / PLEASANTON
ARE DEPT

Sincerely
Balaji



State Water Resources Control Board

John P. Caffrey, Chairman



Pete Wilson
Governor

Peter M. Rooney
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street, Suite 130 • Sacramento, California 95814 • (916) 227-7883 FAX (916) 227-7120
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustofundline.htm>

ENVIRONMENTAL
PROTECTION
96 JUL 6 PM 4:38

July 1, 1998

Balaji Angle
35584 Conovan Ln
Fremont, CA 94536

#1689
ec

PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 11496,
SITE ADDRESS: 2008 1ST ST, LIVERMORE, CA 94550

I have reviewed your request, received on June 30, 1998, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective actions costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the , EINARSON, FOWLER & WATSON proposal by the Alameda County EHD (County) in their letter, is \$ 3,235, see the table below for a breakdown of costs. This pre-approval amount is contingent upon a submittal signed copy of the Alameda County EHD (County) letter in request to this additional work. You can submit this letter at the time of reimbursement request. (The total amount approved for payment through request number 1 for work at your site that has been directed and approved by the County is \$ 47,629.)

Be aware that this pre-approval does not constitute a decision on reimbursement: all reasonable and necessary corrective action costs for work directed and approved by the County will be eligible for reimbursement per the terms of your Letter of Commitment at costs consistent with those pre-approved in this letter.

All future costs for corrective action must be approved in writing by Fund staff.

Future costs for corrective action must meet the requirements of Article 11, Chapter 16, Underground Storage Tank Regulations.

COST PRE-APPROVAL BREAKDOWN

Task	Amount Pre-Approved	Comments
1. Off-Site Access Agreements and Negotiations	\$1,245	
2. Workplan Preparation	\$1,335	
3. Regulatory Discussion	\$655	
TOTAL PRE-APPROVED	\$ 3,235	

- The actual costs and scope of work performed must be consistent with the pre-approval for it to remain valid.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.

California Environmental Protection Agency

July 1, 1998

- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the EINARSON, FOWLER & WATSON proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal dated June 24, 1998 by EINARSON, FOWLER & WATSON for conducting the work.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary corrective action work. The legislation governing the Fund requires that the Fund assist you in procuring contractor and consultant services for corrective action. If you need assistance in contracting for corrective action services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *To make this easier, insure that your consultant prepares his invoices to match the format of the original estimate, and provides reasonable explanations for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- subcontractor invoices,
- technical reports, when available, and
- applicable correspondence from the County.

Please call if you have any questions; I can be reached at (916) 227-7883.

Sincerely,



Sushma Lee, Water Resources Control Engineer
Technical Review Unit
Underground Storage Tank Cleanup Fund

Enclosure

cc:

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



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)

StID 1689

June 25, 1998

Mr. Balagi Angle
B & C Gas Mini Mart
35584 Conovan Lane
Fremont, CA 94536

Mr. John Rutherford
Desert Petroleum
P.O.Box 1601
Oxnard, CA 93032

RE: QMR for 2008 1st Street, Livermore, CA

Dear Messrs. Angle and Rutherford:

This office has not received a quarterly monitoring report (QMR) of groundwater sampling for the above referenced address since February 1997. Be advised, that Title 23 of the California Code of Regulations (23CCR), Section 2652(d), requires the owner or operator of an UST facility to submit reports every three months, or at a more frequent interval as specified by the local agency or regional water board, until investigation and cleanup are complete. In addition, the California Health and Safety Code (CHSC), Section 25298, states that underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge.

At this time, you are directed to reinstate a quarterly schedule of well sampling and monitoring. Technical summary reports documenting each well sampling and monitoring episode are also due quarterly. This schedule shall continue until further notice. Groundwater samples should be analyzed for TPHg, BTEX, and MTBE. If MTBE is detected, it should be confirmed using EPA Method 8260.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Danielle Stefani, Livermore-Pleasanton Fire Department

ENVIRONMENTAL
PROTECTION

MICHAEL H. MOSBACHER,
STATE WATER RESOURCES CONTROL BOARD,
DIVISION OF CLEAN WATER PGM,
P.O. BOX 944212
SACRAMENTO CA-94244-2120

BALA JIB JIMOS PFLA BAC
GASMINI MAR
2008, FIRST ST Livermore
CA 94550.
6/25/98

DEAR SIR,

PREAPPROVAL OF CORRECTIVE ACTION COSTS
CLAIM #11496 SITE: -2008 F-ST. LIVERMORE

I ENCLOSE A QUOTE DATED 6/24/98 FOR \$3235.00 FROM EINARSON FOWLER & WATSON TOWARDS WORKPLAN PREPARATION AND ACCESS NEGOTIATION TASK ONE OF THE PROJECT. THE CONTENTS ARE SELF EXPLICIT.

THESE ARE THE SAME CONTRACTORS WHOSE BID WAS THE LOWEST ON LAST OCCASION. ALAMEDA COUNTY, THE LOCAL REGULATORY AUTHORITY HAVE DIRECTED THAT WE DO ADDITIONAL INVESTIGATION TO DETERMINE THE EXTENT AND INTENSITY OF THE PLUME. ACEH ARE QUITE HAPPY WITH THE QUALITY OF THE WORK DONE BY THE CONTRACTORS AND THEIR PRICING. I AND THE CONTRACTORS HAD DISCUSSIONS WITH EVA CHU OF ACEH AND FEEL THAT THE SCOPE OF THE WORK & THE COST IS GENUINE

THE WORKPLAN INVOLVES NEGOTIATIONS WITH A LOT OF LANDLORDS AND CITY, COUNTY & STATE AGENCIES. AS SUCH, IT INVOLVES MORE MANHOURS AND COSTS. AS THE SAID CONTRACTORS HAVE DONE EXTENSIVE WORK IN THE PAST, BRINGING IN NEW BIDDERS WILL ENTAIL ADDITIONAL AVOIDABLE COSTS MONEY AND TIME WHICH WE CAN ILL AFFORD FOR REASONS STATED EXTENSIVELY IN MY PRIOR CORRESPONDENCE. SINCE PAYMENT TO CONTRACTORS WAS DELAYED CONSIDERABLY WE HAVE MOST TIME AND TIME IS ESSENCE IN THIS CASE. PL. APPROVE THE COST ASAP. Thanks.

B. Angle

COPY TO EVA CHU, ACEH.
W.A.T. OUR TELECON
ON 6/22/98

By: ACEH

CALIFORNIA UNDERGROUND STORAGE TANK CLEANUP FUND
COST PRE-APPROVAL REQUEST

(Complete form, enclose required items, sign, date & return)

TO: MICHAEL H. MOSBACHER CHIEF Fax: (916) 227-4530
U.S.T.C.F. Program

I. CLAIM INFORMATION

A. CLAIM NO. 11496 B. CLAIMANT BALAJI ANGLE

C. CLAIM STATUS (complete appropriate section)

i) LOC ISSUED FOR \$ 65000.00 (Your LETTER OF 3/12/98)

ii) ON PRIORITY LIST? YES NO IF YES, PRIORITY CLASS A B C D

iii) NOT YET APPLIED TO THE FUND, EXPECTED APPLICATION DATE: _____

D. CONTACT PERSON: _____ PHONE: _____
ADDRESS: _____ FAX: _____

II. TYPE OF REQUEST (check appropriate boxes)

PRE-APPROVAL \$ 3235.00 AMOUNT REQUESTED

3-BID REVIEW \$ PL. SEE ATTACHED PREFERRED BID (if applicable)
LETTER.

THE FOLLOWING DOCUMENTS ARE REQUIRED FOR THE SPECIFIED REQUEST. ALL DOCUMENTS REQUESTED MUST BE SUBMITTED OR THE REQUEST(S) WILL BE RETURNED UNPROCESSED.

A. REQUEST FOR PRE-APPROVAL OF PROPOSED COSTS-The following items are required before review and determination will be made by Fund Staff.

- A complete signed copy of the proposed Investigation Workplan or Corrective Action Plan (CAP) (as defined and required by Article 11, Chapter 16, California Underground Storage Tank Regulations). Corrective Action Plans must include the required feasibility study and chosen cost effective alternative.
- A signed copy of the oversight agency approval letter for the Workplan/CAP.
- A complete copy of the Request for Bids, including all attachments. A list of all firms requested to bid must be included.
- Complete copies of all bids and other correspondence submitted in response to the Request for Bids.
- A time schedule, if not part of bid documents, anticipated for project initiation and duration.
- A detailed project budget, which includes breakdowns of staff/task/hour with associated estimated totals.

B. THREE-BID REVIEW/EVALUATION/DETERMINATION - Fund staff will assist any claimant requesting an evaluation of bids upon request. The following information must be submitted - 1,2,3 AND 4 as described in Item A above.

III. CERTIFICATION

I certify under penalty of perjury that all information submitted with this request is complete and accurate and in accordance with all applicable laws and regulations. Must be signed by claimant or person designated on the Authorized Representative Designation form

[Signature] BALAJI ANGLE 6/25/98
Signature Printed Name Date

IV. Authorization for the Fund to give out your name and phone number to other claimants in your region as a reference for consultants and contractors. YES NO

[Signature] 6/25/98
Signature Date

Enc: (a) Quotation
(b) letter of explanation

98 JUN 26 PM 3:16

June 24, 1998
Project No. BNC101

Mr. Balaji Angle
5131 Shattuck Avenue
Oakland, CA 94609

Re: Cost Estimate for Workplan Preparation and Access Negotiations, Task 1 of
Additional Downgradient Investigation, B&C Gas Mini Mart, Livermore,
California, Site ID 1689

Dear Mr. Angle:

Einarson, Fowler & Watson (EFW) is presenting this cost estimate for preparation of a workplan for the additional downgradient investigation to be conducted for the B&C Gas Mini Mart site, 2008 First Street, Livermore, California. The basis for this work comes as a result of our previous investigation¹ and has been discussed and agreed to in concept with Alameda County Environmental Health Services (ACEHS) in a prior meeting. Because this investigation is occurring off-site, potentially on both private property and City of Livermore (City) property, conducting access negotiations and obtaining agreements from all property owners is integral to workplan preparation. The scope of this cost estimate includes both access negotiations and preparation of the workplan for submittal to ACEHS. This scope of work is Task 1 of the additional downgradient investigation. Subsequent tasks of the additional investigation will not be conducted until the workplan is approved by ACEHS. Following is a brief description of the scope of work and attached is the cost estimate. We estimate the cost of completing access agreements and preparing the workplan to be \$3,235.00.

The workplan will outline the purpose and scope of the investigation. All tasks to be performed will be described. Procedures for boring and well installation, sampling, and chemical analyses will be included. The workplan will include a map of the site vicinity showing proposed boring and well locations. The map will also include analytical data collected from previous site investigations that define the existing known extent of impact. The workplan will be signed by a California Certified Engineering Geologist, who will also discuss the workplan with the ACEHS.

¹ Einarson, Fowler & Watson. *Report of Downgradient Investigation, B&C Gas Mini Mart, 2008 First Street, Livermore, California.* November 7, 1997.



Prior to locating proposed boring locations, arrangements or agreements to complete borings and install monitoring wells on City property, in City streets, or on surrounding private properties will be made. This will include coordinating street access and permitting with the City, preparing traffic plans for City approval, and negotiating with private property owners in the area of the investigation.

This workplan preparation cost estimate is greater than the Tank Fund cost guidelines. The Fund's guidelines for preparation of a Phase II workplan do not address the scope of work involved in this investigation. The Fund's cost guidelines for a subsequent standard Phase II workplan are based on the assumption that the workplan written for the previous site investigation already contains most of the details for the subsequent workplan. Although some of the objectives of this investigation will be similar, the scope of the investigation and the investigative methods used are different from the previous investigation. It does not seem feasible to use the previous site investigation workplan as the basis of this multi-task additional downgradient investigation workplan.

Several conditions of this investigation increase the level of effort and detail that are required for the workplan. The target depths of the subsurface investigation are relatively deep (50 to 150 feet below ground surface) and the hydrogeologic setting is a rather complex alluvial depositional environment. These conditions create a need to determine and evaluate the most appropriate and cost-effective drilling technology. The area of investigation is relatively far from the source area (over 1,000 feet), potentially high concentrations of methyl-tertiary-butyl-ether (MTBE) may be found, and the potential for impact to public water supply wells exists. These conditions emphasize the need to consider the regional hydrogeologic environment when locating proposed boring locations and target depths.

In addition, the Tank Fund guidelines do not account for the additional work that is necessary to complete an off-site investigation of this scale. All work to be performed for this additional downgradient investigation will be off-site, requiring access agreements and negotiations from several private property owners and the City. It is necessary that these negotiations are conducted prior to completion of the workplan to ensure that the workplan is usable.

If you have any questions about this cost estimate for Task 1 of the Additional Downgradient Investigation, please call me at 650-843-3828.

Sincerely,
Einarson, Fowler & Watson



Kris H. Johnson, C.E.G. 1763
Senior Engineering Geologist

Enclosures: EFW Cost Estimate
cc: eva chu, ACEHS

#0025297 # 1:21222267561 4000 870

OR # 3103 of 10-31-97
U.S. BANK
1-800-822-2657
U.S. BANK OF CALIFORNIA

EVA CHU

INVOICE # 3103 of 10-31-97
\$ 28751.74

DATE 5/9/98

B & C GAS-MINIMART
2008 FIRST ST.
LIVERMORE, CA 94550

2457

DEAR MS. EVA

HAND DELIVERED

THIS COPY IS FOR YOUR FILES.

I HAVE ASKED CRIS TO GET
IN TOUCH WITH YOU AND
Kris Johnson,
E. WATSON FOWLER & WATSON,
2650 E. BAYSHORE ROAD,
PALO ALTO, CA 94303

B & C GAS-MINIMART
2008 F. ST. LIVE
CA-94550
5/8/98

PROCEED WITH
FURTHER WORK. PL. KEEP
ME INFORMED.

Invoice # 3103 of 10-31-97
\$ 28751.84

I ENCLOSE MY CHECK FOR \$ 28751.74 in full
payment of your ABOVE INVOICE.

Days

B.S. Angle
5/9/98

THE PAYMENT IS SHORT BY \$ 824.10. THIS
IS DUE TO FACT THAT PER EXISTING RULES
LEAK FUND HAS NOT CONSIDERED THE AMOUNT
ELIGIBLE. IN SUPPORT, COPY OF THEIR APPROVAL
SHEET IS ENCLOSED.

I HAVE NO WORDS ENOUGH TO APPRECIATE
YOUR PERSONAL AND YOUR MANAGEMENT'S
PATIENCE IN WAITING FOR THIS DELAYED
PAYMENT I THANK YOU ALL VERY MUCH

AS MUTUALLY AGREED BETWEEN ACH
YOU AND ME NOW THAT THIS PAYMENT HAS
BEEN MADE KINDLY GET IN TOUCH WITH
EVA AND. PROCEED WITH FURTHER WORK.

Thanks again,

Enc: 1 check 2457
of 5/9

Sincerely,

Days
B.S. Angle

copy to: - EVA CHU
AL. COUNTY Health Dept.
ENV. Health section
Alameda

98 MAY 12 PM 3:58
ENVIRONMENTAL
PROTECTION

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 3/12/98
 Number of pages including cover sheet: 4

To: EVA CHU,
HAZ MAT SPECIALIST
AL. CITY. HEALTH DEPT.
ENV. HEALTH
ALAMEDA CA -
 Phone: 567-6762
 Fax phone: 337-9335
 CC: ---

From: B. Angle.
 Ref: B12 GAS MINIMA
2008 F. ST. LIVERMORE
 Phone: 510-654-3461
 Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

DEAR EVA,

PL. SEE IF YOU CAN PERSUADE
 LEAK FUND IN EXPEDITING APPROVAL.

— Yours a lot

— Angle

Page 02

EVA CHU
HAZMAT SPECIALIST,
A.C.H.E. DEPT.
ALAMEDA CA.

BALAJI ANGLE DAA
B+C GAS MINI MART,
2008 FIRST ST. LIVERMOR
CA-94550.

Dated 3/12/96

DEAR MS. EVA

CLEAN UP

I REFER TO MY VARIOUS DISCUSSIONS WITH YOU LAST ^{ONE} IN THE 3RD WEEK OF FEB. WHEN I DETAILED TO YOU THE WAY THE LEAK FUND HAS BEEN TOSsing MY CLAIM LIKE A FOOTBALL FROM ONE CORNER TO ANOTHER WITHOUT ANY END RESULT. YOU APPRECIATED MY FRUSTRATION.

I HAD THEN TOLD YOU AS PROMISED BY MS. BLESSY TORRES THAT I WILL RECEIVE FUND'S REPLY POSITIVELY BY THE END OF FEB. AS MR. DEANER, THE MANAGER, WAS IN A DEPOSITION THEN. ORIGINALLY, MY FEDEX SENT ON 5TH FEB. WAS NOT TRACED AND ACTED UPON TILL I CALLED BLESSIE ON OR ABOUT 16TH FEB. INTERESTINGLY, CHERE GORDON DID RECEIVE ANOTHER FEDEX SENT BY ME ON THE SAME DAY BUT SHE COULD NOT ACT IN THE ABSENCE OF DIRECTION FROM BLESSIE'S UNIT.

AS OF TODAY, I HAVE NOT BEEN REPLIED TO MY LETTE OF 5TH FEB. AT THE INSTANCE OF ACEH AND THE FUND TO OVERCOME NON-COOPERATION BY DESERT AND TO EXPEDITE CLEAN UP I EVEN SUBMITTED A SEPARATE CLAIM APPLN. AND NOW I FIND THAT THE SUGGESTED MEDICINE WAS WORSE THAN THE DISEASE ITSELF. I HAVE BEEN THREATENED WITH LAWSUITS FOR NON-PMT. OF MONEY TO THE TWO CONTRACTORS FOR WELL OVER 6 MONTHS WHO DID THE WORK WITH PRIOR APPROVAL OF THE FUND ON MY APPLICATION. WORSE STILL, THEY ARE NOT INCLINED TO DO ANY MORE WORK.

Page 2 of 2

FOR ME. WHAT THIS AMOUNTS TO IS THAT WE WILL HAVE TO SEARCH NEW CONTRACTORS WITH BIDS ETC. THIS WILL BE ~~BE~~ VERY DETRIMENTAL TO THE SPEED OF THE CLEAN UP OF WHICH ALL OF US ARE VERY MUCH CONCERNED.

IT IS VERY OBVIOUS TO ME THAT THE LEAK FUND HAVE LOST SIGHT OF THE PURPOSE AND GOAL FOR WHICH IT WAS STARTED WITH REGULAR CONTRIBUTIONS FROM DEALERS LIKE ME. ON MY PART YOUR RECORDS AND NOTINGS WILL EVIDENCE THAT I HAVE COMPLIED WITH EACH AND EVERY DIRECTIVE FROM YOU AND THE FUND WITH UTMOST SPEED AND COOPERATION. AND NOW I AM TOTALLY FRUSTRATED. I DO NOT KNOW HOW TO PROCEED FURTHER AS I HAVE NO MONEY. I HAVE ALREADY SPENT ENOUGH AND BEYOND MY CAPACITY IN DEALING WITH DESERT WHO HAVE DESERTED ME LITERALLY. SINCE THEY SOLD THE PROPERTY. THEY DO NOT EVEN HEED YOUR DIRECTIVES.

I AM NOW FORMALLY REQUESTING YOUR APPROVAL TO EXTEND THE TIME TO DO THE FURTHER WORK YOU DIRECTED, BY SUCH TIME AS I GET APPROVAL/REIMBURSEMENT FROM THE FUND.

THANKS IN ANTICIPATION,

Sincerely



B.S. ANGLE

P.S.:-

PARDON FOR MY TONE. I AM UTTERLY FRUSTRATED BY THE FUND'S ATTITUDE.

DAVE DEANER, MANGER,
 U.S.T. CLEAN UP FUND Pg.M,
 STATE WATER RESOURCES CONTROL
 DIVISION OF CLEAN WATER Pg.M, BOARD,
 2014 Y ST, SUITE 130,
 SACRAMENTO CA 94244-2120

BALAJI ANGLE DBA
 B+C GAS MINI-MART
 2008 FIRST STREET,
 LIVERMORE CA 94550
 3/12/98

DEAR MR. DEANER,

CLAIM NO. 11496, 2005 FS. LIVERMORE

I REFER TO MY LETTER OF FEB 5 AND SUBSEQUENT DISCUSSIONS ON 3 OCCASIONS WITH MS. TORRES AND ONE WITH CHERYL GORDON.

IN THE 3RD WEEK OF FEB MS. TORRES PROMISED THAT I WILL RECEIVE YOUR REPLY, BY THE SUBSEQUENT WEEK AS YOU WERE BUSY WITH SOME DEPOSITIONS. I REGRET TO SAY THAT DESPITE MY EMPHASIZING THE URGENCY AND SERIOUSNESS OF THE MATTER IN MY VARIOUS TELEPHONE AND WRITTEN COMMUNICATIONS THE FUND DOES NOT SEEM TO REALIZE THE NEED FOR URGENCY.

ON MY PART I HAVE DONE WITHOUT EXCEPTION AND WITH SPEED, EVERYTHING THAT THE ACHED AND FUND WANTED ME TO DO. I EVEN FILED SEPARATE CLAIM TO OVERCOME NON-COOPERATION BY DESERT. BUT INSTEAD OF THE CLAIM BEING EXPEDITED I AM BEING SHUNTED LIKE A FOOTBALL FROM ONE CORNER TO ANOTHER.

I AM NOW BEING SUED BY THE CONTRACTORS WHO HAD DONE WORK AT THE INSTANCE OF ACHED AND WITH PRIOR APPROVAL FROM THE FUND FOR NON-PMT FOR OVER 5 MONTHS AND 2 MONTHS RESP. IT IS MY UNFORTUNATE CONCLUSION THAT THE SPIRIT OF THE FUND'S RAISON D'ETRE HAS BEEN LOST. I DO NOT WISH TO OVER EMPHASIZE MY FRUSTRATION ANY MORE. Thanks.



Cal/EPA

RECEIVED
PROCESSED

SD MAR 16 AM 10:15



Pete Wilson
Governor

State Water
Resources
Control Board

MAR 12 1998

Division of
Clean Water
Programs

Balaji Angle
35584 Conovan Ln
Fremont, CA 94536

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4307
FAX (916) 227-4530

World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 11496, FOR SITE ADDRESS: 2008 1ST ST, LIVERMORE

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$65,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

It is very important that you read the terms and conditions listed in the enclosed LOC. Claims filed with the Underground Storage Tank Cleanup Fund far exceed the funding available and it is very important that you make use of the funding that has been committed to your cleanup in a timely manner.

Consequently, if you do not submit your first reimbursement request for corrective action costs which you have incurred within ninety (90) calendar days from the date of this letter, your funds will automatically be deobligated. Once deobligated, any future funds for this site will be obligated subject to availability of funds at such time when we receive your reimbursement request.

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs *required* by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. **Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work (form enclosed).** If you have any questions on obtaining preapproval of your costs or the three bid requirement, please call Linda Sanborn, our Technical Reviewer assigned to claims in your Region, at (916) 227-0747. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.

The following documents needed to submit your reimbursement request are enclosed:

- "Reimbursement Request Instructions" package. **Retain this package for future reimbursement requests.** These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are samples of completed reimbursement request forms and spreadsheets.
- "Bid Summary Sheet" to list information on bids received which **must be completed and returned.**



Recycled Paper

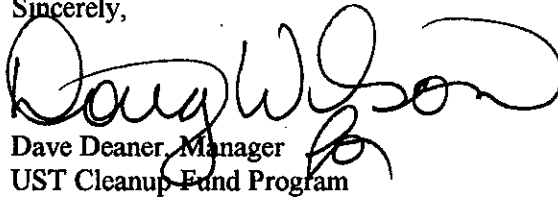
Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

- "Reimbursement Request" forms which you must use to request reimbursement of costs incurred.
- "Spreadsheet" forms which you must use in conjunction with your reimbursement request.
- "Claimant Data Record" (Std. Form 204) which must be completed and returned with your first reimbursement request.

We continuously review the status of all active claims. If you do not submit a reimbursement request or fail to proceed with due diligence with the cleanup, we will take steps to withdraw your LOC.

If you have any questions regarding the enclosed documents, please contact Anna Torres at (916) 227-4388.

Sincerely,



Dave Deaner, Manager
UST Cleanup Fund Program

Enclosures

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



ZONE 7
WATER RESOURCES ENGINEERING
GROUNDWATER PROTECTION
MTBE QUARTERLY REPORT
1997 CALENDAR YEAR

98 FEB 10 AM 9:30
ENGINEERING DEPT

FEBRUARY 1998

TABLE OF CONTENTS

ITEM	PAGE
TRANSMITTAL LETTER	1
MTBE SUMMARY TABLE	2
MTBE MAP	3
SITE 23 CHRONOLOGY: SHELL, 3790 HOPYARD RD, PLEASANTON	4
SITE 60 CHRONOLOGY: EXXON, 2991 HOPYARD RD, PLEASANTON	5
SITE 62 CHRONOLOGY: DESERT PETROLEUM, 2008 FIRST ST, LIVERMORE	6
SITE 62 MTBE AND BENZENE PLUME MAP	9

PREPARED BY: CRAIG MAYFIELD *CM*
REVIEWED BY: CRAIG MAYFIELD
5 February 1998



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

5997 PARKSIDE DRIVE

PLEASANTON, CALIFORNIA 94588-5127

PHONE (510) 484-2600 FAX (510) 462-3914

5 February 1998

Ms. Eva Chu
QIC 30440
Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Dear Ms. Chu:

Reference: MTBE Quarterly Report

In August 1997 we agreed to coordinate some information on MtBE in the Livermore Groundwater Basin and focus effort on MtBE in the Main Basin. Enclosed is our recent MtBE quarterly report. Please review the enclosed maps and tables with chronology updates for Site 60 and Site 62. The only new activity since September 1997 have been included in the chronologies for Site 60 and for Site 62.

If you have any comments, please fax or mail them to me within two weeks.

If you have any questions, please contact me at extension 240 or or David Lunn at extension 327.

Very truly yours,

Craig A. Mayfield

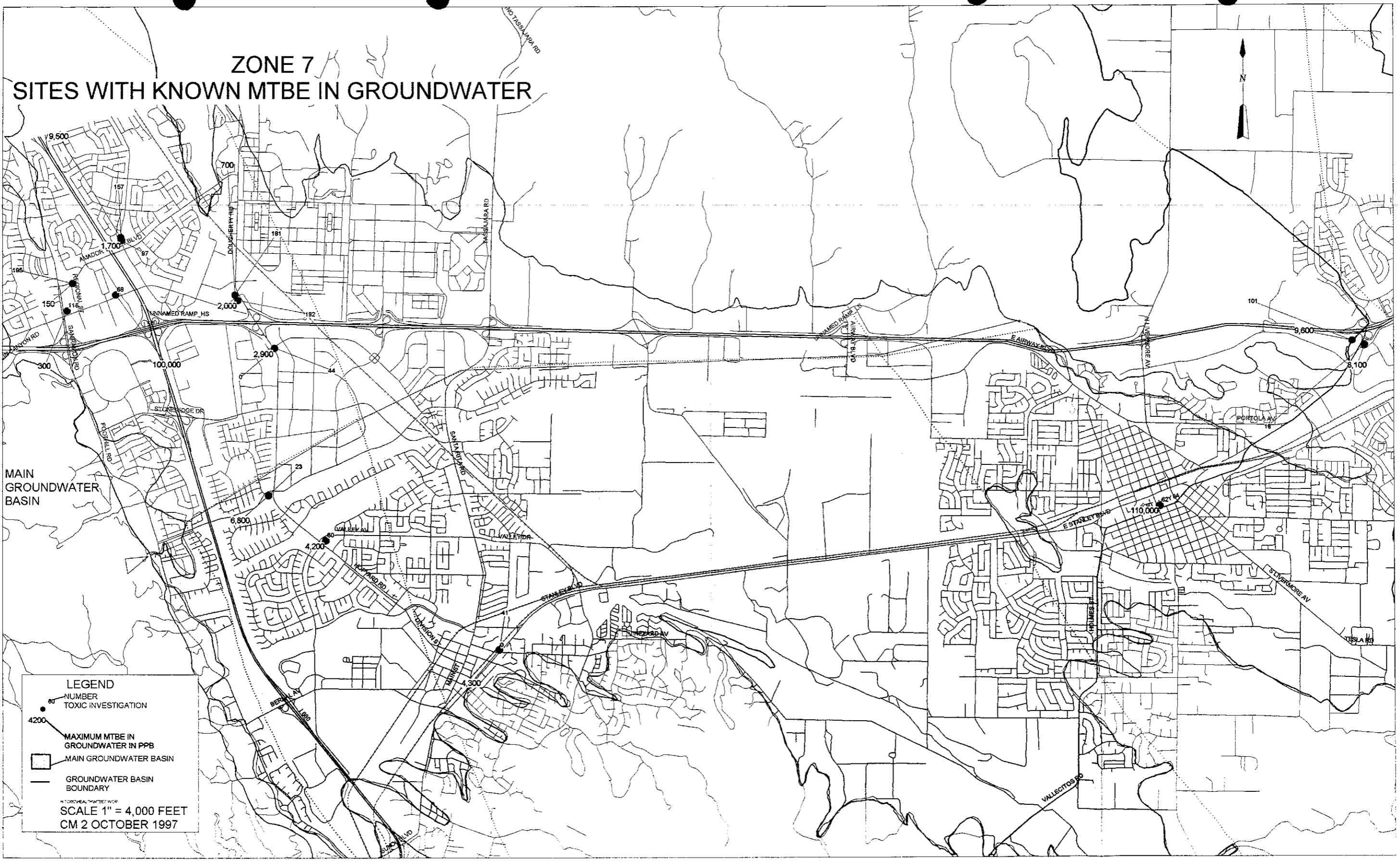
Craig A. Mayfield
Water Resources Engineer III

CAM

Enc.

cc: David Lunn, Zone 7 (w/ enc.)
Steve Cusenza, Pleasanton (w/ enc.)
Chris Boykin, Livermore-Pleasanton Fire (w/ enc.)
Bill Adams, Livermore (w/ enc.)
Steven Hill, SFRWQCB (w/ enc.)
Scott Seery, Environmental Health (w/ enc.)

ZONE 7 SITES WITH KNOWN MTBE IN GROUNDWATER



ZONE 7
WATER RESOURCES ENGINEERING
GROUNDWATER PROTECTION

MAIN BASIN MTBE SITES (HIGH PRIORITY)

1 ACDEH SITE ID NUMBER	2 ZONE 7 TOXIC SITE NUMBER	3 COMMON SITE NAME	4 OWNER	5 SITE ADDRESS	6 RECENT MTBE (PPB)	7 PLUME LENGTH (FT)
1672	60	STEVE'S EXXON	Exxon	2991 Hopyard Rd., Pleasanton	4,200	<60
1673	23	SOUTH HOP SHELL	Shell	3790 Hopyard Rd., Pleasanton	6,800	200
1689	62	DESERT PETROLEUM	Desert Petroleum/Balagi Angle	2008 1st St., Livermore	110,000	>1200
5017	41	FIRST PLEAS UNOCAL	Unocal/Tosco Sta. # 7376	4191 First Street, Pleasanton	4,300	>100

FRINGE BASIN MTBE SITES (LOWER PRIORITY)

1 ACDEH SITE ID NUMBER	2 ZONE 7 TOXIC SITE NUMBER	3 COMMON SITE NAME	4 OWNER	5 SITE ADDRESS	6 RECENT MTBE (PPB)	7 PLUME LENGTH (FT)
1053	157		Teutsch Enterprises, Inc. ARCO	7249 Village Pkwy., Dublin	9,500	>60
1940	116		Rich's Chevron Service	7007 San Ramon Rd., Dublin	300	30
2043	97		BP Oil Co. Site #11116	7197 Village Pkwy., Dublin	1,700	30
2095	192		Fred's Auto BP Oil #11120	6400 Dublin Blvd., Dublin	2,000	60
2096	181		Unocal/Tosco	6401 Dublin Blvd., Dublin	700	30
2335	18		Bill's Chevron	4904 S. Front Rd., Livermore	8,100	160
2465	101		Springtown Unocal/Tosco Sta. #6034	4700 1st St., Livermore	9,600	30
3841	68		Chevron Station #9-2582	7420 Dublin Blvd., Dublin	100,000	>100/UNK
4104	195		Unocal/Tosco	7850 Amador Valley Blvd., Dublin	3,200	30
5807	44		Shell	5251 Hopyard Rd., Pleasanton	2,900	>100

EXPLANATION

1. Alameda County Department of Environmental Health Site ID: A sequential number used by ACDEH and SFRWQCB to identify and reference sites.
2. Zone 7 Toxic Investigation number: A sequential investigation number used by Zone 7 to identify and file all toxic sites.
3. Common Site name: A short descriptive name for the site.
4. Owner: Responsible party, owner or tenant during contamination.
5. Site Address: Street address where leaking UST or other contamination source is located.
6. Recent MTBE: Recent high concentration of MTBE in groundwater, usually most recent phase of sampling.
7. Plume length: Length of plume from source to lower concentration, often defined by owner's engineer drawing.

**ZONE 7
 WATER RESOURCES ENGINEERING
 TOXIC MONITORING
 Shell Oil
 3790 Hopyard Road
 Pleasanton
 SITE 23 CHRONOLOGY**

DATE	ACTION INITIATOR CODE	REMARKS
Sep 89	SH	Well S-10 and recovery wells SR-1, SR-2, and SR-3 installed.
Jan 90 - Mar 90	SH	Aquifer tests performed at the site to estimate hydraulic properties. Comparison of test data suggests a preferred immigration pathway in the direction of wells S-4, S-5, and S-10. Transmissivity (T) values are nonetheless low.
Jun 95	EH	Wells now sampled annually.
Jan 96	EH	ACDEH assumes management of case under contract with the City of Pleasanton.
Jun 96	SH	Up to 1400 ug/l MtBE detected in well S-5.
Jun 97	Z7	Zone 7 begins chronology.
25 Jun 97	SH	MTBE measured up to 6,800 ppb in groundwater sampled from well S-4.
12 Aug 97	SH	Report received by County Environmental Health.
13 Aug 97	AC	Report submitted to Zone 7 by Scott Seery of County Environmental Health.

**Zone 7
Water Resources Engineering
Toxic Monitoring
Exxon
2991 Hopyard Road
Pleasanton
Site 60 Chronology**

Date	Action Initiator Code	Remarks
Mar 97	E	Exxon replaced piping and upgraded UST system to 1998 standards. No significant contamination detected in exploratory borings and soil samples collected from (former) north dispenser slant area.
23 May 97	E	MTBE up to 1,600 ug/l in groundwater in MW-9.
13 Aug 97	P	Steve Cusenza of the City of Pleasanton is considering whether to request a replacement well at the current location or at a more distant one. A well at a more distant location would be a less likely receptor and less cleanup at the site would appear necessary.
13 Aug 97	Z7	Toxic Priority Meeting discussed Pleasanton City Well. Site is over Main Basin and must be cleaned up according to Kevin Graves of SFRWQCB.
20 Aug 97	E	RAP is modified to reflect concerns of ACDEH.
26 Aug 97	EH	Remedial action plan approved by ACDEH, incorporating soil vapor extraction, air sparging, and "bio venting" in the area around well MW-9 and boring B-17.
29 Sep 97	AC	Received copy of letter of 25 Sep 97 by Scott Seery of County Environmental Health to Exxon at Zone 7: Continue quarterly sampling of wells MW-5d and MW-8.

P:\WRET\toxic\MtBE\hopexn60a.wpd

**ZONE 7
WATER RESOURCES ENGINEERING
TOXIC MONITORING
Desert Petroleum
2008 First Street
Livermore
SITE 62 CHRONOLOGY**

8 Sep 97	Z7	CM discussed with Mr. Kris Johnson of Einarson, Fowler, Watson: 1. Start of work for drilling permit 97445 of Einarson, Fowler, and Watson for six direct push probings up to 50 feet in depth was 8 Sep 97. 2. All permits have been set up at this time and all probings will be completed.
9 Sep 97	Z7	DWL met Mr. Kris Johnson of Einarson, Fowler, Watson at the site: Drilling is progressing normally.
26 Sep 97	EF	Mr. Kris Johnson of Einarson, Fowler, Watson submitted preliminary MtBE data from the site.
29 Sep 97	EF	Mr. Kris Johnson of Einarson, Fowler, Watson submitted preliminary MtBE data from the site: 1. MtBe was detected at up to 470 ug/l in exploratory boring B97-2. 2. Benzene was detected at up to 1.2 ug/l in exploratory boring B97-1.
31 Oct 97	EF	CM discussed with Kris Johnson of Einarson, Fowler Watson: 1. Final report of boring and sampling of 9 Sep 97 is being prepared. Zone 7 should receive report 4 Nov 97. 2. Five exploratory borings were utilized in the recent sampling all 55 feet in depth based on DTW.
10 Nov 97	EF	Received Einarson, Fowler and Watson Report of down gradient investigation B and C Minimart Livermore, California of 7 November 1997: 1. 5 exploratory borings up to 55 feet in depth were completed. 2. Up to 470 ug/l of MtBE were measured in groundwater sampled from boring B97-4. 3. Groundwater samples from borings B97-2 to B97-4 were collected only at 55 in depth due to time constraints imposed by City of Livermore Encroachment permit.

**ZONE 7
WATER RESOURCES ENGINEERING
TOXIC MONITORING
Desert Petroleum
2008 First Street
Livermore
SITE 62 CHRONOLOGY**

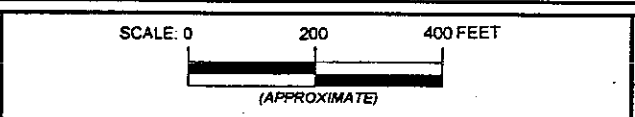
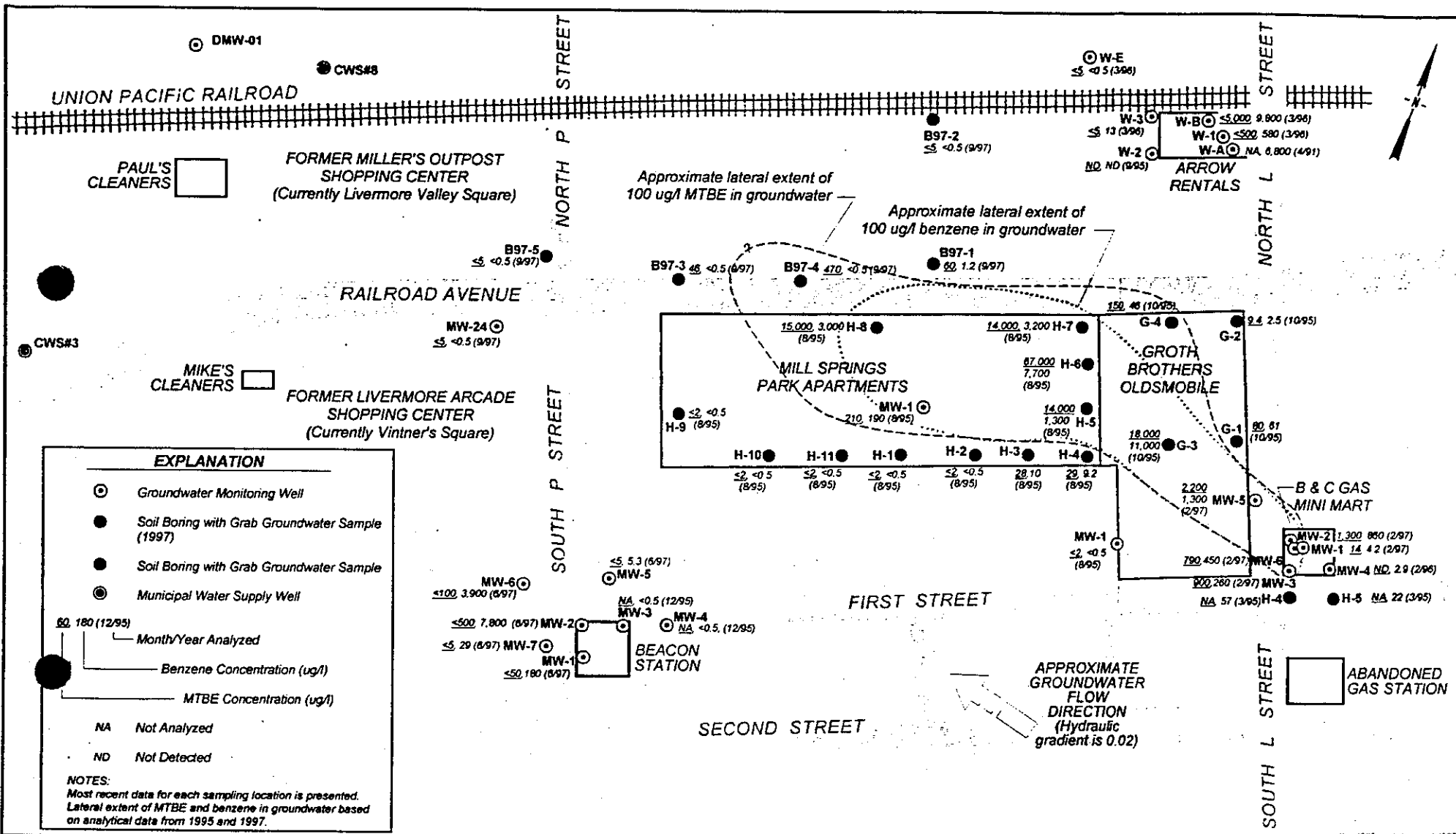
8 Dec 97	EF	Received Einarson, Fowler and Watson letter of December 10, 1997: 1. Five exploratory borings were utilized for the investigation 8,9, 10 September 1997.2. No changes have been made in the report since the last submittal.
15 Dec 97	CH	County Environmental Health letter of 15 December 1997 to Mr. Belagi Angle, B & C Minimart: 1. MTBE plume is not fully delineated. 2. Deep and shallow groundwater monitoring wells can be constructed based on available data. 3. Vertical distribution of the MTBE plume should also be evaluated. 4. A workplan should be submitted in February 1998.
14 Jan 98	SF	SFRWQCB Personnel: 1. Mr. Kevin Graves and Mr. Sum Arigala have left the agency recently. 2. Mr. Derek Lee supervised by Mr. Steven Hill will monitor the Desert Petroleum case.

ZONE 7
WATER RESOURCES ENGINEERING
TOXIC MONITORING
Desert Petroleum
2008 First Street
Livermore
SITE 62 CHRONOLOGY

4 Feb 98

EF

CM discussion with Mr. Kris Johnson of Einarson Fowler and Watson: 1. His firm has not been paid for any of their work. 2. Desert Petroleum had agreed to approve the work and on that basis Mr. Johnson performed that phase of the investigation. 3. The State Tank fund did require that Desert Petroleum be an applicant prior to the field investigation of Sep 97. 4. After the work was completed, Desert Petroleum refused to approve the work. 5. Mr. Belagi Angle, owner of B & C Minimart (again?) Requested to be to sole applicant for funding from the State Tank Fund in December 97. 6. Mr. Johnson prepared a preliminary cost estimate to assist Mr. Angle with his application to fund future work. 7. This recent request in January 1998 is seen as progress toward the next phase of the investigation. 8. The next phase of investigation might include 8 wells approximately 50 feet in depth and 4 wells approximately 100 feet in depth. 9. These wells may determine the vertical distribution of MtBE. 10. The nearby Cal Water Well might be pumped in discreet layers. 11. Remediation may begin in the Mill Springs Apartments area in approximately one year. 10. **Mr. Johnson is not planning to perform any significant additional work on this investigation until his firm is paid for the previous work.**



WATER QUALITY EVALUATION
 B & C GAS MINI MART
 LIVERMORE, CALIFORNIA

MTBE AND BENZENE CONCENTRATIONS IN GROUNDWATER

FIGURE
3

PROJECT NO
 BNC101

6

ENVIRONMENTAL
PROTECTION

98 JAN 23 PM 3:22

Dave Deane,
manager,
Underground Storage Tank Clean
up Fund,
State Water Resources Board
Division of Clean Water Programs,
P.O. Box 944212
Sacramento CA-94244-2120

B.S. Angle, DBA
B+E Gas minimart,
35584 Conover Lane,
Fremont CA-94536
20th Jan 98.

Dear Dave

Priority list claim "c"

Thank you very much for your letter of 24th Dec
97 accepting my claim for priority list "c". I
sincerely appreciate your cooperation and also
that of Ms. Cheryl Gordon who has always had
sympathetic attitude to my dilemma.

I have however not received final approval as
stated in para. two of letter though it is nearly
4 weeks now. As detailed in my first Fedex
letter to your Ms. Gordon, we need to move on this
case pretty fast for fear of M.T.B.E likelihood
of reaching municipal drinking water wells. With
the undue emphasis on M.T.B.E. problem now being
laid by environmentalists, media, T.V. and newspapers
plus also local water regulatory bodies - especially
in the context of "Santa Monica" case - I am afraid
that soon we all - including regulatory agencies
will be on T.V. and media going by the speed

with which U.S.T. Leak Fund is processing my case. Daniel Zingulli of Channel 7 wanted to see me when he came to my station last month but I tactfully declined. The media and Zone 7 is already blaming the Leak Fund for slow speed as evidenced by the newspaper cuttings I sent to Ms. Gordon last time.

During the last 1 1/2 years, I have actively taken lead to undertake clean up projects myself. Despite the fact that I have had pre-approval for two phases from the Fund, I have not yet been paid approximately \$38,000 billed by the Contractors. My Contract provides 18% rate of interest for late payment. In addition, the Contractors have threatened not to do any further work if payments are not made immediately. This will again turn the clock backwards. I do not have money to fund the project myself and that is why I sought pre-approval from the FUND.

I do realize and appreciate that the Fund has to follow legal guidelines but the procrastination appears to go far beyond the intent and goal of Funding. I do not want to overemphasize the urgency and concern. I will appreciate any help you can render in getting concerned Department to approve immediately so that I can get funding and can then proceed with further phases of

clean up as directed by A.C.H.D.

I have left 3 messages to Ms. Gordon last week. She is very prompt in answering. Apparently, she is on vacation. I have also left similar messages to Eva Chu who also seems to be off for some days.

I again request your personal favor in expediting the case.

Thanks again,

Sincerely,

D

- 1) Copy to Cheryl Gordon,
- 2) Copy to Eva Chu - A.C.H.D.

ENVIRONMENTAL
PROTECTION

97 DEC 22 PM 8:46

December 18, 1997

BY OVERNIGHT DELIVERY

Balaji Angle
B&C Gas Minimart
2008 First Street
Livermore, CA 94550

Cheryl Gordon
State Water Resources Control Board
Division of Clean Water Programs
P.O. Box 944212
Sacramento, CA 94244-2120

DELETION OF JOINT CLAIMANT STATUS FROM DESERT PETROLEUM

Thanks for your call yesterday in which you requested that I submit a formal application for deletion of my name from the joint claim of Desert Petroleum at the site at 2008 First Street, Livermore. The reasons are as follows:

This site has been characterized as contaminated since 1988, but no active clean up work was ever done until January 1994 when I acquired the business. At the time, Desert Petroleum was monitoring ground water under the directions of Alameda County and as required under the terms of the purchase agreement. Soon after I took over the station, there was a fault with the TLS 350 monitoring device paid for by me but supplied and installed by Desert Petroleum's contractors, and as a consequence, I submitted a notice of unauthorized release. In September 1995, one of the underground storage tanks supplied by Desert Petroleum failed integrity.

Around August 1996, Desert Petroleum ceased all remediation actions at the site and pulled its contractor, contending that since there had been apparent spills after the purchase, I alone was responsible for cleanup.

Desert Petroleum consistently refused my request for cooperation as well as repeated directives from the Alameda County Environmental Health Division (ACEHD). At the request of ACEHD, the UST Fund, and originally also Desert Petroleum, to expedite reimbursement for cleanup, I agreed to append my name to the already-approved and processed claim of Desert Petroleum for cleanup funds. I was told that if I submitted a separate application, I would encounter substantial delays while my separate application was processed. I was also told that funding was only on a per site basis and not per claimant, so that my separate application would effectively relieve Desert Petroleum from all further responsibilities of complying with ACEHD orders, since one site cannot have two concurrent claimants under different applications.

CB

Since then, I have actively taken steps toward remediation of the site. Nearly 700 tons of contaminated soil have been removed and transported to approved disposal at B.F.I. Further, I also spent approximately \$250,000 to replace all the tanks, pipes and pumps to conform to the new UST requirements by borrowing money from the UST Replacement Program. These two bills aggregating about \$36,000.00 were submitted in April to the UST Fund for payment. I received them back from the UST Fund on August 8, 1997, with an explanation that they had to be resubmitted through Desert Petroleum for review and counter signature. I did so at once. After 5 months, Desert Petroleum has not returned signed applications to me despite my written communications, telephone and also letter from my attorney. I have kept the UST Fund and ACEHD posted on all these developments from time to time.

Geometrix, with approved UST funds, has completed the 1st phase of investigation. Geometrix who has been partly paid out of my own funds, charges 18% on outstanding invoices and has also declined to do any further work.

Based on pre-approval of another bid by the UST Fund, and pursuant to ACEHD's directions, the second phase of work has been performed by Einarson, Fowler & Watson. (See ACEHD letter of Dec. 15 to me with a copy to you.) I continued to hold their invoice of \$29,000.00, which I cannot pay until my status as an individual claimant is approved as Eva Chu and I have requested for two months.

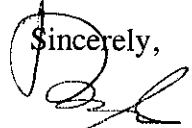
This site has received substantial, pervasive and adverse publicity for fear of the MTBE plume reaching Livermore municipal water supplies. This was underscored by Mr. Kevin Graves of St. Water Resources Board in a meeting of December 10. As an example, I enclose a front page article on the MTBE problem at the site. I should mention, in attaching this article, that I have never addressed any journalist that any public official has "dragged their feet" with respect to cleanup. This is evident from the reporter's own statement that he never spoke to me, and I declined to answer his calls.

My sincere desire to accomplish the clean up work has been actively hampered by the non-cooperation of Desert Petroleum. They have deserted their responsibility and also made misrepresentations and a breach of contract. I have lost heavily financially and continue to do so as a result of this. My attorneys are studying options available to me for Desert Petroleum's breach, and in the interim directed that I cease payments due under the note for which Desert Petroleum hold deed of trust as security. My termination of payments in late 1996 followed Desert Petroleum's abandonment of site monitoring and notification to me that they would do no further work despite their agreement. The cessation of payments also involves a complex set of issues with Desert Petroleum regarding other provisions of the purchase agreement.

With this explanation, I respectfully request that I be approved as an individual entity and my name be removed as joint claimant with Desert Petroleum, without prejudice to Desert Petroleum's ultimate responsibility to the State or Alameda County for cleanup liability as a responsible party, or to me under its purchase agreement.

Time is of the essence and I request your expeditious attention and approval.

Sincerely,



Balaji Angle

cc: Eva Chu/ACEHD

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

StID 1689

December 15, 1997

Mr. Balagi Angle
B & C Gas Mini Mart
35584 Conovan Lane
Fremont, CA 94536

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

RE: December 10, 1997 Meeting Concerning 2008 1st Street,
Livermore, CA


Dear Mr. Angle:

On December 10, 1997 you met with representatives from the RWQCB, Einarson, Fowler & Watson (EFW), and this Agency to discuss the results and recommendations resulting from the recent subsurface investigation performed by EFW and detailed in their November 7, 1997 Report of Downgradient Investigation for the above referenced site. The purpose of this phase of the investigation was to further evaluate the extent of the MTBE/Benzene plume and its potential for future migration and impact to nearby municipal water supply wells.

As we discussed, it appears that the recent investigation may not have fully delineated the MTBE plume nor its core. However, the data appear sufficient to assist in identifying locations for permanent shallow and deep groundwater monitoring wells to better characterize the plume. In order to protect the municipal water supply, it was agreed that the vertical distribution of MTBE in both the upper and (possibly) the lower aquifers should also be evaluated.

Using data collected to date, possible locations for permanent, shallow and deep (nested or clustered) groundwater monitoring wells were proposed at the meeting. Pending your reimbursement from the UST Cleanup Fund, it is anticipated that a workplan, as discussed above, would be prepared and submitted some time in February 1998.

If you have any questions regarding the content of this letter or this case, I can be reached at (510) 567-6762.


eva chu
Hazardous Materials Specialist

Mr. Balagi Angle
re: Dec 10th Meeting
December 15, 1997
Page 2 of 2

c: Kris Johnson, EFW, 2560 E Bayshore Rd, Palo Alto, CA 94303
Kevin Graves, RWQCB
David Lunn, Zone 7 (QIC Code 80201)
Tom Fitzgerald, CWS, 195 South N Street, Livermore, CA 94550
John Rutherford, DP Inc, P.O. Box 1601, Oxnard, CA 93032
Cheryl Gordon, SWRCB-UST Cleanup Fund
Danielle Stefani, Livermore-Pleasanton Fire Department

COPY TO: - EVA CHU
ACEHD WITH A REQUEST
TO COMPEL COOPERATION
ON PART OF D.P.

Page 1 of 2

BLESSY TORRES,
PAYMENT ANALYST.
U.S.T. LEAK FUND,
SACRAMENTO.

DAR MS. TORRES,

B.S. ANGLE, D.A.
BAL GASMINI MART,
2008, FIRST STREET,
LIVERMORE, CA-94550
Tel: - 510-654-2461
(1:56 PM)
FAX: - 510-654-0279
Dated: NOV. 7, 1997

U.S.T. LEAK CLEAN UP FUND.

CLAIM # 3272 - 2008 F. ST.
LIVERMORE

AS DIRECTED BY YOUR LETTER OF AUG. 6, 1997, I
HAD SENT THE WHOLE SET OF PAPERS, INCLUDING
SPREAD SHEET PREPARED BY ME - TO THE BEST OF
MY ABILITY, - TO JOHN RUTHERFORD OF D.P. BY CERTIFIED
MAIL ON AUG. 10. HE ONLY HAD TO RETURN
IT BACK TO ME WITH (a) HIS SIGNATURE AS
JOINT CLAIMANT (L) BY INDICATING IN THE
SPREAD SHEET - THE CUMULATIVE AMOUNT
REIMBURSED TO THEM SO FAR BY YOUR FUND AS
I DO NOT HAVE THIS FIGURE - THIS BEING THE
FIRST TIME I AM PREPARING AN APPLICATION FOR
REIMBURSEMENT AS REQUIRED BY THE FUND.

2) DESPITE MY WRITTEN REMINDER AND A COUPLE
OF TELEPHONE CALLS, AND A LETTER BY MY
ATTORNEYS, D.P. HAVE NOT YET RETURNED THE
PAPERS BACK TO ME NOR DO THEY ADVISE REASONS
THEREFOR. MY EXPERIENCE IN ALL THESE YEARS
HAS BEEN THAT THEY BELIEVE IN PROCRASTINATION

AND NON-COOPERATION. AS A CONSEQUENCE OF THIS I AM THE ONE WHO SUFFERS. GEOMETRIX WHO DID THE 1ST PLAN OF INVESTIGATION FOR WHICH THE FUND HAD PRE-APPROVED THE COSTS HAVE BEEN PRESSING FOR THEIR MONEY SINCE JUNE. THEY HAVE NOW THREATENED TO FILE LAWSUIT FOR THEIR MONEY, PLUS INTEREST @ 15% P.A. PLUS LEGAL COSTS.

IN THE CIRCUMSTANCES, I EARNESTLY REQUEST YOU TO PLEASE SEND ME THE CHECK FOR REIMBURSEMENT ON THE BASIS OF PAPERS ALREADY SUBMITTED TO YOU. AS I DO NOT EXPECT D.P. TO COOPERATE.

EINARSON, FOWLER & WATSON, ENVIRONMENTAL CONTRACTORS WHO HAVE COMPLETED THEIR INVESTIGATION OF SECOND PHASE WILL MAIL ME THEIR INVOICE FOR APPROX. \$28,000.00 TODAY WHICH I WILL FORWARD TO YOU FOR PAYMENT WITHOUT D.P.'S SIGNATURE IN VIEW OF WHAT IS STATED ABOVE. D.P. HAS BEEN PLACING ALL STUMBLING BLOCKS IN MY SINCERE DESIRE TO SPEED UP THE PROCESS OF CLEANUP. ACEHD KNOWS OF THIS.

I DO NOT HAVE RESOURCES OF MY OWN. AS SUCH, HAVE TO RELY ON SPEEDY REIMBURSEMENT BY CLEANUP FUND. ANY DELAY ON FUND'S PART IN FUNDING DUE TO RIGOROUS INTERPRETATION OF RULES AND REQUIREMENTS WILL BE DETRIMENTAL TO STATED GOAL OF SPEEDY CLEANUP OF ENVIRONMENT. I SEEK AND IMPLORE YOUR COOPERATION. *D.P.*

ENVIRONMENTAL
PROTECTION
97 NOV 13 PM 4:40

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 8/12/97
 Number of pages including cover sheet: 1

To: EVA CHU
HAZ-MAT SPECIALIST
A.C.H.D. ALAMEDA
CA
 Phone: 567-6762
 Fax phone: 337-9335
 CC:

From: B. Angle.
 Ref: - B & C GASMINI
MART
 Phone: 510-654-3461
 Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

FURTHER TO MY PREVIOUS COMMUNICATION IN THE MATTER YOU WILL OBSERVE FROM LEAK FUND LETTER TO ME WITH C.C. TO YOU THAT THEY HAVE APPROVED. EINARSON FOWLER & WATSON BID FOR THE INVESTIGATION PHASE. I HAVE ACCORDINGLY SIGNED CONTRACT WITH THE FIRM ON 8/8 AND REQUESTED THEM TO EXPEDITE THE WORK. THEY HAVE ALREADY STARTED APPLYING FOR NECY. PERMITS. MR KRIS JOHNSON WHO IS IN CHARGE OF THE PROJECT HAS INFORMED ME THAT HE HAS LEFT A MESSAGE ON YOUR VOICE MAIL.

— Tham ANGLE



Cal/EPA

August 4, 1997



Pete Wilson
Governor

**State Water
Resources
Control Board**

Division of
Clean Water
Programs

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4516
FAX (916) 227-4530

World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

Mr. Balaji Angle
B & C Gas Mini Mart
2008 First Street
Livermore, CA 94550

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 3272,
SITE ADDRESS: 2008 1ST ST, LIVERMORE, CA 94550**

I have reviewed your request, received on July 22, 1997, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective actions costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the April 11, 1997, Geomatrix workplan approved by the Alameda County EHD (County) in their April 23, 1997 letter, is \$27,604; see the table below for a breakdown of costs. (The total amount approved for reimbursement through Request No. 1 for work at your site that has been directed and approved by the County is \$79,066.)

Based on your letter, dated July 18, 1997, you requested bids from five different consultant/contractors for performing the revised Geomatrix workplan. Only one of the five, Einarson, Fowler & Watson (EFW), provided a bid for the proposed scope of work. It appears that EFW's bid conforms with the Fund's guidelines. Thank you for making a conscientious effort to obtain multiple costs estimates, and as you can see, a significant cost savings is apparent.

Be aware that this pre-approval does not constitute a decision on reimbursement: all reasonable and necessary corrective action costs for work directed and approved by the County will be eligible for reimbursement per the terms of your Letter of Commitment at costs consistent with those pre-approved in this letter.

***All future costs for corrective action must be approved in writing by Fund staff.
Future costs for corrective action must meet the requirements of
Article 11, Chapter 16, Underground Storage Tank Regulations.***

- The actual costs and scope of work performed must be consistent with the pre-approval for it to remain valid.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs for the new scope of work.
- Although I have referred to the Einarson, Fowler & Watson (EFW) cost estimate in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the EFW proposal, dated July 14, 1997, for conducting the work approved by the County for implementing the April 11, 1997 workplan.



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Mr. Balaji Angle

COST PRE-APPROVAL BREAKDOWN

Task	Amount Pre-Approved	Comments
Task 1 - Downgradient Shallow Groundwater Investigation	\$16,908	If DPT is not feasible, then reasonable costs can be adjusted.
Tasks 2, 4 and 6 - Data Collection	\$1,120	Costs pre-approved for obtaining data only. Evaluation of data incorporated into Task 9.
Task 5 and 8 - Intrinsic Bioremediation Parameters and Petroleum Hydrocarbon Characterization	\$3,956	Tasks should be incorporated into quarterly monitoring event
Task 9 - Data Evaluation and Phase I Report	\$5,620	Task includes evaluation of all data and report preparation.
TOTAL PRE-APPROVED	\$27,604	

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *To make this easier, insure that your consultant prepares his invoices to match the format of the original estimate, and provides reasonable explanations for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- subcontractor invoices,
- technical reports, when available, and
- applicable correspondence from the County.

Please call if you have any questions; I can be reached at (916) 227-4516 or call Steve Marquez at (916) 227-0746.

Sincerely,

ORIGINAL SIGNED BY

Michael H. Mosbacher, Chief
Underground Storage Tank Cleanup Fund Program

Enclosure

cc: Ms. Eva Chu
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

97 AUG -7 PM 4:1
ENVIRONMENTAL
PROTECTION

Mr. Balaji Angle

Mr. John Rutherford
Desert Petroleum, Inc.
P O Box 1601
Oxnard, CA 93032

Mr. Greg Mayfield
Zone 7 Alameda County Flood Control
5997 Parkside Dr.
Pleasanton, CA 94588

ENVIRONMENTAL **OVERNIGHT EXPRESS**
PROTECTION

97 JUL 22 PM 3: 53

B.S. Angle
B&C Gas MiniMart
2008 First Street
Livermore, CA. 94550

7/18/97

Michael H. Mosbacher
Manager
Technical Unit
U.S.T. Clean Up Fund
State Water Resources Board
P.O. Box 944212
Sacramento, CA. 94244-2120

**Re: Pre-approval of Corrective Action Costs Claim #3272 , Site
Address: 2008 First Street, Livermore, CA. 94550**

Dear Mr. Mosbacher:

I refer to our telephone conversation on July 7th in response to my fax to you of the same date and appreciate your views and direction in the matter.

As directed, I immediately approached 4 other contractors for multiple bids as per the enclosure. None of them showed interest in bidding. In fact, Levine, Frick, Recon and Harding Lawson Associates even declined to entertain my requests for bids. Accordingly, on the recommendation of Levine, Frick and Recon, I approached Einarson, Fowler and Watson (EFW). They seem to be quite professional and willing to work. They mentioned that they are familiar with the procedures and requirements of the Leak Fund. They submitted to me a bid which is enclosed herewith.

The bid cost of \$27,604.00 appears to be considerably less when compared to that of Geometrix even with possible downward revision by Geometrix due to elimination of certain tasks in items of your letter of June 19, 1997. It appears that EFW has included all the minimum tasks required by you after your discussions with

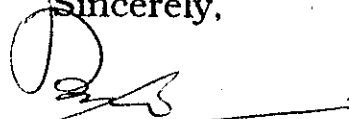
W

* the county. Since this meets with your and the county's immediate requirements, I recommend the bid for your approval.

With regards to paragraph 4 of your letter of June 19th, 1997, I do not know how to proceed in the matter in the absence of any relevant and reliable recent latest data as to the possibility and existence of plume and its likely migration. I thought the completion of the investigative phase under discussion may reveal some data and direction in the matter. All the same, I request your guidance as to the course of action and also help in procuring contractors approved and acceptable to the Fund and the county.

In view of the urgency mentioned in my various prior discussions and communications, I earnestly request your urgent approval for the pre-approval of corrective action costs.

Sincerely,

A handwritten signature in cursive script, appearing to read 'B.S. Angle', written over a horizontal line.

B.S. Angle

cc: Eva Chu, Alameda County EHD, 1131 Harbor Bay Parkway,
2nd Floor, Alameda, CA. 94502-6577 along with copies of the bid
and enclosure referred to in the letter.

July 14, 1997
 Proposal No. 97-148

Mr. Balaji S. Angle
 Angle's AM-PM Mini Mart
 5131 Shattuck Avenue
 Oakland, CA 94609

We are enclosing:

Copies	Description
<u> 1 </u>	<u>Cost Estimate for Phase I Investigation at the B&C Gas Mini Mart, Livermore</u>
<u> 1 </u>	<u>Work Authorization</u>
<u> 1 </u>	<u>General Terms and Conditions</u>
<u> 1 </u>	<u>Schedule of Charges</u>

For your:	<u> </u> Use	Sent by:	<u> X </u> Regular Mail
	<u> X </u> Approval		<u> </u> Overnight Carrier
	<u> </u> Review		<u> </u> Courier

Comments: The cost estimate is based on the Geomatrix Work Plan dated April 1997, with modifications based on the Underground Storage Tank Cleanup Fund letter dated June 19, 1997. The following lists the original tasks and our understanding of the revised scope of work. Task 1 - Conduct Downgradient Shallow Groundwater Investigation - remains unchanged, except borings are assumed to be performed using Direct Push technology, as per Fund letter. Task 2 - Sample Municipal Wells and Obtain Records - Not in scope, except for obtaining well records. Task 3 - Perform Specific Capacity Tests - Not in scope. Task 4 - Obtain and Review Records from Livermore Arcade Shopping Center - obtaining records included. Review of data in report Task 9. Task 5 - Obtain Data to Evaluate Potential Biodegradation - included, with assumption that work will be incorporated in quarterly monitoring event. Task 6 - Obtain and Review Records from Groth Property - obtaining records included. Review of data in report Task 9. Task 7 - Conduct Shallow Groundwater Investigation Near Abandoned Gas Station - Not in scope. Task 8 - Characterize Petroleum Hydrocarbons - included, with assumption that work will be incorporated in quarterly monitoring event. Task 9 - Prepare Phase I Investigation Report - included, with addition of reviewing data obtained in Tasks 1, 2, 4, and 6. Task 10 - Meet with ACHCSA - Not in scope. The cost estimate follows the task list included in the Fund letter, combining Tasks 2, 4, and 6 and Tasks 5 and 8. If you have any questions, please call (415) 843-3828

Kris H. Johnson
 Senior Engineering Geologist



**EINARSON, FOWLER & WATSON
COST ESTIMATE**

CLIENT: Mr. Balaji Angle
PROJECT: B&C Gas Mini Mart, Livermore, Phase I Luft Investigation

DATE: July 14, 1997
PROPOSAL NO. 97-148

ITEM DESCRIPTION	UNIT	UNIT COST	QUANTITY	COST	SUB-TOTAL	TASK TOTAL
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SUMMARY:						
TASK 1 - Conduct Downgradient Groundwater Shallow Investigation						\$16,908
TASKS 2, 4, and 6 - Data Collection						\$1,120
TASKS 5 & 8 - Obtain Biodegradation Data & Characterize Petroleum Hydrocarbons						\$3,956
TASK 9 - Prepare Phase I Investigation Report						\$5,620
TOTAL						\$27,604

TASK 1 - Conduct Downgradient Groundwater Shallow Investigation

SCOPE: Drill 6 borings, grab groundwater samples, H&S plan, permits, encroachment permits, USA, utility clearance

EFW Professional Services

Administrative Support	hour	\$35	2	\$70		
Technician	hour	\$50	16	\$800		
Geologist	hour	\$65	48	\$3,120		
Sr. Geologist	hour	\$90	12	\$1,080		
Principal	hour	\$105	1	\$105	\$5,175	

Chargeable Equipment

Field Vehicle	day	\$50	4	\$200		
Mileage	mi	\$0.43	280	\$120		
Organic Vapor Analyzer (FID)	day	\$100	3	\$300		
Water Level Indicator	day	\$20	3	\$60	\$680	

Indirect Charges

Utility Locator	hour	\$100	4	\$400		
Encroachment Permit	lot	\$281	1	\$281		
Traffic control	day	\$350	3	\$1,050		
Drilling Subcontractor	day	\$2,200	3	\$6,600		
Soil/water disposal	lot	\$500	1	\$500		
<i>Laboratory Analytical Charges:</i>						
TPHg/BTEX/MTBE	each	\$55	6	\$330		
EDB/DCA (8240/8260)	each	\$150	3	\$450		
<i>Administrative Fee (15% of Indirect)</i>				\$1,442	\$11,053	

TASK TOTAL \$16,908

TASKS 2, 4, and 6 - Data Collection

SCOPE: Task 2 - Obtain municipal well records, Task 4 - Obtain records from Livermore Arcade Shopping Center

Task 6 - Obtain records from Groth Property

EFW Professional Services

Admin. Support	hour	\$35	1	\$35		
Geologist	hour	\$65	8	\$520		
Sr. Geologist	hour	\$90	4	\$360		
Principal	hour	\$105	1	\$105	\$1,020	

Consumable Materials

Copy charges	lot	\$100	1	\$100	\$100	
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TASK TOTAL \$1,120

**EINARSON, FOWLER & WATSON
COST ESTIMATE**

CLIENT: Mr. Balaji Angle
PROJECT: B&C Gas Mini Mart, Livermore, Phase I Luft Investigation

DATE: July 14, 1997
PROPOSAL NO. 97-148

ITEM DESCRIPTION	UNIT	UNIT COST	QUANTITY	COST	SUB-TOTAL	TASK TOTAL
------------------	------	-----------	----------	------	-----------	------------

TASKS 5 & 8 - Obtain Biodegradation Data & Characterize Petroleum Hydrocarbons

SCOPE: Task 5 - Analyze groundwater samples from 3 downgradient borings and 3 site wells for biodegradation parameters
Task 8 - Analyze product samples from one off site and one site well for hydrocarbon fingerprinting, and analyze one site sample for additives (EDB, DCA)

Assumes purge water disposal will be handled with regular quarterly monitoring

EFW Professional Services

Technician	hour	\$50	20	\$1,000		
Geologist	hour	\$65	2	\$130		
Sr. Geologist	hour	\$90	4	\$360	\$1,490	
<i>Chargeable Equipment</i>						
Field Vehicle	day	\$50	1	\$50		
Mileage	mi	\$0.43	70	\$30		
Sampling Equipment	day	\$100	1	\$100		
Water Level Indicator	day	\$20	1	\$20	\$200	
<i>Indirect Charges</i>						
Laboratory Analytical Charges:						
Nitrate, sulfate, Mn ²⁺ , Fe ²⁺ , CO ₂	each	\$100	6	\$600		
EDB/DCA (8240/8260)	each	\$150	1	\$150		
GC, Ethers, Organic Pb species	each	\$610	2	\$1,220		
<i>Administrative Fee (15% of Indirect)</i>				\$296	\$2,266	

TASK TOTAL \$3,956

TASK 9 - Prepare Phase I Investigation Report

SCOPE: Evaluate data collected and prepare report with recommendations for Phase II.

EFW Professional Services

Admin. Support	hour	\$30	2	\$60		
Drafter	hour	\$45	16	\$720		
Geologist	hour	\$65	40	\$2,600		
Sr. Geologist	hour	\$90	16	\$1,440		
<i>Principal</i>	hour	\$105	4	\$420	\$5,240	
<i>Consumable Materials</i>						
Computer	hour	\$20	16	\$320		
Report materials	lot	\$15	4	\$60	\$380	

TASK TOTAL \$5,620

PROJECT TOTAL \$27,604

original faxed on 7/8/97

FAX

Date: 7/7/97
 Number of pages including cover sheet: 4

To:
EVA CHU
A.C.H.C.S.
1131 HARBOR PKWAY.
SUITE 250
ALAMEDA CA 94502-6577
 Phone: 510-567-6700
 Fax phone: 510-337-9335
 CC:

From:
B. Angle.
Ble Gas MINIMART
2008 F. ST. LIVERMORE
 Phone: 510-654-3461
 Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

REFERENCE my FAX OF 6-9-97 AND LEAK FUND APPROVAL LETTER OF 19TH JUNE, I FAX MY RESPONSE TO LEAK FUND REQUESTING RECONSIDERATION OF THE REQUIREMENT OF ADDITIONAL BIDS.

I ERNESTLY REQUEST YOU - AS THE ONE DIRECTING THE CLEAN UP PROCESS - TO PLEASE USE YOUR GOOD OFFICES IN GETTING THE COST FOR INVESTIGATIVE PHASE APPROVED WITHOUT ADDITIONAL BIDS. I DO NOT WANT ANYONE TO BLAME YOU AND ME FOR DELAY SHOULD BY ANY CHANCE - GOD FORBID -

PLUME, IF ANY MIGRATES FASTER.

I have a job for your help.
 B. Angle

Balaji S. Angle
B&C Gas Mini-Mart
2008 First Street
Livermore, CA. 94550
Phone: (510) 654-3461
Fax: (510) 654-0279

July 7th, 1997

Michael H. Mosbacher
Manager
Technical Unit, U.S.T. Clean up Fund
State Water Resources Control Board
Division of Clean Water Programs
P O Box 944212
Sacramento, CA. 94244-2120

Re: Preapproval of Corrective Action Costs - Claim # 003272, Site: 2008 First Street, Livermore, CA. 94550

Dear Mr. Mosbacher:

I just received your letter of June 19th, 1997 on my return back from out of the country where I had been on family emergency as stated in my fax of June 9th to Mr. Steve Marquez, and I thank you and Mr. Marquez for the approval contained in the letter.

I have had long discussions with Geomatrix in the matter of the costs as approved by you. They are of the opinion that the costs approved for the phases mentioned in your letter, even as modified, are way below, and as such, they are not able to conduct the work. In view of the facts mentioned below, I earnestly request your help in reconsidering the approved costs - if necessary, after further discussing with Geomatrix and Eva Chu of Alameda County so that at least the investigative stage is accomplished. I assure you, in making this request, I am fully aware of and appreciative of the fact as to why the Leak Fund expects parties to get the bids as a matter of rule except in deserving cases where your discretion comes into play.

When I took the lead about 8 months ago in the clean up process - for the reasons known to Eva Chu and the Fund - I had obtained 5 names of contractors from Eva to accomplish the bid process. Out of these 5, three declined to even bid while the fourth one did not want to bid unless I made payment from my own source, without relying on pre-approval and funding from the Leak Fund. The selection of Geomatrix itself took 6 weeks as I did not want to engage in fly by night contractors to the detriment of all of the parties involved including the Leak Fund. In this connection, please refer to sub para 3 of para 2 of my letter of January 31, 1997 to Mr. Patrick Wheeler. Geomatrix was recommended to me by a number of professionals, including those



mentioned in my said letter and Alameda County liked their work in terms of cost effectiveness and quality. I believe, in the long run, we will save considerable cost with the approach of Geomatrix. If need be, I earnestly request you to please call the parties mentioned in my letter and confirm about the professionalism and cost effectiveness of going with Geomatrix.

As you know, any contractor who has to bid on the project has to do a lot of spade work and investigative background work before he can quote the cost for the bid. The tendency, as I have observed, in such a case, is to shy away even from bidding if he is not reasonably sure that eventually he can recoup the cost of such efforts and time by being successfully approved by the customer/Leak Fund. That is exactly what happened to me when I approached the four contractors recommended to me by the county.

Also, in the case under reference, there is no cohesive, reliable set of information on which a contractor can base his approach, hence the cost. The information available is scanty and not very reliable, thrown out by a couple of contractors who work with different goals and approaches. For the first time, Geomatrix has gathered some information by spending a lot of time and effort. This information will be quite helpful in the first phase (investigative stage), which when completed will perhaps prove that the clean up project is not as bad as it is made out to be, and if that be the case, we may be able to accomplish the goal of clean up relatively expeditiously and also economically. The results that will be disclosed by the investigative phase will be very helpful and determinative as to what course of action may be necessary in the matter.

As you know, I have taken serious and expeditious steps to rectify the situation with the utmost speed within my power. With this end, I have replaced all the new tanks, dispensers and pipes with considerable expenditure by availing loan from the government. Hopefully, this has stopped any further leak. When the other responsible party did not heed the county's numerous directives, I took the lead to clean up the site with cooperation from the county and the Leak Fund. Since then, I have spent considerable time in dealing with the county, the Leak Fund and also the contractors. The investigative stage will disclose whether there is free product still at the site and whether it needs to be removed so as to abate the threat to the downgradient municipal wells. And all this can be accomplished within a period of six weeks from the date of your approval, thereby avoiding overlapping double work and expenses. Therefore, in the grand scheme of things, expeditious completion of the investigative phase is most critical and important. This work will disclose what the disease is and what curative action is needed. In its absence, we will be groping in the dark and doing things by error and correction, incoherently, uneconomically, and inexpeditiously.

I have, in my prior correspondence, referred to the anxiety of Regional Water Zone 7, the media, the public, and the county in cleaning up the project expeditiously because of suspected migration of MTBE plume with the likelihood of impacting the municipal drinking wells, and the consequent strain and stress on me. I, therefore, beg you to use your discretion in approving the work and the cost to the extent it relates to the investigative phase. This will also disclose whether there is still free product which needs to be removed and if so, by what method. Once the investigative phase is done, for which time is of the essence, if any further work is needed for which you require me to obtain three bids, I shall most happily do so as directed in para 10, page 2 of your letter under

reply.

I am sure you will please appreciate the spirit with which I am making this request of waiver and favor me with your expeditious approval.

Many thanks in anticipation.

Sincerely,



B.S. Angle

CC: Iva Chu ✓

RECEIVED FROM
BIRMINGHAM
MAY 21 1961



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

5997 PARKSIDE DRIVE

PLEASANTON, CALIFORNIA 94588-5127

PHONE (510) 484-2600 FAX (510) 462-3914

25 June 1997

RECEIVED

JUN 30 1997

Director of Environmental Health

ST:01689

Mr. Dave Deaner
State of California
Underground Tanks Clean-Up Fund
P.O. Box 94412
Sacramento, CA 94244-2102

Subject: Gasoline Spill, B and C Minimart, 2008 First Street,
Livermore

Dear Mr. Deaner:

We recently discussed with Mr. Steve Marquez of your office your agency's review of the proposed funding for the investigation and remediation of this gasoline spill in Livermore. The spill has resulted in a plume of contaminated groundwater which contains methyl tert butyl ether (MtBE) with benzene which may without remediation extend to California Water Service Well No. 8 (3S/2E 8P1) which is utilized for public water supply.

We understand from our discussion with Mr. Marquez that you have the authority to approve project funding in these cases. Accordingly we ask that you review the details of this particular case and can then agree to expedite funding to start clean-up work. This plume which is located directly over a major domestic water recharge zone for the Livermore Groundwater basin. It is also the largest MtBE and benzene plume in Alameda County.

The plume, according to analysis of the data of August 1995, extended at that time more than 1,200 feet within the upper aquifer that recharges the lower aquifer supplying the water service well. This lower aquifer is one of the two aquifers utilized for public water supply in our county.

Mr. Marquez's concern is that Geomatrix, currently representing the responsible party, is charging higher fees when compared to those charged by others in similar projects. Our past experience with this firm indicates when working under our drilling permits they are very reputable and competent.

Geomatrix also has worked on the investigation of the Santa Monica MtBE contamination problem for Chevron and Shell Oil. According to our discussion with the Mr. David Bacharowski of the Los Angeles Regional Water Quality Control board, Geomatrix has been able to satisfy the various stakeholders and move the plume investigation forward. The Santa Monica investigation is located

Mr. Dave Deaner

Page 2

in a complex geological environment.

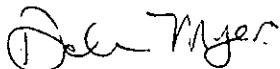
We believe the \$17,000 (34%) incremental cost of having Geomatrix perform the proposed investigation over the reduced cost a prospective low bidder may offer is justified in order to have the work properly completed possibly two or more months earlier. This timely solution will help ensure that our local groundwater quality is not compromised.

The data in the Geomatrix workplan of April 1997 indicates that MtBE may now be present in the upper aquifer at the water supply well. The leaky aquitard between the upper and lower aquifers may slow the downward flow of MtBE but our concern is that if there is further delay in addressing this problem, water containing the MtBE may be pumped from the well.

Please advise us of any steps we may take to facilitate your review and approval of funding this investigation. We would appreciate receiving copies of all documents regarding this matter.

If you have any questions regarding Zone 7's concern in this matter, please contact me at extension 250 or Craig Mayfield at extension 240. Thank you for your time.

Very truly yours,



Dale Myers
General Manager

DM:CM

cc: Bill Lockyer, Senate
Richard K. Rainey, Senate
Lynne C. Leach, Assembly
David Lunn, Zone 7
Vince Wong, Zone 7
Mee Ling Tung, Environmental Health



Ca/EPA

June 19, 1997



Pete Wilson
Governor

State Water
Resources
Control Board

Mr. Balaji Angle
B & C Gas Mini Mart
2008 First Street
Livermore, CA 94550

Division of
Clean Water
Programs

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4516
FAX (916) 227-4530

World Wide Web
<http://www.swrcb.ca.gov/~cwplhome/fundhome.htm>

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, CLAIM NO. 3272,
SITE ADDRESS: 2008 1ST ST, LIVERMORE, CA 94550**

I have reviewed your request, received on May 12, 1997, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective actions costs.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the April 11, 1997, Geomatrix workplan approved by the Alameda County EHD (County) in their April 23, 1997 letter, is **\$32,450**; see the table below for a breakdown of costs. The total amount approved for reimbursement through Request No. 1 for work at your site that has been directed and approved by the County is **\$79,066**.

The costs presented and discussed between the Underground Storage Tank Cleanup Fund (Fund), the County, and Geomatrix appear high for this scope of work. Therefore, in the absence of three bids we have adjusted the proposed costs to be reflective of those for similar sites. If the preapproved costs are not acceptable to Geomatrix, then please obtain multiple, comparable and competitive bids and submit them to the Fund for pre-approval of costs. A considerable amount of time could have been saved if the direction to obtain bids, provided in the Fund's pre-approval of costs letters, dated February 21, 1997 and March 12, 1997, had been complied with after County approval. *In addition, Tasks 2, 3, 7 and 10 of the June 10, 1997 Geomatrix proposal were discussed with Alameda County, and those costs have not been pre-approved.*

It appears that free product has existed on-site for three years and some form of interim remedial action may be necessary. If the county directs the claimant to perform interim measures while the corrective action plan is being developed, the Fund is willing to pre-approve reasonable costs associated with the removal of the free product as an interim measure. Also, responsible parties involved in this claim are encouraged to work in conjunction with each other to utilize resources, ensure a timely cleanup and abate the threat to the downgradient municipal wells.

Be aware that this pre-approval does not constitute a decision on reimbursement: all reasonable and necessary corrective action costs for work directed and approved by the County will be eligible for reimbursement per the terms of your Letter of Commitment at costs consistent with those pre-approved in this letter.

***All future costs for corrective action must be approved in writing by Fund staff.
Future costs for corrective action must meet the requirements of
Article 11, Chapter 16, Underground Storage Tank Regulations.***



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

COST PRE-APPROVAL BREAKDOWN

Task	Amount Pre-Approved	Comments
Task 1 - Downgradient Shallow Groundwater Investigation	\$18,500	Assumed direct push technology (DPT) for six points and three days of field work with traffic control. If DPT is not feasible, then reasonable costs can be adjusted.
Tasks 2, 4 and 6 - Data Collection	\$1,250	Costs pre-approved for obtaining data only. Evaluation of data incorporated into Task 9.
Task 5 and 8 - Intrinsic Bioremediation Parameters and Petroleum Hydrocarbon Characterization	\$4,850	Tasks should be incorporated into quarterly monitoring event
Task 9 - Data Evaluation and Phase 1 Report	\$7,850	Task includes evaluation of all data and report preparation.
TOTAL PRE-APPROVED	\$ 32,450	

- The actual costs and scope of work performed must be consistent with the pre-approval for it to remain valid.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- If a different scope of work becomes necessary, then you must request pre-approval of costs for the new scope of work.
- Although I have referred to the proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented in the proposal for conducting the work approved by the County for implementing the April 11, 1997, Geomatrix workplan.

I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary corrective action work. The legislation governing the Fund requires that the Fund assist you in procuring contractor and consultant services for corrective action. If you need assistance in contracting for corrective action services, don't hesitate to call me.

Please remember that it is still necessary to submit the actual costs of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *To make this easier, insure that your consultant prepares his invoices to match the format of the original estimate, and provides reasonable explanations for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*



Mr. Balaji Angle

3

- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at (916) 227-4516 or Steve Marquez at (916) 227-0746.

Sincerely,

Michael H. Mosbacher, Manager
Technical Unit, Underground Storage Tank Cleanup Fund

Enclosure

97 JUN 23 PM 4:10

cc: Ms. Eva Chu
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

PROTECTION
ENVIRONMENTAL

Mr. John Rutherford
Desert Petroleum, Inc.
P O Box 1601
Oxnard, CA 93032

Mr. Greg Mayfield
Zone 7 Alameda County Flood Control
5997 Parkside Dr.
Pleasanton, CA 94588

Mr. Gary Foote
Geomatrix
100 Pine Street, 10th Floor
San Francisco, CA 94111



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

**EINARSON, FOWLER & WATSON
WORK AUTHORIZATION**

Date: 7/14/97	EFW Proposal No.
Client: Mr. Balaji Angle	Project Description: UST Phase I Investigation
Client Contact:	EFW Project Manager: KHJ
Project Name/Location: B & C Gas Mini Mart Livermore	Proposal No. 97-148

SCOPE OF WORK

TASK 1 - Conduct Downgradient Groundwater Shallow Investigation	\$16,908
TASKS 2, 4, and 6 - Data Collection	\$1,120
TASKS 5 & 8 - Obtain Biodegradation Data & Characterize Petroleum Hydrocarbons	\$3,956
TASK 9 - Prepare Phase I Investigation Report	<u>\$5,620</u>
TOTAL	\$27,604

BUDGET INFORMATION

Task	Description	Original Budget	Rev. 1	Rev. 2	Rev. 3	Revised Budget
1	Downgradient Inv.	\$16,908				\$0
2, 4, & 6	Data Collection	\$1,120				\$0
5 & 8	Bio/Hydroc. Char.	\$3,956				\$0
9	Report	\$5,620				\$0
						\$0
						\$0
Total:		\$27,604				\$0

This work authorization form, including the attached General Terms and Conditions, constitutes the entire understanding of the parties with respect to the work to be performed under this agreement. I acknowledge that I have read and understand this agreement, and that I have received a copy thereof.

ACCEPTANCE:

Client:

By:

Date:

[Handwritten Signature]
Balaji Angle
 7/18/97

EINARSON, FOWLER & WATSON

By:

Date:

[Handwritten Signature]

EINARSON, FOWLER & WATSON

LUFT SCHEDULE OF CHARGES

PROFESSIONAL SERVICES

Administrative Support.....	\$25.00 per hour
Technician I	\$45.00 per hour
Technician II	\$55.00 per hour
Drafter.....	\$50.00 per hour
Geologist I	\$65.00 per hour
Geologist II	\$75.00 per hour
Senior Geologist/Engineer	\$90.00 per hour
Principal.....	\$105.00 per hour

DIRECT CHARGES

General

Computer (graphics, data analysis, & modeling only)	No charge
Field & sampling truck	\$0.43 per mile

Chargeable Equipment and Consumable Materials

(See Chargeable Equipment and Consumable Materials price sheets)

INDIRECT CHARGES

Charges for outside services, materials, or equipment not furnished directly will be billed at cost plus 15 percent. Such charges include:

- Printing and photographic reproduction
- Rented vehicles
- Airfare
- Field materials and supplies
- Special fees, permits, insurance, etc.
- Rented field equipment
- Shipping charges
- Meals and lodging
- Subcontractors

GENERAL TERMS AND CONDITIONS

FEEES

For performing the scope of work described in this agreement, Client agrees to pay EINARSON, FOWLER & WATSON (EFW) for professional services rendered and expenses associated with these services. The fee for these services will be invoiced on a time-and-expenses basis in accordance with EFW's current schedule of charges. EFW will, at minimum, invoice the Client for work on a monthly basis, and also reserves the right to submit interim project invoices when required. Payment is due 30 days from invoice date. Any invoice outstanding after 30 days will be assessed a simple 1.0 % monthly interest charge.

INSURANCE

EFW maintains general and professional liability insurance coverage with aggregate limits of liability of \$2,000,000. Evidence of EFW's general and professional liability insurance coverage and limits will be provided to Client upon request.

ARBITRATION CLAUSE

Our professional liability insurance requires us to include an arbitration clause in all of our contracts. If any controversy or claim arises out of EFW's performance of services, and if said dispute can not be settled through negotiation, the parties shall submit to binding arbitration in accordance with the Construction Industry Arbitration Rules of the AAA, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

FORCE MAJEURE

Neither party will be liable for any breach or failure to perform under this agreement if such breach or failure to perform is due to acts beyond the reasonable control of such party, which may include but are not limited to, acts of God or public enemy, acts of Federal, state, or local government, either in its sovereign or contractual capacity, fire, floods, civil disobedience, strikes, lock-outs, freight embargoes, inclement weather, or any other cause or condition beyond such party's reasonable control.

LIMITATIONS

EFW's responsibilities under this agreement are limited solely to the work described in EFW's proposal for services for this project. Hydrologic and geologic conditions can vary from those encountered at the times and locations where data are obtained, and these variations result in some level of uncertainty in the interpretation of these conditions despite the use of due professional care. The services performed under this agreement shall be performed in a manner consistent with that level of care and skill ordinarily exercised by other professional environmental consultants currently practicing in the same locality under similar circumstances. No other representations to you, express or implied, and no warranty, guarantee, or certification is intended in this agreement, or in any opinion, report, or other document provided as part of this work effort. Reports, recommendations, and other materials resulting from EFW's work efforts are intended solely for the purposes of this investigation and agreement; any reuse by Client or other parties for purposes outside this agreement shall be at the user's sole risk.

HAZARDOUS MATERIALS

EFW will exercise due professional care in the investigation of subsurface conditions, however, subsurface exploration and sampling of contaminated soils and/or groundwater may result in unavoidable contamination of previously un-impacted soil or groundwater. Under the terms of this agreement, the Client waives any claim against EFW and agrees to indemnify, defend and hold harmless EFW from any liability for injury or loss arising from any apparent hazardous materials or contamination encountered in the soil and/or groundwater and any alleged cross-contamination caused by EFW's exploration and sampling activities. In addition, EFW bears no responsibility for the removal or disposal of hazardous material, including but not limited to, subsurface soil and water samples obtained during the work performed under this agreement, unless this work is expressly detailed in EFW's proposal.

UNDERGROUND UTILITIES

The Client is responsible for providing all available information on underground utilities or hindrances that may affect performance of EFW's services under this agreement. EFW will exercise professional diligence in avoiding subsurface utilities, piping, obstructions, etc. when drilling and excavating; however, unless otherwise specified in EFW's proposal, it is the express responsibility of Client to locate and mark the exact locations of these underground features and to provide EFW with the specific direction for the placement of any excavation, boring or other subsurface exploration that could impact these underground structures. In the event that during exploration, testing or construction, damage to underground structures, piping or associated structures is experienced which is not due to the sole negligence of EFW, the Client shall indemnify and hold EFW harmless for all liability for damages associated with cleanup, repairs and other ongoing liability.

McLaren-Hart
1135 Atlantic Avenue
Alameda, CA 94501
Phone: (510) 748-5614
Contact: Brad Wright

Spoke with Seely (body). She said
the principal is out of town & will
call back. Num Dtd @ 7/11(a)

Levine-Fricke-Recon
1900 Powell Street, 12th Floor
Emeryville, CA 94608-1827
Phone: (510) 596-9683
Contact: Chris Alger

SPOKE TO CHRIS

→ DO NOT INTEND TO BID.
@ 7/9/7)

Harding Lawson Associates
160 Spear Street
San Francisco, CA
Phone: (415) 543-8422
No Contact

Spoke with MR. CHERYL. ARE NOT
INTERESTED. THEY SAY THEY ARE
VERY BIG. @ 7/10

Dames & Moore
221 Main Street
San Francisco, CA
Phone: (415) 896-5858
No Contact

LEFT MESSAGES TWICE. DO NOT
SEEM TO BE INTERESTED.
@ 7/8

LINARSON, Paul

Bill [unclear] / [unclear]
415-543-1000
1900 Powell Street, 12th Floor
Emeryville, CA 94608

2) ENVIRONMENTAL
NORWICH STREET
916-375-1000

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 6/9/97
 Number of pages including cover sheet: 1+2

To: EVA CHU
H.M. SPECIALIST.
AL. COUNTY H.C.S. AGENCY
ALAMEDA

Phone: 567-6700
 Fax phone: 337-9335
 CC:

From: B. Angle.

Ref: - B+C GASMINIMART
LIVERMORE.

Phone: 510-654-3461
 Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

DEAR EVA,
 I REFER TO MY FAX OF 5/8/97. BOTH ME + GARY OF GEOMATRIX HAVE BEEN FOLLOWING UP WITH STEVE MARQUEZ OF U.S.L. FUND FOR APPROVAL. I FAX A COPY OF MY FAX TO STEVE CONTENTS OF WHICH ARE SELF-EXPLICIT. I REQUEST YOUR FAVOR OF REQUESTING STEVE TO PL. EXPEDITE APPROVAL SO THAT WE CAN PROCEED WITH FIELD WORK. I HAVE REQUESTED GARY TO PROCEED WITH WORK IMMEDIATELY ON GETTING APPROVAL. UNFORTUNATELY, ~~DATE~~ DUE TO FAMILY EMERGENCY, I HAVE TO SUDDENLY LEAVE FOR INDIA.
 TRIED YOUR PHONE ON FRIDAY BUT YOU WERE

OUT OF OFFICE. 1 hour
Angle

STEVE MARQUEZ, WRCE,
U.S.T. CLEAN UP FUND PGM.
SACRAMENTO.

B.S. ANGLE, DBA
B+C GAS MINIMART,
2008 FIRST ST.,
LIVERMORE CA 94551
6/9/97

DEAR STEVE

Fax 510-654-0279
Phone 510-654-3461
PREAPPROVAL FOR PHASE I INV'WORK
PLAN — CLAIM # 003272

I REFER TO MY LETTER OF 9TH MAY SENT BY
OVERNIGHT MAIL AND SHALL BE GRATEFUL IF YOU
WILL PL. APPROVE THE WORK PLAN AS EARLY AS POSSIBLE
AS YOU KNOW, IN VIEW OF THE FACTS STATED IN
THE LETTER, AL. COUNTY HAD PRESCRIBED DEADLINE
FOR THE WORK TO START BEFORE 23RD MAY. APART
FROM THEIR PRESSURE, SEVERAL PROMINENT DAILY'S
HAVE PUBLISHED THIS CASE IN NEWSPAPERS IN LIVERMO
ALSO WATER REGION ZONE 7 IS APPARANTLY MUCH
CONCERNED ABOUT THIS CASE. TO PUT IT MILDLY, THERE
IS LOT OF PRESSURE ON ME TO GO FORWARD WITH
THIS CLEAN UP PROJECT. AND I CANNOT DO
ANYTHING, UNLESS I AM BLESSED WITH YOUR
APPROVAL. I DO KNOW YOU ARE AWFULLY BUSY AND YET
I REQUEST YOUR URGENT HELP.

DUE TO FAMILY EMERGENCY, I AM SUDDENLY LEAVING
FOR INDIA ON 11TH AND SHALL BE BACK ON 1ST JULY.
PL. CONVEY YOUR APPROVAL ON MY AECO ADDRESS AND
FAX ON THE FAX COVER SHEET AS ALSO TO
GEOMATRIX (GIARY) SO THAT THEY CAN PROCEED WITH
WORK IN MY ABSENCE.
Thank a lot again for your help. BR (B. Ang)

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 6/7/97Number of pages including cover sheet: 2

To:

STEVE MARQUEZU.S.T. CLEANUP FUNDPgm.SACRAMENTO.Phone: 1-916-227-0746Fax phone: 1-916-227-4530

CC:

From:

B. Angle.Ref: - Pre-approvalClaim 003272Btl Gas mini Mart LivermorePhone: 510-654-3461Fax phone: 510-654-0279

REMARKS:



Urgent



For your review



Reply ASAP



Please comment

IN MY ABSENCE YOU CAN CONTACT WITH MY WIFE CHAYA ANGLE WHO IS ALSO A PARTNER IN Btl Gas MINI MART. HER TEL. & ADDRESS IS THE SAME AS ON THIS FAX COVER SHEET. SINCE SHE IS NOT TECHNICAL PERSON, YOU MAY PU CONTACT GARY FOOTHE OF GEOMATRIX WHO IS MORE FAMILIAR WITH THE CASE.

Tharu Angle

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

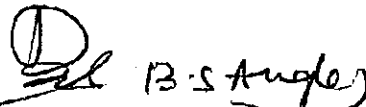
Date: 5/8/97
 Number of pages including cover sheet: 1

To: EVA CHU
Hazardous materials specialist
Alameda County Health Dept.
1131 Harbor Parkway
Alameda CA 94502-6570
 Phone: 510-567-6762
 Fax phone: 510-337-9335
 CC: _____

From: _____
B. Angle.
 Ref: - B+C Gas Mini market
2008 F St - Livermore
 Phone: 510-654-3461
 Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

REFERENCE YOUR LETTER OF April 23 1997
 I RECEIVED TODAY FROM GEOMATRIX
 PROPOSAL + COST ESTIMATE FOR PHASE I
 INVESTIGATION. AFTER REVIEW OF THE PACKAGE
 AND FURNISHING OTHER REQUIRED PAPERS
 I HAVE FEDEXED THE ENTIRE PACKAGE TO
 STEVE MARQUEZ OF U.S.T. FUND PM. FOR
 PRE-APPROVAL. GEOMATRIX HAVE PROMISED ME
 COMMENCEMENT OF WORK WITHIN ONE WEEK OF
 RECEIPT OF PRE-APPROVAL. SHALL REPORT TO
 YOU WHEN APPROVAL IS RECEIVED.

— Thanks.  (B.S. Angle)

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)

StID 1689

April 23, 1997

Mr. Balagi Angle
B & C Gas Mini-Mart
35584 Conovan Lane
Fremont, CA 94536

RE: Workplan Approval for 2008 1st Street, Livermore, CA

Dear Mr. Angle:

I have completed review of Geomatrix's April 1997 Work Plan for Phase I Investigation for the above referenced site. The proposal to: 1) delineate the vertical and lateral extent of BTEX/MTBE in groundwater, 2) evaluate the potential for future migration of contaminants in groundwater, 3) assess other sources of hydrocarbon contamination, and 4) evaluate potential risk to human health due to chemicals in soil or groundwater, is acceptable.

Data collected from this phase of investigation should be used to determine if the MTBE/BTEX plume will have the potential to impact downgradient municipal water wells. If there is a threat to the water supply, a corrective action plan will be required to evaluate alternatives for plume control and/or additional source removal.

Because of the apparent extent and severity of the plume, field activities should commence as soon as possible, that is, **within 30 days of the date of this letter.**

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Gary Foote, Geomatrix, 100 Pine St, 10th Floor, San Francisco,
CA 94111
David Lunn, Zone 7
Kevin Graves, RWQCB



Cal/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-0746
FAX (916) 227-4530

World Wide Web:
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

February 21, 1997

Mr. Balaji Angle
B & C Gas Mini Mart
2008 First Street
Livermore, CA 94550



Pete Wilson
Governor

Dear Mr. Angle:

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS, Claim No. 003272,
2008 First Street, Livermore, CA**

I have reviewed your request, received on February 5, 1997, for pre-approval of corrective action costs; I will place these documents in your file for future reference.

With the following provisions, the total cost pre-approved as eligible for reimbursement for completing the January 23, 1997, estimate, approved by the Alameda County Health Care Services Agency (County) in their January 24, 1997 letter, is **\$4,000**; see the table below for a breakdown of the costs. The actual costs of conducting the work as proposed by Geomatrix Consultants Inc. in their January 23, 1997 estimate are, based on my review of your package, higher than typically seen for this type of work and has been reduced accordingly. (The total amount eligible for reimbursement through Request No. 1 for work at your site that has been directed and approved by the County has been **\$84,067**.)

Be aware that this pre-approval does not constitute a decision on reimbursement: all reasonable and necessary corrective action costs for work directed and approved by the County will be eligible for reimbursement per the terms of your Letter of Commitment at costs consistent with those pre-approved in this letter.

All future costs for corrective action must be approved in writing by Fund staff.

COST PRE-APPROVAL BREAKDOWN		
Task	Amount Pre-Approved	Comments
1. Evaluation of Available Data	\$2,000	
2. Preparation of Work Plan	\$2,000	Preparation of cost estimate is a direct overhead charge and ineligible for reimbursement
3. Coordination and Meeting with ACHCSA/SWRCB-USTCF	\$0	Work plan must be put out to bid prior to meeting.
TOTAL PRE-APPROVED	\$4,000	



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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

ENVIRON
PROTE

97 FEB 26

Mr. Balaji Angle

-2-

- The actual costs and scope of work performed must be consistent with this pre-approval for it to remain valid.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.
- It is my opinion that it is unnecessary to obtain three bids for this scope of work; the Fund's three bid requirement is waived for this scope of work.
- If a different scope of work becomes necessary, then you must request pre-approval of costs on the new scope of work.
- Although I have referred to the Geomatrix Consultants Inc. proposal in my pre-approval above, please be aware that you will be entering into a private contract: the State of California cannot compel you to sign any specific contract. This letter **pre-approves the costs** as presented by Geomatrix Consultants Inc. for conducting the work approved by the County for implementing the January 13, 1997, estimate.

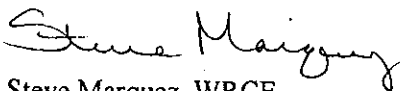
I also want to remind you that the Fund's regulations require that you obtain at least three bids, or a bid waiver from Fund staff, from qualified firms for all necessary corrective action work. After obtaining workplan approval, please submit the workplan to various consultants willing to bid on the project.

Please remember that it is still necessary to submit the actual cost of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this pre-approval before you will be reimbursed. *To make this easier, insure that your consultant prepares his invoices to match the format of the original estimate, and provides reasonable explanations for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *technical reports, when available, and*
- *applicable correspondence from the County.*

Please call if you have any questions; I can be reached at the above number.

Sincerely,



Steve Marquez, WRCE
Underground Storage Tank Cleanup Fund Program

cc: Ms. Eva Chu
Alameda County Health Care Services Agency
1131 Harbor Way Parkway, Suite 250
Alameda, CA 94502-6577



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Mr. Balaji Angle

-3-

Mr. John Rutherford
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Central Exxon
(Member of Angle
Enterprises)

37635 Blacow Road, Fremont, Ca. 94536

FAX

Date: 2/10/97
Number of pages including cover sheet: 1

To:

MS EVA CHU
HAZARDOUS MATERIALS
SPECIALIST
A.C.H.D.
E.H. SERVICES AL. COUNTY
Phone: 567-6700
Fax phone: 337-9335
CC:

From:

B. Angle
Ref: B+C-GAS MINI MART
2008 FIRST STREET
LIVERMORE
Phone: (510) 792-1940
Fax phone: (510) 792-1236

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

THANKS FOR YOUR LETTER OF Jan 24th 97
I HAVE FEDEXED MY PACKAGE ON JAN 31ST
CONTAINING REQUEST FOR APPROVAL OF THE
PROJECT AND PREAMPROVAL OF COST TO
PATRICK WHEELER OF U.S.T. CLEANFUND
PROGRAM. SHALL GET BACK TO YOU AS SOON
AS I GET HIS RESPONSE.

Sincerely

B. Angle

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

FAX (510) 337-9335

StID 1689

January 24, 1997

Mr. Balagi Angle
B & C Gas Mini-Mart
35584 Conovan Lane
Fremont, CA 94536

RE: Approval of Scope of Services for 2008 1st Street,
Livermore, CA

Dear Mr. Angle:

I have completed review of Geomatrix's Scope of Services and Cost Estimate for Environmental Services for the above referenced site. The three tasks proposed: 1) Evaluation of Available Data; 2) Preparation of a Work Plan; and 3) Coordination of Meeting with ACHCSA and SWRCB UST Cleanup Fund is acceptable. Investigations to delineate the vertical and lateral extent of the contaminant plume, as well as the aquifer conditions, have been delayed over a year. Therefore, the Work Plan should be submitted to this office as soon as possible, and no later than February 14, 1997.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

MS EVACHU
HAZARDOUS MATERIALS SPECIALIST
A.C.H.D.
ALAMEDA

BRECO, minimum
2008 F. Livermore
CA 94550

1/22/97

CLEAN UP PROJECT

DEAR MS EVA

FURTHER TO MY CALL LAST WEEK I ENCLOSE COPY OF A PROPOSAL RECEIVED FROM GEOMETRIX DETAILING THE WORK WHICH YOUR AGENCY INSTRUCTED ME AND D.P. TO DO.

PL. REVIEW AND LET ME KNOW WHETHER IT CONFORMS TO YOUR DIRECTIONS AND REQUIREMENTS. WE WILL NEED A FORMAL LETTER FROM YOU TO APPROACH U.S.T.L. FUND FOR GETTING PRE-APPROVAL.

AS D.P. HAS NOT DONE ANY WORK DURING THE LAST ONE YEAR DESPITE YOUR DIRECTIVES AND MY AND MY ATTORNEY'S PLEAS THE WORK IS ALREADY DELAYED. AND THEREFORE, IT HAS NOT BEEN POSSIBLE FOR ME TO GET 3 BIDS. I HAVE SPOKEN TO 3/4 FIRMS INDICATED ^{BY} YOU BUT THEY DID NOT EVEN RESPOND. I WOULD

REQUEST YOUR SPECIAL MENTION IN THE DIRECTIVES TO ME THAT THE WORK HAS TO BE DONE URGENTLY BECAUSE OF D.P.'S INACTION FOR ONE YEAR. THIS WILL HELP IN GETTING FUND'S REPLY FASTER.

I WILL CALL YOU TOMORROW TO DISCUSS FURTHER IF NEEDED BE.

Sincerely

D. B. Angle

one: 1

Thanks

100 Pine Street, 10th Floor
San Francisco, CA 94111
(415) 434-9400 • FAX (415) 434-1365

ENVIRONMENTAL
PROTECTION

97 JAN 24 PM 3:02



15 January 1997
Proposal 96P461

Mr. Benaji Angle
Angle Enterprises
2008 First Street
Livermore, California
FAX 510-654-0279

Subject: Revised Scope of Services and Cost Estimate for Environmental Services
2008 First Street Project
Livermore, California

Dear Mr. Angle:

Geomatrix Consultants, Inc. (Geomatrix), is pleased to provide you with this Scope of Services and Cost Estimate for the subject project. From our discussions and preliminary review of available data obtained from the Alameda County Health Care Services Agency (ACHCSA), we have developed a set of tasks to address ACHCSA requirements for a project work plan and to meet the California State Water Resources Control Board (SWRCB) UST Cleanup Fund's pre-approval requirements for work completed under the work plan.

It is our understanding that the ACHCSA is requesting the work plan be prepared and further investigation be performed as soon as possible to address their concerns associated with volatile organic compounds in groundwater. Benzene and methyl tertiary butyl ether (MTBE) have been detected at concentrations in the parts per million (ppm) range in groundwater beneath and downgradient from the site. The ACHCSA has expressed concern that relatively high concentrations of MTBE (up to 14 parts per million [ppm]) and benzene (3 ppm) have been detected beneath an apartment complex 1000 feet downgradient of the Site, and that there may be potential for chemicals to migrate in groundwater toward a municipal well field that is located approximately 2300 feet downgradient of the site.

SCOPE OF SERVICES

We have identified the following three tasks to prepare the work plan and to set up the project within the jurisdiction of the SWRCB UST Cleanup Fund: Task 1) Evaluation of Available Data; Task 2) Preparation of the Work Plan; and Task 3) Coordination and Meeting with ACHCSA and SWRCB UST Cleanup Fund. A brief description of these tasks follows.

Geomatrix Consultants, Inc.
Engineers, Geologists, and Environmental Scientists

Mr. Benaji Angle
Angle Enterprises
15 January 1997
Page 2

Task 1: Evaluation of Available Data

We have obtained copies of reports and regulatory correspondence regarding the site and nearby properties where benzene and MTBE have been detected in groundwater. These data have not been compiled and evaluated on a regional basis. Therefore, we will evaluate this information to provide the basis for identifying critical data needs and proposing additional investigation. The evaluation will include compiling the data and preparing a schematic site base map and vicinity map, and figures depicting the vertical and lateral chemical distribution, and groundwater flow direction. We recognize from our preliminary data review and discussions with you that the chemicals have been detected at locations more than 1000 feet from the site and that there is a potential for multiple sources. We will review pertinent information regarding this possibility, and develop a strategy for evaluating whether multiple sources are present. This strategy will be presented as part of the work plan.

Where else?

Task 2: Preparation of Work Plan and Cost Estimate

Based on the results of Task 1 and on the requirements specified in the ACHCSA 10 September 1996 correspondence to you regarding the work plan, we will develop a phased investigative approach for the site. The investigation work plan will present a conceptual layout of necessary steps for delineating the down-gradient extent of dissolved-phase chemicals and for assessing potential for continued chemical migration. The work plan also will propose a strategy for evaluating whether there are other sources of chemicals. Specific tasks will be described in the work plan and associated cost estimates will be presented in a format consistent with requirements of the SWRCB Tank Fund Guidelines. An estimated schedule for completing the tasks will be presented in the work plan.

At this time, we anticipate the following tasks will be described in the work plan: 1) an aquifer test to evaluate groundwater flow parameters; 2) a field investigation program using direct-push groundwater sampling methods to evaluate the downgradient lateral extent of the chemicals and to supplement existing information on the hydrogeologic regime; 3) petroleum hydrocarbon characterization of separate-phase product from existing wells to evaluate relative age and characteristics of the product; 4) evaluation of aquifer conditions that are relevant to chemical transport, such as potential for intrinsic biodegradation and organic carbon content; and 5) preparation of a data report presenting the results of Tasks 1 through 4. The work plan will include a map that shows the location of sampling points and a schematic cross-section showing the targeted sample depths. The data report will be scoped to include recommendations on the need for risk assessment, the need for testing the downgradient water-supply well-field, the collection of other data that may be relevant for assessing multiple sources, and the need for investigating the vertical distribution of chemicals in groundwater. The work plan first will be submitted to the ACHCSA for their review; once ACHCSA has

4) Soil borings (direct-push OK) near failed UST to determine extent of soil contamination



Mr. Benaji Angle
Angle Enterprises
15 January 1997
Page 3

approved the work plan, then it will be submitted to the SWRCB for pre-approval of the work scope and costs.

Task 3: Coordination and Meeting with ACHCSA/SWRCB Cleanup Fund

We anticipate that a meeting with ACHCSA, SWRCB, Geomatrix, and you will be conducted after the work plan and associated cost estimate have been submitted to both agencies. At the meeting, we will establish the administrative and technical needs of the agencies for processing the project through the SWRCB cleanup fund. The need for periodic progress meetings will be addressed, and mechanisms for coordinating work completion, regulatory review, and funding, will be established. For purposes of the cost estimate, we have assumed that one meeting will be held in ACHCSA offices, and that up to four 1/2-hour teleconferences will be conducted. In the cost estimate, we have allowed for time to prepare for the meeting, attend the meeting, and complete follow-up meeting notes.

COST ESTIMATE AND CONTRACT CONDITIONS

Based on this scope of services, we estimate the cost to complete Tasks 1 through 3 to be approximately \$11,944, broken down as follows:

Task 1:	Evaluation of Available Data	\$4,505
Task 2:	Prepare Work Plan and Cost Estimate	\$5,355
Task 3:	Coordinate with ACHCSA and SWRCB	\$2,084
TOTAL:		\$11,944

The attached tables provide a detailed estimate of personnel level-of-effort, and reimbursable expenses. Our services will be provided on a time-and-materials basis in accordance with the Schedule of Charges and Conditions in effect at the time of the work (1997 Schedule of Charges is attached). We will invoice only for the actual expenses and number of hours expended on the project, and our costs will not exceed the maximum estimated \$11,944 without your approval. For this project, we will prepare our invoices in a format that is consistent with the SWRCB UST Cleanup Fund requirements and provide the necessary invoicing documentation to assist you in obtaining reimbursement from the Fund. While we will make every reasonable effort to facilitate reimbursement to you from the Fund, our contract is directly with you and meeting the payment terms of our invoices is your obligation.



Mr. Benaji Angle
Angle Enterprises
15 January 1997
Page 4

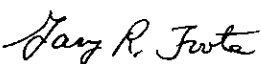
SCHEDULE

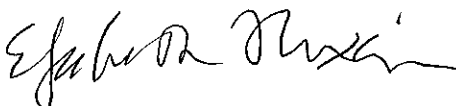
We can proceed with this Scope of Services immediately upon receipt of your authorization. We anticipate that Task 1 and Task 2 can be completed within three weeks of your authorization. The schedule for submitting the work plan to SWRCB will depend on the availability of ACHCSA staff and their review process. We anticipate that a meeting with the ACHCSA and SWRCB can be conducted within two weeks of their preliminary review of the work plan.

We wish to thank you for this opportunity to provide you with environmental services and look forward to meeting with you to discuss the project. Should you require any additional information, please do not hesitate to contact either of the undersigned.

Sincerely,

GEOMATRIX CONSULTANTS, INC.


Gary Foote, R.G.
Senior Geologist


Elizabeth Nixon, P.E.
Senior Engineer

GF/EN/cil
PROP96P461.DOC

Attachments: Detailed Estimate for Labor Costs
Detailed Estimate for Reimbursable Expenses
Schedule of Charges and Conditions
Approval and Authorization



Mr. Benaji Angle
Angle Enterprises
15 January 1997

AUTHORIZATION

If this proposed scope of services meets with your approval, and you wish us to proceed with the scope of work described herein with an estimated budget of \$11,944, please sign and return one scope of services and authorization in the enclosed envelope. This work plan and cost estimate are subject to the terms and conditions set forth in the Schedule of Charges and Conditions in effect at the time the work is performed (currently the attached 1997 Schedule of Charges and Conditions).

Approval and acceptance of this proposal is acknowledged by the signatures of duly authorized representatives of the parties to this agreement.

ANGLE ENTERPRISES

Signature

Title

Date

GEOMATRIX CONSULTANTS, INC.

Nancy T. Buel
Signature

Vice President
Title

1/15/97
Date

**DETAILED ESTIMATE FOR
LABOR HOURS AND COSTS**
2008 First Street Site
Livermore, California

Position Title:	Principal	Senior II	Project II	Staff I	CADD/ Graphics	Technical Editor	Typist	Production Assistant	Labor Task Totals
Applied Rate (*):	\$160/hr	\$120/hr	\$100/hr	\$70/hr	\$75/hr	\$52/hr	\$48/hr	\$35/hr	
TASK 1: EVALUATION OF AVAILABLE DATA									
Obtain & Copy Files			1	4					
Compile Existing Data			2	8					
Prepare schematic site base-map (1)			1	4	2				
Prepare schematic vicinity base-map (1)			1	4	2				
Prepare chemical distribution map (1)			1	4	2				
Prepare groundwater flow map (1)			0.5	2	1				
Prepare schematic cross-section (1)			2	4	2				
Technical review of evaluation	1	4							
Task 1 labor-hours subtotal:	1	4	8.5	30	9	0	0	0	
Task 1 labor-cost subtotal:	\$160	\$480	\$850	\$2,100	\$675	\$0	\$0	\$0	\$4,265
TASK 2: PREPARATION OF WORK PLAN AND COST ESTIMATE									
Develop project approach	1	2							
Plan site-specific aquifer testing		1	2						
Plan site-specific investigation program		1	4						
Plan petroleum characterization		1	1						
Develop site-specific field procedures		1	4						
Prepare figure showing project approach		1			2				
Prepare map showing sampling locations				1	2				
Prepare written description of work elements		4	4			1	2		
Prepare cost estimate for work scope		1	4	4			1		
Distribute to ACHCSA for review							1	1	
Incorporate ACHCSA comments & finalize		1	2		0.5		1	1	
Technical review of work plan	2								
Task 2 labor-hours subtotal:	3	13	21	5	4.5	1	5	2	
Task 2 labor-cost subtotal:	\$480	\$1,560	\$2,100	\$350	\$338	\$52	\$240	\$70	\$5,190
TASK 3: COORDINATION AND MEETING WITH ACHCSA/SWRCB CLEANUP FUND									
Meetings		8	8						
Teleconferences		2							
Task 3 labor-hours subtotal:	0	10	8	0	0	0	0	0	
Task 3 labor-cost subtotal:	\$0	\$1,200	\$800	\$0	\$0	\$0	\$0	\$0	\$2,000

Note: (*) Actual rates may differ slightly depending on personnel assigned to the project.



DETAILED ESTIMATE FOR REIMBURSABLE EXPENSES

2008 First Street Site
Livermore, California

	Unit	Unit Cost	Units	Cost
TASK 1: EVALUATION OF AVAILABLE DATA				
Specialized Computer Services	hour	\$25.00	4	\$100
Copying Service	lump	\$100.00	1	\$100
Photocopies	sheet	\$0.15	100	\$15
Facsimile	sheet	\$0.50	10	\$5
Telephone charges	lump	\$20.00	1	\$20
Task 1 Subtotal:				\$240
TASK 2: PREPARATION OF WORK PLAN AND COST ESTIMATE				
Specialized Computer Services	hour	\$25.00	4	\$100
Photocopies	sheet	\$0.15	100	\$15
Facsimile	sheet	\$0.50	20	\$10
Telephone charges	lump	\$20.00	1	\$20
U.S. Mail	each	\$2.00	10	\$20
Task 2 Subtotal:				\$165
TASK 3: COORDINATION AND MEETING WITH ACHCSA/SCRCB CLEANUP FUND				
Car rental	day	\$64.00	1	\$64
Telephone	lump	\$20.00	1	\$20
Task 3 Subtotal:				\$84

TO: Patrick Wheeler

UST Cleanup Fund, 2014 T Street, Sacramento, CA 94244-2120
Phone: (916) 227-4519 Fax: (916) 227-4530

I. CLAIM INFORMATION

A. CLAIM NO.: _____ B. CLAIMANT: _____

C. CLAIM STATUS (complete appropriate section)

LOC ISSUED FOR: \$ _____

ON PRIORITY LIST: ___ YES ___ NO. IF YES, PRIORITY CLASS: A B C D

NOT YET FILED; EXPECTED FILE DATE: _____

CONTACT PERSON: _____ PHONE: _____

ADDRESS: _____ FAX: _____

II. TYPE OF REQUEST (check appropriate boxes)

PRE-APPROVAL

3-BID REVIEW

BIDDING WAIVER

THE FOLLOWING DOCUMENTS ARE REQUIRED FOR THE SPECIFIED REQUEST. ALL DOCUMENTS REQUESTED MUST BE SUBMITTED IN THEIR ENTIRETY OR THE REQUEST(S) WILL BE RETURNED UNPROCESSED.

A. REQUEST FOR PRE-APPROVAL OF PROPOSED COSTS - The following items are required before review and determination will be made by Fund staff.

1. ___ A complete signed copy of the proposed Investigation Work plan or Corrective Action Plan (CAP) (as defined and required by Article 11, Chapter 16, California Underground Storage Tank Regulations). CAPs must include the required feasibility study and chosen cost-effective alternative.
2. ___ A signed copy of the oversight agency letter directing the work or approving the Work plan/CAP.
3. ___ A complete copy of the Request For Bids, including all attachments. A list of all firms requested to bid must be included. If the claimant is requesting a waiver of the bidding requirement for a specific contract or change order, then claimant must include a cover letter describing why it is "unnecessary, unreasonable or impossible" to comply with the three bid requirement.
4. ___ Complete copies of all bids or proposals with detailed project budgets and all other correspondence submitted in response to the Request For Bids.
5. ___ A time schedule, if not part of bid documents, for project initiation and duration.

B. THREE-BID REVIEW & EVALUATION - Fund staff will assist on request any claimant requesting an evaluation of bids. The following information must be submitted: Items 1, 2, 3 and 4 as described in Item A above.

C. WAIVER OF THREE BID REQUIREMENT - The following information must be submitted: Items 1, 2, 3, 4 and 5 as described in Item A above.

III. CERTIFICATION

I certify under penalty of perjury that all information submitted with this request is complete, accurate and in accordance with all applicable laws and regulations.

Claimant's Signature _____

Date _____

GEOMATRIX CONSULTANTS, INC.



SCHEDULE OF CHARGES Effective December 28, 1996

The Schedule of Charges applies to all services provided by and/or through Geomatrix Consultants. Charges for our services are divided into three categories: Personnel, Outside Services, and Equipment Rental/Reimbursables. The schedule of charges may be revised periodically, as conditions require.

PERSONNEL:

Personnel charges are for technical work, including technical typing, editing, and graphics involved in the preparation of reports and correspondence and for the time associated with production of such documents. Direct charges are not made for secretarial service, office management, accounting, and maintenance, because these items are included in overhead. Personnel category charge rates for Geomatrix Consultants, Inc. are listed below. Regional and other factors may influence rates charged for certain individuals. Rates for individuals will be provided on request.

Personnel Category	Hourly Rate
Principal Engineer/Scientist	\$130 - 235
Senior Engineer/Scientist II	115 - 125
Senior Engineer/Scientist I	105 - 115
Project Engineer/Scientist II	100
Project Engineer/Scientist I	90
Staff Engineer/Scientist II	78
Staff Engineer/Scientist I	70
Senior Technician	68
Field Technician	62
CAD/Graphic Designer	75
Project Assistant	52
Technical Editor	52
Technical Typist	48
Production Assistant	35

Time spent in travel in the interest of the client will be charged at hourly rates, except that no more than 8 hours of travel time will be charged in any day. When it is necessary for an employee to be away from the office overnight, actual costs, or a negotiated rate, will be charged for living expenses. A multiplier of 1.15 will be applied to all personnel expenses.

Charges for expert witness services will be at the hourly rates shown. However, for depositions and for court appearances, the rate is twice the amount shown. There will be a 4-hour minimum per-day charge for depositions and an 8-hour minimum per-day charge for court appearances. Special accounting services will be billed at the Production Assistant rate.

OUTSIDE SERVICES:

Outside services will be charged at cost plus 15%. Common outside items to which this 1.15 multiplier applies include: drilling services, outside laboratory testing, equipment rental, printing and photographic work, special insurance, outside consultants, travel and transportation, vehicle usage, and long-distance communications.

REIMBURSABLES:

Photocopies	\$0.15/sheet
Facsimile copies	\$0.50/page
Specialized Computer Applications	\$25.00/hour

Rates for engineering and scientific field equipment (such as instrumentation equipment, water and soil sampling equipment, and geology equipment) and field vehicles may be obtained on request.

INVOICES:

Invoices will be rendered at least monthly, either as a final or partial billing, and will be payable upon receipt. An additional late payment charge of 1 1/2% per month or the maximum charge allowed by law, whichever is less, will be payable on accounts not paid within 30 days from billing date.

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 12/22/06

Number of pages including cover sheet: 9

To:

EVA CHU

Alameda County
Health Dept.

Hazardous Materials Div
Alameda - CA

Phone: 567-6762

Fax phone: 337-9335

CC:

From:

B. Angle

Ref: -

Btl - Gas mini mart
2008 F-ST - LIVERMORE

Phone: 510-654-3461

Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

I HAVE BEEN - AS INFORMED TO YOU FROM TIME TO TIME - IN DISCUSSIONS WITH GEOMETRIX REG. PROPOSED CLEAN UP. THEY HAVE NOW SUBMITTED TO ME A PROPOSAL DATED 17TH DEC. A COPY OF THE SAME IS FAXED HEREWITH.

KINDLY REVIEW IT FROM YOUR ANGLE AND LET ME KNOW WHETHER YOU FIND THEM O.K. THEIR REFERENCES SEEM TO BE O.K. PRIMA FACIE. I DO REALISE THAT THIS TIME OF THE YEAR, EVERYTHING SLOWS DOWN. BUT I WOULD LIKE TO AT LEAST BE PREPARED SO THAT WORK CAN START EARLY NEXT YEAR IN RIGHT ERNEST.

PL CALL ME ON 510-654-3461 BETWEEN 2 TO 5 P.M.

MERRY CHRISTMAS AND HAPPY HOLIDAYS
TO YOU & YOUR FAMILY.

Thanks ANGLE

12/17/00 TUE 15:15 FAX 415 434 1365

GEOMATRIX SF



GEOMATRIX CONSULTANTS

100 Pine Street, 10th Floor
San Francisco, California 94111
Tel: (415)434-9400 Fax: (415)434-1365

FAX TRANSMITTAL

TO: Benaji Angle

FAX: 510.654.0279

FROM: E. Nixon

PROJECT NO: _____

DATE: 17 Dec 1996

TIME: 2:15

COMMENTS:

PAGES INCLUDING THIS TRANSMITTAL: 8

Note: If any problems arise during transmission, please call (415) 434-9400.

12/17/96 TUE 15:16 FAX 415 434 1365

GEOMATRIX

100 Pine Street, 10th Floor
 San Francisco, CA 94111
 (415) 434-8400 * FAX (415) 434-1365

17 December 1996

Proposal 96P461

002



Mr. Benaji Angle
 Angle Enterprises
 2008 First Street
 Livermore, California
 FAX 510-654-0279

Subject: Scope of Services and Cost Estimate for Environmental Service
 2008 First Street Project
 Livermore, California

Dear Mr. Angle:

Geomatrix Consultants, Inc. (Geomatrix), is pleased to provide you with this Scope of Services and Cost Estimate for the subject project. From our discussions and preliminary review of available data obtained from the Alameda County Health Care Services Agency (ACHCSA), we have developed a set of tasks to address ACHCSA requirements for a project work plan and to meet the California State Water Resources Control Board (SWRCB) UST Cleanup Fund's pre-approval requirements for work completed under the work plan.

SCOPE OF SERVICES

We have identified the following three tasks to prepare the work plan and to set up the project within the jurisdiction of the SWRCB UST Cleanup Fund: Task 1) Review of Available Data; Task 2) Preparation of the Work Plan; and Task 3) Coordination and Meeting with ACHCSA and SWRCB UST Cleanup Fund. A brief description of these tasks follows.

Task 1: Review of Available Data

We have obtained copies of reports and regulatory correspondence regarding the site and nearby properties from the ACHCSA. We will review this information in detail to familiarize ourselves with site and surrounding conditions, and to provide the basis for proposing additional investigation. We recognize from our preliminary data review and discussions with you that the chemicals have been detected at locations more than 1000 feet from the site and that there is a potential for multiple sources. We will review pertinent information regarding the site and develop a strategy for evaluating whether multiple sources are present.

12/17/96 TUE 15:16 FAX 415 497 1365

GEOMATRIX SF

003



Mr. Benaji Angle
Angle Enterprises
17 December 1996
Page 2

Task 2: Preparation of Work Plan and Cost Estimate

Based on the results of Task 1 and on the requirements specified in the ACHCSA 10 September 1996 correspondence to you regarding the work plan, we will develop a phased investigative approach for the site. The investigation work plan will present a conceptual layout of necessary steps for delineating the down-gradient extent of dissolved-phase chemicals and for assessing potential for continued chemical migration. The work plan also will propose a strategy for evaluating whether there are other sources of chemicals. Specific tasks will be described in the work plan and associated cost estimates will be presented in a format that will be suitable for submittal to the ACHCSA and SWRCB. An estimated schedule for completing the tasks will be presented in the work plan.

At this time, we anticipate the following tasks to be described in the work plan: 1) an aquifer test to evaluate groundwater flow parameters; 2) a field investigation program using direct-push groundwater sampling methods to evaluate the downgradient lateral extent of the chemicals and to supplement existing information on the hydrogeologic regime; 3) petroleum hydrocarbon characterization of separate-phase product from existing wells to evaluate relative age and characteristics of the product; 4) evaluation of aquifer conditions that are relevant to chemical transport, such as potential for intrinsic biodegradation and organic carbon content; and 5) preparation of a data report presenting the results of Tasks 1 through 4. The data report will include recommendations on the need for risk assessment, the need for testing the downgradient water-supply well-field, the collection of other data that may be relevant for assessing multiple sources, and the need for investigating the vertical distribution of chemicals in groundwater. The work plan first will be submitted to the ACHCSA for their review; once ACHCSA has approved the work plan, then it will be submitted to the SWRCB for pre-approval of the work scope and costs.

Task 3: Coordination and Meeting with ACHCSA/SWRCB Cleanup Fund

We anticipate that a meeting with ACHCSA, SWRCB, Geomatrix, and you will be conducted after the work plan and associated cost estimate have been submitted to both agencies. At the meeting, we will establish the administrative and technical needs of the agencies for processing the project through the SWRCB cleanup fund. The need for periodic progress meetings will be addressed, and mechanisms for coordinating work completion, regulatory review, and funding, will be established. For purposes of the cost estimate, we have assumed that one meeting held in ACHCSA offices, and that up to four 1/2-hour teleconferences will be conducted.

COST ESTIMATE AND CONTRACT CONDITIONS

12/17/96 TUE 15:17 FAX 415 434 1305

GEOMATRIX SF

004



Mr. Benaji Angle
 Angle Enterprises
 17 December 1996
 Page 3

Based on this scope of services, we estimate the cost to complete Tasks 1 through 3 to be approximately \$11,000, broken down as follows:

Task 1:	Review of Available Data	\$3,500
Task 2:	Prepare Work Plan and Cost Estimate	\$5,500
Task 3:	Coordinate with ACHCSA and SWRCB	\$2,000
TOTAL:		\$11,000

Our services will be provided on a time-and-materials basis in accordance with the Schedule of Charges and Conditions in effect at the time of the work (1996 Schedule of Charges is attached; our 1997 Schedule of Charges will be available in January). We will invoice only for the actual expenses and number of hours expended on the project, and our costs will not exceed the maximum estimated \$11,000 without your approval. For this project, we will prepare our invoices in a format that is consistent with the SWRCB UST Cleanup Fund requirements and provide the necessary invoicing documentation to assist you in obtaining reimbursement from the Fund. While we will make every reasonable effort to facilitate reimbursement to you from the Fund, our contract is directly with you and meeting the payment terms of our invoices is your obligation.

SCHEDULE

We can proceed with this Scope of Services immediately upon receipt of your authorization. We anticipate that Task 1 and Task 2 can be completed within three weeks of your authorization. The schedule of submitting the work plan to SWRCB will depend on the availability of ACHCSA staff and their review process. We anticipate that a meeting with the ACHCSA and SWRCB can be conducted within two weeks of work plan submittal.

REFERENCES

As you requested, we are providing you with client references with whom we have worked on similar sites. Please feel free to contact them at your convenience. We have let them know that you may be calling.

1. Mr. Jim Parissenti, Principal Engineer with the City of Santa Clara, who can be contacted at 408-984-3045. The site was a maintenance yard with a leaking

12/17/96 TUE 15:18 FAX 415 494 1365

GEOMATRIX SF

005



Mr. Benaji Angle
Angle Enterprises
17 December 1996
Page 4

underground gasoline storage tank. Several feet of separate-phase product accumulated on the groundwater surface, and dissolved constituents entered groundwater. The site had been under an extensive monitoring program since 1989 and a preliminary remediation program had been developed in 1994. We were retained by the City in 1994 to evaluate the monitoring program and proposed remediation. We worked with the City and the local oversight agency (Santa Clara Valley Water District) to establish that chemicals were not migrating off the site, and that remediation therefore was not necessary. We established that site constraints rendered the proposed remediation infeasible. We reduced the monitoring program significantly (from 18 to 3 wells and from quarterly to annually) and are currently recommending site closure to the oversight agency based on low-risk site status.

2. Mr. Greg Shepherd, Southern Pacific Transportation Company, who can be contacted at 415-541-2545. We have worked with Southern Pacific for more than eight years on numerous sites involving the investigation and remediation of petroleum-affected soil and groundwater. At many of these sites, we have used our petroleum hydrocarbon expertise (including forensic chemical testing) to identify the nature of petroleum hydrocarbons, likely source contributors, environmental fate, and risk to human health and the environment. In many cases, we have been able to demonstrate that petroleum hydrocarbons do not require remediation.
3. Ms. Karen Tremoulis, Redtree Properties, LP, who can be contacted at 408-427-1900. We have worked with Redtree for the past five years on a variety of property transaction projects. One of the sites was a former gasoline service station, where gasoline tanks had leaked and underlying groundwater was affected with dissolved-phase benzene. N.B. The former consultant had recommended a costly pump-and-treat remediation estimated at \$2 million. We were retained by Redtree to evaluate the recommended remediation. As a result of our review, we recommended an in situ passive biotreatment option which cost 25% of the pump-and-treat option. We implemented the remediation for Redtree, and have recently obtained a no-further remedial action determination from the Regional Water Quality Control Board. On this project, we assisted Redtree in obtaining reimbursement from the SWRCB UST cleanup fund. The fund reimbursed 90% of costs incurred by Redtree.

12/17/96 TUE 15:18 FAX 415 494 1365

GEOMATRIX SF



Mr. Benaji Angle
Angle Enterprises
17 December 1996
Page 5

We wish to thank you for this opportunity to provide you with environmental services and look forward to meeting with you to discuss the project. Should you require any additional information, please do not hesitate to contact either of the undersigned.

Sincerely,

GEOMATRIX CONSULTANTS, INC.

Gary R. Foote
Gary Foote, R.G.
Senior Geologist

Elizabeth N. Nixon
Elizabeth Nixon, P.E.
Senior Engineer

GF/EN/gh
PROP96P461.DOC

Attachments: Schedule of Charges and Conditions
Approval and Authorization

12/17/96 TUE 15:10 FAX 415 434 1365

GEOMATRIX SF

007



Mr. Benaji Angle
Angle Enterprises
17 December 1996
Page 6

AUTHORIZATION

If this proposed scope of services meets with your approval, and you wish us to proceed with the scope of work described herein with an estimated budget of \$11,000, please sign and return one scope of services and authorization in the enclosed envelope. This work plan and cost estimate are subject to the terms and conditions set forth in the Schedule of Charges and Conditions in effect at the time the work is performed (currently the attached 1996 Schedule of Charges and Conditions).

Approval and acceptance of this proposal is acknowledged by the signatures of duly authorized representatives of the parties to this agreement.

ANGLE ENTERPRISES

Signature

Title

Date

GEOMATRIX CONSULTANTS, INC.

Nancy T. Bire
Signature

Vice President
Title

12/17/96
Date

PERSONNEL:

Personnel charges are for technical work, including technical typing, editing, and graphics involved in the preparation of reports and correspondence and for the time associated with production of such documents. Direct charges are not made for secretarial service, office management, accounting, and maintenance, because these items are included in overhead. Personnel category charge rates for Geomatrix Consultants, Inc. in 1996 are as follows:

Personnel Category	Hourly Rate
Principal Engineer/Scientist	\$125 - 195
Senior Engineer/Scientist II	115
Senior Engineer/Scientist I	105
Project Engineer/Scientist II	95
Project Engineer/Scientist I	85
Staff Engineer/Scientist II	75
Staff Engineer/Scientist I	68
Senior Technician	65
Field Technician	60
CAD/Graphic Designer	75
Project Assistant	52
Technical Editor	52
Technical Typist	45
Production Assistant	34

Time spent in travel in the interest of the client will be charged at hourly rates, except that no more than 8 hours of travel time will be charged in any day. When it is necessary for an employee to be away from the office overnight, actual costs, or a negotiated rate, will be charged for living expenses. A multiplier of 1.15 will be applied to all personnel expenses.

Charges for expert witness services will be at the hourly rates shown. However, for depositions and for court appearances, the rate is twice the amount shown. There will be a 4-hour minimum per-day charge for depositions and an 8-hour minimum per-day charge for court appearances. Special accounting services will be billed at the Production Assistant rate.

OUTSIDE SERVICES:

Outside services will be charged at cost plus 15%. Common outside items to which this 1.15 multiplier applies include: drilling services, outside laboratory testing, equipment rental, printing and photographic work, special insurance, outside consultants, travel and transportation, vehicle usage, and long-distance communications.

REIMBURSABLES:

Photocopies	\$0.15/sheet
Facsimile copies	\$1.00/page
Specialized Computer Systems	\$20.00/hour

Rates for engineering and scientific field equipment (such as instrumentation equipment, water and soil sampling equipment, and geology equipment) and field vehicles may be obtained on request.

INVOICES:

Invoices will be rendered at least monthly, either as a final or partial billing, and will be payable upon receipt. An additional late payment charge of 1½% per month or the maximum charge allowed by law, whichever is less, will be payable on accounts not paid within 30 days from billing date.



AMERICAN CONSTRUCTION & ENVIRONMENTAL SERVICES, INC.

567 EXCHANGE COURT
LIVERMORE, CA 94550
(510) 447-2484 • FAX (510) 447-4145

December 16, 1996

Mr. Wyman Hong
Zone 7 Water District
5997 Parkside Drive
Pleasanton, CA 94588

Subject: B P Service Station, 2008 First Street, Livermore, CA 94550

Dear Wyman:

I enjoyed talking to you this morning concerning the subject project. As we discussed, Zone 7 Water Resources Management does not have a drilling log for Monitor Well - 1 (MW-1) and at present MW-1 cannot be located. Due to the circumstances of no drilling log and the inability to locate MW-1 we concluded the monitoring of the site will be performed by using Monitoring Well 2, 3, and 4 as shown on the attached documents.

By copy of this letter to Alameda County Health Department and to Mr. Angle you are notified that Monitoring Well MW-2, MW-3, and MW-4 will be used to monitor the site.

If anyone has questions concerning this matter, please feel free to contact me at the above telephone number and I remain. . .

Very truly yours,

D. Bailey Neff
President

DBN/cls

cc: E. Chu w/ attachments
B. Angle w/ attachments

ZONE 7
WATER RESOURCES ENGINEERING
WELL LOCATION DATA

WELL NUMBER 3S/2E 8R12

ADDRESS: 2008 FIRST ST

LIVERMORE

OWNER: DESERT PETROLEUM

PRIMARY USE: WATER SUPPLY
CATHODIC
MONITORING

DRILLER: RSI

DATE COMPLETED: 06/17/1994

DEPTH: COMPLETED 60 Ft

DRILLED 60 Ft

DIAMETER 4 In

OTHER

DESIGNATION MW-3

PUMP: TYPE _____

MAKE _____

HP _____

DISCHARGE _____ In

METER NUMBER _____

SOUNDED DEPTH _____ Ft

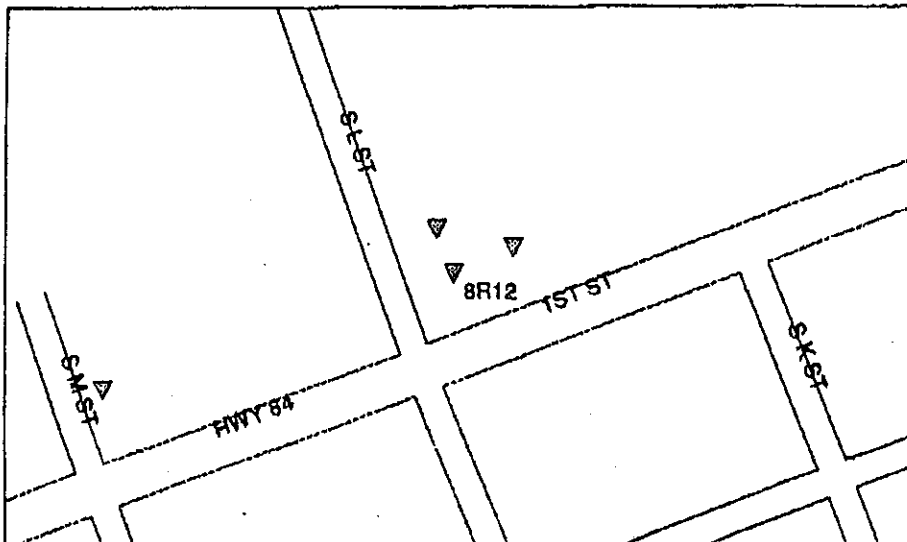
DATE SOUNDED _____

DATE DESTROYED _____

DATE UNLOCATABLE _____

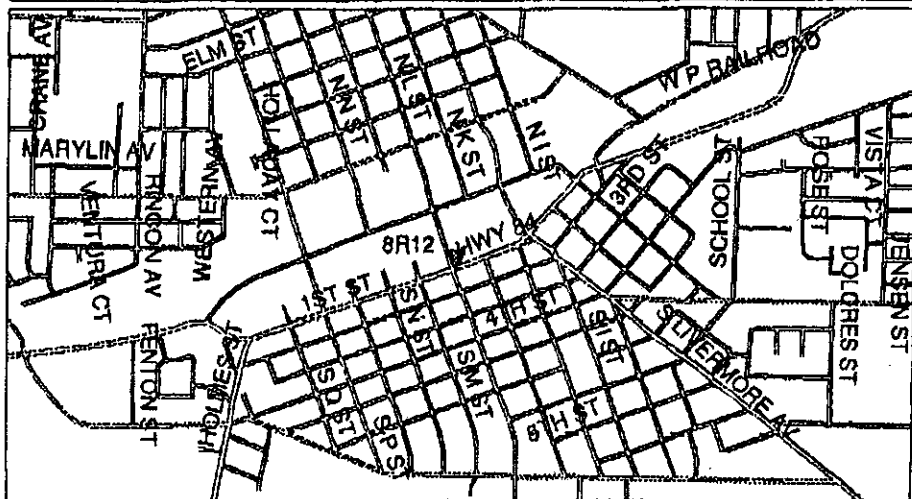
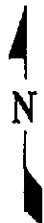
LOCATION SKETCH

DETAIL



Scale: 1 inch = 200 ft

GENERAL



Scale: 1 inch = 2000 ft



ZONE 7 WATER RESOURCES ENGINEERING WELL LOCATION DATA

WELL NUMBER 3S/2E 8R13

ADDRESS: 2008 FIRST ST
LIVERMORE
OWNER: DESERT PETROLEUM

PRIMARY USE: WATER SUPPLY
CATHODIC
MONITORING

DRILLER: RSI

DATE COMPLETED: 06/16/1994

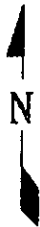
DEPTH: COMPLETED 60 Ft
DRILLED 60 Ft

DIAMETER 4 In

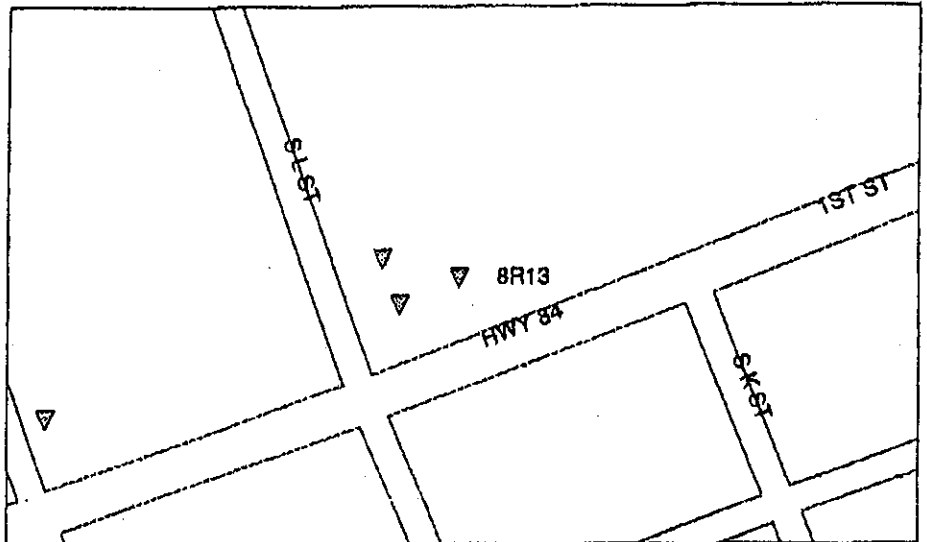
OTHER
DESIGNATION MW-4
PUMP: TYPE _____
MAKE _____
HP _____
DISCHARGE _____ In
METER NUMBER _____
SOUNDED DEPTH _____ Ft
DATE SOUNDED _____
DATE DESTROYED _____
DATE UNLOCATABLE _____

LOCATION SKETCH

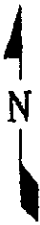
DETAIL



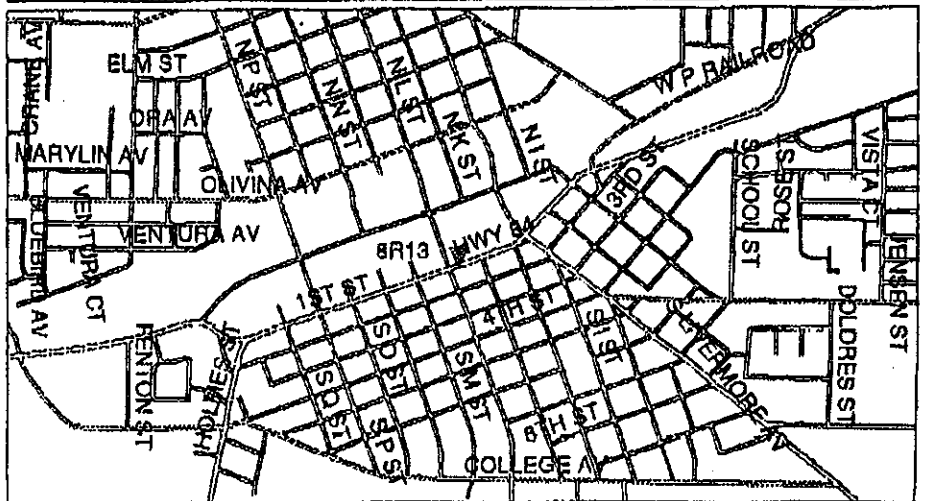
Scale: 1 Inch = 200 ft

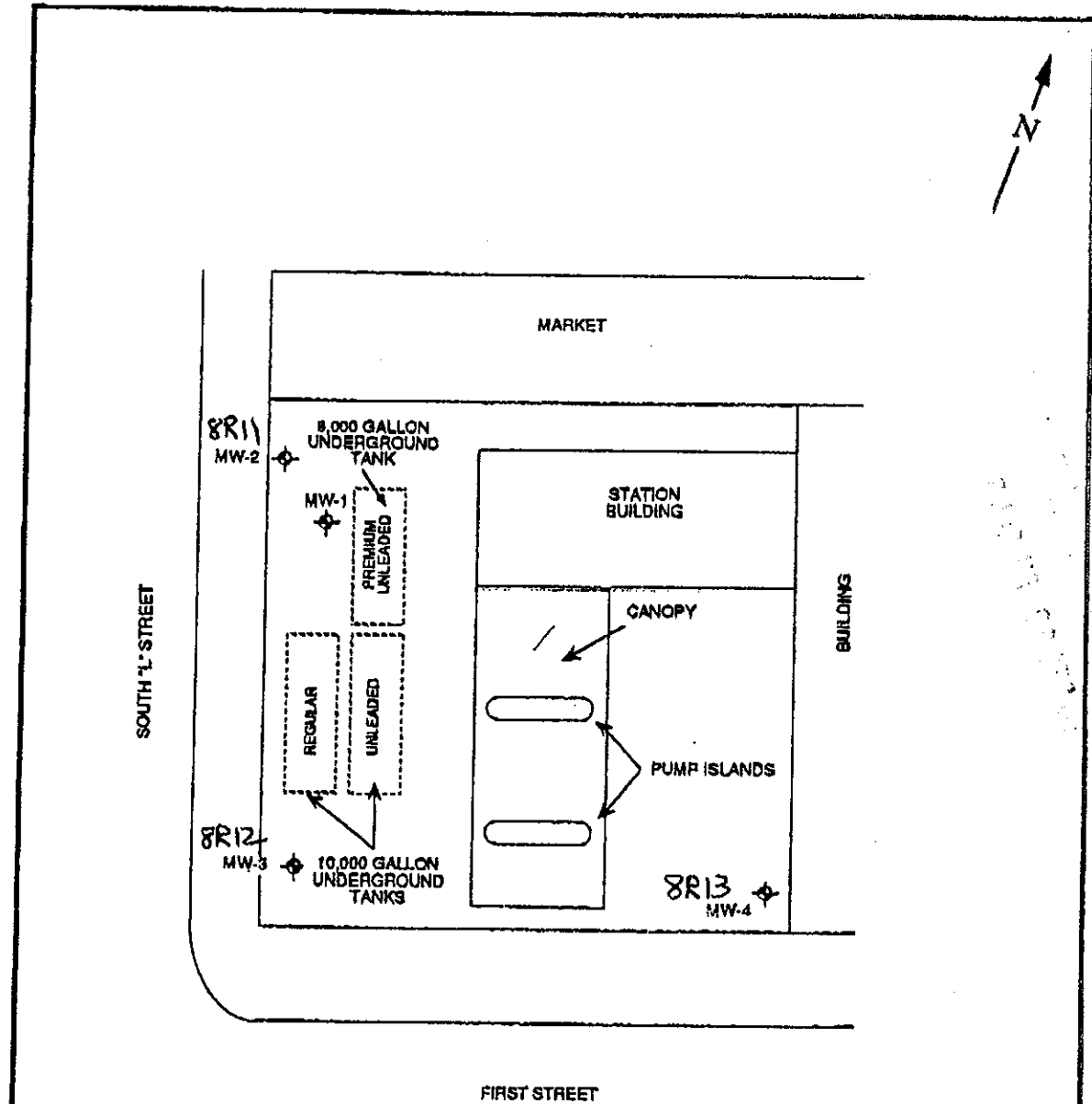


GENERAL



Scale: 1 Inch = 2000 ft





MAP NOT TO SCALE.
 SURVEYED DISTANCE BETWEEN WELLS, 1" = 25'

LEGEND

◆ GROUNDWATER MONITORING WELL LOCATION

2008 FIRST STREET,
 LIVERMORE, CA 94550

FIGURE 2: PLOT PLAN



ENVIRONMENTAL
PROTECTION

96 DEC 30 PM 3:48

ALBORG, VEILUVA & CANNATA

ATTORNEYS AT LAW

1220 OAKLAND BOULEVARD, SUITE 200
WALNUT CREEK, CALIFORNIA 94596-4337

TELEPHONE
(510) 939-9880

FACSIMILE
(510) 939-9916

FILE NO.: 800026

October 30, 1996

**By Facsimile and Regular Mail
(510) 337-9335**

Ms. Eva Chu
Alameda County Health Care Services Agency
Environmental Health Services
Environmental Protection
1131 Harbor Bay Parkway, #250
Alameda, CA 94502

Re: *2008 First Street, Livermore*

Dear Ms. Chu:

As you are aware from our telephone conversation of October 21, I have been assisting Balaji Angle concerning the ongoing contamination issues relating to his property at 2008 First Street in Livermore.

Since Desert Petroleum has not responded to any of my communications or that of Mr. Angle's (on which you have been copied), Mr. Angle has been left with no alternative but to reluctantly assume responsibility for employment of a contractor to remediate the subject property. Given the commitment given by the Underground Storage Tank Fund based on the joint application by Desert Petroleum and Mr. Angle, we find Desert Petroleum's recent conduct rather inexplicable. We are mindful of the responsibilities set forth in your letter of September 10, 1996. Needless to say, Mr. Angle's assumption of the cleanup work will be successful only with the cooperation of both Desert Petroleum and your agency.

Obviously, Mr. Angle is not in a position to fully comply with the terms of the order by October 27. For this reason, I ask on Mr. Angle's behalf that as long as you are satisfied that he is proceeding diligently to comply with the terms of your letter, your agency not refer the matter for further administrative action against Mr. Angle at this time. Mr. Angle has contacted several of your recommend environmental contractors, who will require historical monitoring data. I understand that Mr. Angle has been communicating with you on a regular basis concerning his progress.

Ms. Eva Chu
October 30, 1996
Page 2

As your correspondence correctly reflects, Desert Petroleum continues to bear legal responsibility for remediation of the property. Therefore, we ask that whatever action is taken by Mr. Angle to comply with the agency's requests, that such action not relieve Desert Petroleum of its responsibilities pursuant to the September 10 letter and prior orders from the agency. We are hopeful that the agency will aggressively compel Desert Petroleum's constructive response to your directives.

Lastly, I wish to assure you that we have the utmost motivation to ascertain the extent of the problem, and remediate the situation as quickly as possible. I fully recognize that the agency is less concerned with questions of "fault" than with the ultimate goal protecting the public health. This aspect is too often lost upon attorneys representing owners of contaminated property. We do, however, wish to ensure that whatever actions are taken by Mr. Angle in the upcoming months do not adversely effect his rights to proceed against parties ultimately responsible should this become necessary.

If ever you have any questions or wish to discuss the matter further, please do not hesitate to contact me. Thank you for your continuing courtesy and cooperation in this difficult matter.

Very truly yours,

ALBORG & DICTOR



MICHAEL J. VEILUVA

MJV:lpn

cc: Mr. Balaji S. Angle (by fax 654-0279)
29434

ENVIRONMENTAL
PROTECTION

96 OCT 31 PM 2:58

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 10/25/96
 Number of pages including cover sheet: 1

To: EVA CHU
ALAMEDA COUNTY HEALTH
SERVICES AGENCY
ALAMEDA CA 94502

Phone: 510-567-6700
 Fax phone: 510-337-9335
 CC: _____

From: B. Angle

Ref: - B + e Gas
Mini Mart

Phone: 510-654-3461
 Fax phone: 510-654-0279

REMARKS: Urgent For your review Reply ASAP Please comment

REFERENCE MY TELECON TODAY I SPOKE WITH RICK PILAT OF R-S-I INTERNATIONAL. HE SAID HE HAS RECEIVED THE LATEST GROUND WATER MONITORING RESULTS FROM THE LAB A COUPLE OF DAYS AGO. HE IS GOING TO FINALISE HIS REPORT BY WEDNESDAY AND SUBMIT TO YOU. AS SOON AS YOU RECEIVE THIS PL CALL ME SO THAT I CAN GET COPIES AND GIVE THEM TO PROSPECTIVE CONTRACTORS INCLUDING JERRY ALEXANDER AS THEY NEED LATEST REPORTS

TO DETERMINE THE STUDY. Thanks
 Angle

ALBORG & DICTOR

TELEPHONE
(510) 939-9880

ATTORNEYS AT LAW
1220 OAKLAND BOULEVARD, SUITE 200
WALNUT CREEK, CALIFORNIA 94596-4337

FACSIMILE
(510) 939-9916

FILE NO.: 800026

October 25, 1996

**VIA FACSIMILE (805) 659-6818
AND U.S MAIL**

Lou Carpiac, Esq.
Ferguson, Case, Orr, Patterson
& Cunningham
1050 S. Kimball Road
Ventura, CA 93004

Re: 2008 First Street, Livermore
Balaji Angle

Dear Mr. Carpiac:

I have received no response from you to my letter of September 19 requesting a joint meeting with Eva Chu to resolve the problem relating to Desert Petroleum's suspension of remediation work at the Livermore property.

As you know, paragraph 8 of the Environmental Addendum provides that Balaji Angle may compel a meeting with Desert and its contractor to address the progress of the cleanup. Since our request for a meeting went unanswered, Mr. Angle accordingly suspended payments to the escrow as permitted by this paragraph.

The situation is rendered all the more serious as a consequence of the September 10, 1996 order from Eva Chu of the Alameda County Environmental Health Services Department. In the absence of any response from Desert to her letter, my letter, or Mr. Angle's letter also dated September 19, 1996, Mr. Angle is proceeding to comply with the order. His efforts to comply with the order is not to be considered as any admission of fault or liability for any purpose whatsoever.

Lou Carpiac, Esq.

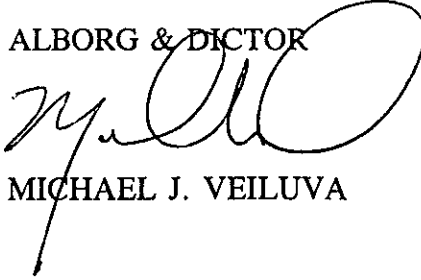
October 25, 1996

Page 2

In this process, we expect Desert and its contractor to cooperate fully in the exchange and transfer of information relevant to the remediation of the property, as well as ensuring the continued receipt of UST funds under the existing joint application. In addition, we request a full accounting of the moneys in the escrow and Desert's consent that such amounts be applied to further cleanup efforts at the Livermore property.

Very truly yours,

ALBORG & DICTOR



MICHAEL J. VEILUVA

MJV:lpn

cc: Mr. Balaji Angle (by fax 654-0279)

Ms. Eva Chu (by mail)

29368

ENVIRONMENTAL
PROTECTION

96 OCT 30 PM 12: 37

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 10/9/96

Number of pages including cover sheet: 2

3

To:

EVA CHU
HAZARDOUS MATERIALS
SPECIALIST
AL. COUNTY HEALTH SERVICES

Phone: 510-567-6700

Fax phone: 510-337-9335

CC:

From:

B. Angle

Ref: - ALC Gasminthout
firemail

Phone: 510-654-3461

Fax phone: 510-654-0279

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

Thanks

ANGLE

EVA CHU,
COUNTY OF ALAMEDA.

B+C GLASS MINIMAR
2008 FIRST ST Livermore
CA 94550

10/9/96

DEAR MRS EVA


AS DESIRED BY YOU LAST TUESDAY, I HAVE
ASKED MY GENERAL CONTRACTORS BY PHONE
FOLLOWED BY FAX TO LOCATE WELLMW-1 A CLEAN
WELLMW-6. COPY OF FAX OF 10/7 I FAXED. I AM
AWAITING THEIR RESPONSE.

MIKE VEILVA, MY ATTORNEY MENTIONED THAT HE
WILL SEEK YOUR APPOINTMENT FOR A MEETING
BETWEEN US AS DESERT HAS NOT REPLIED TO MY
AND MIKE'S VARIOUS COMMUNICATIONS. MIKE WAS
ALSO TO SPEAK TO PATRICK WHEELER OF U.S.T.
LEAK FUND. I HAVE TRIED TO CONTACT 3 OF
THE CONTRACTORS FURNISHED BY YOU BUT NO
FIRM ANSWER IS RECEIVED. I THINK IT WILL
BE BETTER TO DISCUSS THIS WITH THEM AFTER
WE DISCUSS WITH YOU.

I DO NOT KNOW WHETHER YOU RECEIVED
RESULTS OF RECENT MONITORING REPORTS FROM
R.S.T. SHALL CALL YOU ON 10/10 TO DISCUSS
THIS FURTHER.

Thanks

Sina


B. Angle

NEFF BAILEY,
AMERICAN CONST. & ENVIRON.
SERVICES INC.
(FAX: 510-447-4145)

B & E Gasminima
2008 F. ST. Livermore
CA 94550.
10/7/96.

DEAR MR BAILEY,

2008 F. ST. Livermore

THIS REFERS TO MY TELECON OF YESTERDAY.

COUNTY OF ALAMEDA CALLED ME TO INFORM THAT WHILE DOING THE PROJECT AT MY STATION, BY MISTAKE, MONITORING WELL MARKED MW-1 WAS COVERED WITH CONCRETE. ALSO WELL MW-6 HAD DEBRIS - SUCH AS SOIL STONES ROCKS ETC. TO ABOUT 12/13'. AS A RESULT OF THIS, THE GROUND WATER MONITORING CREW COULD NOT TEST THESE WELLS.

COUNTY WANTS ME TO ARRANGE WITH YOU IMMEDIATELY OPENING WELL MW-1 AND ~~SUCKING~~ THE ~~DEBRIS~~ DEBRIS IN WELL MW-6 SO THAT THEY CAN PERFORM GROUND WATER TESTS. MR. KAROL AND DAN KNOW OF THIS. THE MONITORING INSPECTOR HAS LEFT A CHART AT THE STATION TO GIVE AN IDEA AS TO WHERE MONITORING WELL MW-1 WAS LOCATED. HE ALSO MENTIONED THAT "CASING" ON WELL MW-3 WAS BROKEN.

AS THE COUNTY HAS SET A DEADLINE FOR GROUNDWATER MONITORING, YOUR IMMEDIATE ACTION IS NEEDED. PL. CALL ME IF YOU HAVE ANY QUESTIONS ON THIS.

Thaus

[Signature]

Angle Enterprises. 5131 Shattuck Ave., Oakland, CA 94609.

FAX

Date: 10/1/96

Number of pages including cover sheet: 2

To:

MRS. EVA CHU

AL. COUNTY HEALTHCARE SERVICES

ALAMEDA CA 94502

Phone: 510-567-6700

Fax phone: 510-337-9335

CC: MIKE VEHLVA

From:

B. Angle

BAR GLAS MINI MART

2008 F ST. LIVERMORE

CA 94550

Phone: 510-654-3461

Fax phone: 510-654-0279

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

REFERENCE YOUR LETTER OF SEP. 10 TO ME AND I DESERT AND MY TELECONS WITH YOU ON THREE OCCASIONS SINCE THEN. R.S.I ON BEHALF OF DESERT HAS SINCE CONFIRMED THAT THEY WILL CONDUCT THE MONITORING OF WELLS ON 4TH OCT. MR PILOT DID NOT SAY ANYTHING ABOUT ACQUIFER TEST. I SUGGEST THAT YOU PL. INSIST ON THAT TO B.P. AS PILOT TAKES INSTRUCTIONS FROM B.P.

WITH REF. TO MY ATTORNEY'S LETTER TO LOU CARPIAC OF WHICH COPY WAS SENT TO YOU LOU HAS NOT STILL REPLIED. I HAD ALSO SENT A ~~copy~~ DETAILED LETTER BY FEDEX TO LOU (COPIED TO YOU) BUT HE HAS NOT YET REPLIED. MY ATTORNEY AND I WOULD STILL LIKE TO MEET WITH YOU AS SOON AS PRACTICABLE MUTUALLY EVEN IF LOU CHOOSES NOT TO REPLY AS WE ARE KEEN OF SMOOTH RESOLUTION OF CLEANUP PROJECT. I WILL WAIT FOR ONE MORE WEEK FOR

LOU'S REPLY AND THEN CONTACT YOU FOR APPOINTMENT.

I AM HAPPY THAT B.P. HAS RESUMED WORK AND TRUST THIS HELPS IN ACHIEVING GOAL OUTLINED IN YOUR LETTER OF SEPT. 10. MANY THANKS FOR YOUR LIST OF CONSULTANTS FAXED TO DAY. I WILL CONTACT THEM ASAP. PL. DO NOT HESITATE TO CALL ME, IF NEEDED. B. Angle

SEP-30-'96 MON 15:17 ID: 644 5892

TEL NO: 805 654 0720

#811 P01



2060 KNOLL DRIVE, SUITE 200, VENTURA, CALIFORNIA 93003
(805) 844-5892 • FAX (805) 654-0720

FAX COVER SHEET

DATE: 9/30/96TO: MR. ANGLECOMPANY: B. P. STATION LIVERMOREREGARDING: GROUNDWATER MONITORINGFAX NO.: 510-654-0279FROM: RICK PILATNO. OF PAGES (INCLUDING COVER SHEET): 1

COMMENTS/NOTES:

WALT LUBKE OF AES WILL BE SAMPLING
THE WELLS AT 2001 1ST ST. ON FRIDAY
10/4/96 @ 9:00 AM. THE WORK WILL
NOT IMPEDE ANY ACCESS TO AND
FROM FACILITY, AND WILL NOT
AFFECT NORMAL FUELING OPERATIONS
OF CUSTOMERS - THANKS, RICK

If you do not receive the indicated number of pages, please
call for GEOSERVICES at (805) 644-5892.

ALBORG & DICTOR

TELEPHONE
(510) 939-9880

ATTORNEYS AT LAW
1220 OAKLAND BOULEVARD, SUITE 200
WALNUT CREEK, CALIFORNIA 94596-4337

FACSIMILE
(510) 939-9916

FILE NO.: 800026

September 19, 1996

**VIA FACSIMILE (805) 659-6818
AND U.S MAIL**

Lou Carpiac, Esq.
Ferguson, Case, Orr, Patterson
& Cunningham
1050 S. Kimball Road
Ventura, CA 93004

Re: 2008 First Street, Livermore

Dear Mr. Carpiac:

This office has been assisting Mr. Balaji Angle with respect to the environmental issues associated with his Livermore gas station.

Mr. Angle has brought to my attention the September 10, 1996 letter from Eva Chu of the Alameda County Environmental Health Services Department. The letter demands that Desert Petroleum and Mr. Angle submit a work plan by no later than October 27, 1996. The letter makes reference to civil penalties in the event there is no compliance with the order.

I have been advised that Desert Petroleum has ceased environmental remediation of the property since the Spring of 1996. I am concerned that this work stoppage may put Desert Petroleum in breach of its Contract of Sale of the station to Mr. Angle, who paid additional consideration to have Desert Petroleum complete its cleanup. In addition to the threatened administrative action, such continued non-action may also threaten the further funding of cleanup by the Underground Storage Tank fund.

By copy of this letter to Ms. Chu, I am recommending that the parties and their attorneys meet with Ms. Chu to discuss the status of the cleanup at the station, as well as potential resolution of the immediate work stoppage problem. Given the continuing availability of UST funding, I do not know why Desert Petroleum would see fit to terminate the work at this point. While it is theoretically possible for Mr. Angle, with UST funding, to complete the work, such a turnover would be impractical given his lack of information concerning the work performed by your contractor, and Desert Petroleum's interactions with both the UST fund and the County.

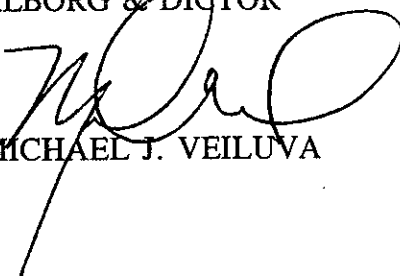
Lou Carpiac, Esq.
September 19, 1996
Page 2

You should be aware that Mr. Angle has completed his replacement of the underground tanks at the property. Whatever practical impediment such replacement activities may have had upon the remediation work therefore no longer exists.

Given the short time-frame imposed by the recent letter from Ms. Chu, I strongly urge that Desert Petroleum immediately respond to both Mr. Angle's communications and my own, and agree to a meeting with the County at the earliest possible opportunity.

Very truly yours,

ALBORG & DICTOR



MICHAEL J. VEILUVA

MJV:lpn

cc: Mr. Balaji Angle
Ms. Eva Chu

28580

ENVIRONMENTAL
PROTECTION

96 SEP 20 PM 2:05

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

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

StID 1689

September 10, 1996

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Balagi Angle
B & C Gas Mini-Mart
35584 Conovan Lane
Fremont, CA 94536

RE: Workplan for 2008 1st Street, Livermore, CA

Dear Messrs. Rutherford and Angle:

This letter is to remind you that a workplan to delineate the extent of the contaminant plume as a result of fuel releases from the above referenced site is due to this office by **October 27, 1996**. An aquifer test, which was to have been performed by January 19, 1996 but was delayed due to tank replacement activities at the site, must also be completed by October 27, 1996.

This office has not received a quarterly monitoring report of groundwater sampling since February 1996. We presume, therefore, that the May 1996 sampling event has not occurred. At this time, you are directed to reinstate a quarterly schedule of well sampling and monitoring. Technical summary reports documenting each well sampling and monitoring episode are also due quarterly. This schedule shall continue until further notice.

You are aware that the fuel release from this site is significant and has the potential to impact municipal wells located approximately 2,300 feet downgradient from the above referenced site. It has been demonstrated that the plume has already migrated at least 1,000 feet downgradient, where 3,000 ppb benzene was identified from a "hydropunch" sample (HP-8). Therefore, with the San Francisco Regional Water Quality Control Board consultation and concurrence, it is deemed mandatory that field activities commence immediately to fully characterize the plume and to develop a Remedial Action Plan for the site.

According to Section 25299.37 of the California Health and Safety Code, the owner, operator, or other responsible party shall prepare a workplan and take corrective action in response to an unauthorized release as required by the local agency, the board, or a regional board. Be advised that failure to comply with

Messrs. Rutherford and Angle
re: 2008 1st St, Livermore
September 10, 1996

Page 2

this section of the Code may result in civil action for which Section 25299.76 specifies civil penalties of up to \$10,000, for each day of violation, upon conviction. Also, failure to furnish technical reports regarding documented or potential groundwater 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 that such a violation continues.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency. Also, failure to comply may result in the withdrawal of your eligibility for reimbursement from the UST Cleanup Fund.

If you have any questions, I can be reached at (510) 567-6762.



eva chu
Hazardous Materials Specialist

c: Gil Jensen, Alameda County District Attorney's Office
Danielle Stefani, Livermore Fire Department
Cheryl Gordon, SWRCB Cleanup Fund
Kevin Graves, SF-RWQCB
Rick Pilat, RSI, P.O. Box 1601 Oxnard, CA 93032
Lou Carpiac, 1050 S. Kimball Rd, Ventura, CA 93004
Gordon Coleman, Acting Chief, ACDEH - files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

September 4, 1996

Balaji Angle
Tank Owner/Operator
35584 Conovan Lane
Fremont, CA 94536

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

Subject: Five-year operating permit for three underground storage tanks located at B & C Gas Mini Mart, 2008 First Street, Livermore, CA 94550

Dear Ms. Angle:

The newly installed system at the subject location includes two 12,000 gallon double wall steel/fiberglass tanks. One of the tanks is split into compartments of 5,000 and 7,000 gallons. So even though there are three tanks permitted only two annular space probes are used.

Tank leak detection is performed continuously using a Veeder-Root TLS 350 with associated probes and sensors. The pressurized piping is double wall fiberglass utilizing sumps on the tanks to act as the containment for the piping.

All components of the fuel delivery system are continuously monitored for leaks. The electronic monitor is configured to shut down the appropriate turbine(s) if the monitor is in alarm as a result of a product detection. The turbine(s) will also shut down if power to the monitor is disconnected. The dispensers will shut-off the flow of fuel if liquid is detected in the dispenser spill pans.

Compliance with the following conditions is a requirement of the permit to operate:

1. Perform leak detection using the sensors and monitoring system as described above.
2. Maintain written records of all alarm conditions and their resolution.
3. Perform annual operational tests on the electronic monitoring equipment by qualified technicians. Maintain records of all maintenance performed on the tank system.
4. Maintain certification of financial responsibility with documentation on-site.
5. Complete employee training and document such training at least annually.

September 4, 1996
B & C Gas Mini Mart
page 2 of 2

6. Report unauthorized releases to this office within 24 hours of detection. Provide written reports within 5 working days of the notification.
7. All changes in monitoring equipment must be pre-approved by this office prior to implementation.
8. Report changes in facility operator or tank owner on Form A within 30 days of the change.
9. Fees related to the operation of the tanks are to be paid in a timely manner to this Department.
10. Maintain a copy of the five year operating permit and operating conditions on-site.

This permit expires on August 30, 2001. If you have any questions regarding the operation of this tank system please contact me at (510) 567-6781.

Sincerely,



Robert Weston
Senior Hazardous Materials Specialist

enclosures

c: Bill Raynolds, East Team Manager, ACDEH
Eva Chu, LOP, ACDEH
files

RECEIVED

AUG 26 1996

EVA CHU,
Sr. Hazardous materials specialist,
Al. County Env. Health services,
1131 Harbor Bay Parkway, #250
Alameda CA - 4502-6577

ENVIRONMENTAL HEALTH SERVICES
NORTH COUNTY

B+C-Garmin
2008 F-st
Livermore CA -
94550

8/23/96

DEAR MS. CHU,

U.S.T. + PRODUCT PIPING REPORT
REMOVAL OF SOIL + SAMPLING

I FURNISH FOR YOUR REVIEW AND FILES THE DETAILED REPORT PREPARED BY TOUCHSTONE DEVELOPMENTS ENVIRONMENTAL MANAGEMENT ON 8-22-96.

THE ENTIRE SOIL APPROX. 700 CUBIC YARDS FROM AROUND BELOW + BENEATH THE TANKS PIPINGS SOME ARE AS WAS NOT REUSED BUT TRANSPORTED TO B.F.I AT VASCO ROAD. THE WHOLE EXCAVATED AND OVEREXCAVATED AREA WAS FILLED WITH PIT GRAVEL. THOUGH THIS WAS EXPENSIVE I CHOSE THIS ROUTE RATHER THAN REUSE THE OLD SOIL - THOUGH YOU PERMITTED ME TO REUSE THE OLD SOIL - AS I WANT THE AREA TO BE CLEAN.

YOU WILL BE HAPPY TO SEE THAT EVEN THE SAMPLE TOX-1-21-0 WHICH WAS TAKEN BY OVEREXCAVATING TO 23 FEET BELOW THE TANK RIGHT NEAR THE BREACH OF TANK (PLUS GRADE) REFLECTS ONLY 760 THP-GASOLINE AND 8.1 BENZENE.

THIS FACT DISPROVES ALL OF DESERT PETROLEUM'S ALLEGATIONS OF LARGE LEAKS ON TWO OCCASIONS WHICH THEY ARE ~~RAIS~~ MAKING TO GET OUT OF THEIR CONTRACTUAL OBLIGATIONS TO CLEAN THE PROPERTY UNDER PROVISIONS OF ESCROW. EVEN THE MINOR LEAKS THAT OCCURRED ARE DUE TO THE OMISSIONS & COMMISSIONS THEIR CONTRACTORS DID WHEN THEY PLACED T.L.C. 350 AND FAULTY T.L.S. 350 (LEAK DETECTION PROGRAM)

A POINT TO BE NOTED IS THEY HAVE NOT YET FURNISHED TO ME THEIR ^{FUEL} RECONCILIATION RECORDS PRIOR TO MY TAKING OVER THE FACILITY DESPITE MY REMINDERS SEVERAL TIMES.

WHILE ON THE SUBJECT AND AS DISCUSSED WITH YOU LAST WEEK IN RESPONSE TO YOUR LETTER OF 7-26-96 I HAVE ADDRESSED A LETTER TO HOU' CARRIAC, ATTORNEY OF D.P. URGING THEM TO CONTINUE THE CLEAN UP - AND ASSURED OF ALL MY COOPERATION IN THE MATTER - SO THAT WE CAN GET THIS MATTER RESOLVED. I SHALL LET YOU KNOW THEIR REACTION AS SOON AS I HEAR FROM THEM.

Sincerely

B. Angle
B. Angle

Enc! - Report with attachments

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6777

StID 1689

July 26, 1996

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Balagi Angle
B & C Gas Mini-Mart
35584 Conovan Lane
Fremont, CA 94536

Re: Quarterly Monitoring at 2008 1st Street, Livermore, CA

Dear Messrs. Rutherford and Angle:

Currently the above referenced facility is undergoing underground storage tank, product piping, and fuel dispenser replacement. Quarterly monitoring/sampling of onsite and offsite groundwater monitorings wells should resume upon completion of construction. The sampling of groundwater monitoring well MW-1, at Mill Springs Park Apartment, should be included in all future sampling events until further notice. During the next sampling event, analysis for chlorinated hydrocarbons should be included for groundwater collected from onsite well MW-6.

Be advised that the extent of the contaminant plume from the referenced site has not been fully delineated. This phase of the investigation must also resume upon completion of construction. A workplan for the work intended is due within 90 days of the date of this letter, or by **October 27, 1996**. Data collected from this and prior investigations should be used to develop a Corrective Action Plan (CAP) to identify and evaluate all feasible alternatives for cleanup of soil and groundwater, both on- and off-site, caused by the unauthorized release of petroleum products.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: files (desert19)

276. -325.7 -357.2

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy
Alameda CA 94502
510/567-6700

white - env. health
yellow - facility
pink - files

Hazardous Materials Inspection Form

II, III

Site ID # 1689 Site Name B+C Gas Mini Mart Today's Date 7/18/96

Site Address 2008 1st Street

City Livermore Zip 94550 Phone _____

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

Inspection Categories:

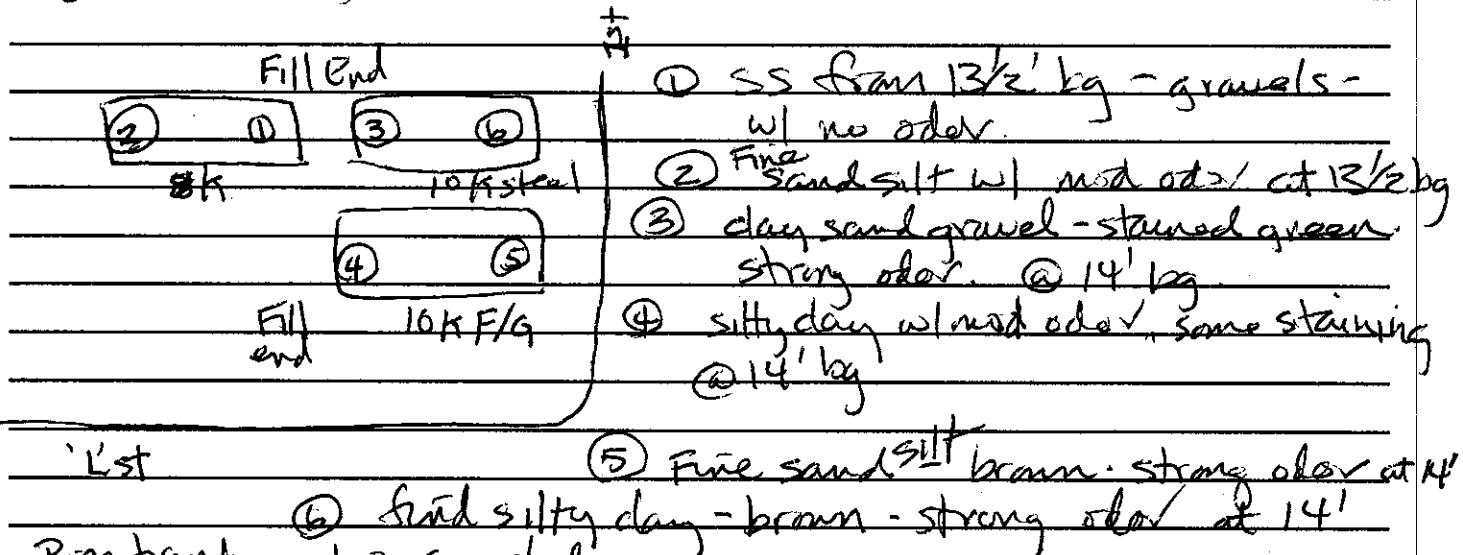
- ____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- ____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials
- III. Under ground Storage Tanks Removal

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

Comments:

10K Fiberglass tank w/ 1' long crack on bottom at vent end of tank

10K steel UST in good condition - no holes noted (some rust)
8K steel UST " " " " " " " " " "



Pipe trenches also sampled.

Analyze for TPH, BTEX, MIBK and total lead

Contact ROBERT C. MALLOY
 Title PROJECT MANAGER
 Signature Robert C. Malloy

Inspector Eva Chy
 Signature [Signature]

II, III

**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 ENVIRONMENTAL PROTECTION DIVISION
 1131 HARBOR BAY PARKWAY, RM 250
 ALAMEDA, CA 94502-6577
 PHONE # 510/567-6700
 FAX # 510/337-9335**

office copy

Project Specialist

*Eschen 5/14/96
 Note changes/additions in Red*

ACCEPTED

Underground Storage Tank Closure Permit Application
 Alameda County Division of Hazardous Materials
 1131 Harbor Bay Parkway, Suite 250
 Alameda, CA 94502-6577

These closure/removal plans have been reviewed and found to be acceptable and essentially meet the requirements of State and Local Health Laws. Changes to your plans must be indicated by this Department are to assure compliance with State and local laws. The project proposed herein is not released for issuance of any required building permits, construction/destruction.

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

Any changes or alterations of these plans and specifications must be submitted to this Department and to the Building Inspections Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 72 hours prior to the following required inspections:

- Removal of Tank(s) and Piping
- Sampling
- Final Inspection

Issuance of a) permit to operate, b) permanent site closure, is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

Contact Specialist:

56 MAY 23 PM 2:33

ENVIRONMENTAL PROTECTION

UNDERGROUND TANK CLOSURE PLAN

* * * Complete according to attached instructions * * *

1. Name of Business B+C Gas Minimart
 Business Owner or Contact Person (PRINT) B.S. Angle

2. Site Address 2008 First Street
 City Livermore CA Zip 94550 Phone 510

3. Mailing Address 35584 Conovan Ln.
 City Fremont Zip 94536 Phone 510 654-3461

4. Property Owner B+C Gas Mini Mart, Balaji Angle, owner
 Business Name (if applicable) B+C Gas Mini Mart
 Address 35584 Conovan Lane
 City, State Fremont CA Zip 94536

5. Generator name under which tank will be manifested
B+C Gas Minimart

EPA ID# under which tank will be manifested C A 0000141898

6. Contractor American Construction
Address 567 Exchange Court
City Livermore CA 94560 Phone (510) 472-2484
License Type* A, ASB, HAZ, B, C-9 ID# 702214 exp. 2/97

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board.

7. Consultant (if applicable) N/A
Address _____
City, State _____ Phone _____

8. Main Contact Person for Investigation (if applicable)
Name B. S. Angle Title OWNER
Company B+C Gas Minimart
Phone _____

9. Number of underground tanks being closed with this plan 3
Length of piping being removed under this plan 100 - 120 ft
Total number of underground tanks at this facility (**confirmed with owner or operator) 3

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**** Underground storage tanks must be handled as hazardous waste ****

a) Product/Residual Sludge/Rinsate Transporter
Name Consolidated Waste EPA I.D. No. _____
Hauler License No. 0147 License Exp. Date _____
Address 1855 Adams Ave
City San Leandro State CA Zip 94577

b) Product/Residual Sludge/Rinsate Disposal Site
Name Erickson Inc EPA ID# CAD009466392
Address 255 Pass Blvd
City Richmond State CA Zip 94801

c) Tank and Piping Transporter

Name Consolidated Waste EPA I.D. No. _____

Hauler License No. 0147 License Exp. Date _____

Address 1855 Adams Ave

City San Leandro State CA Zip 94577

d) Tank and Piping Disposal Site

Name Erickson, Inc EPA I.D. No. CAD009466392

Address 255 Paris Blvd

City Richmond State CA Zip 94801

11. Sample Collector

Name Jeff Monroe

Company Touchstone Developments

Address POB 2554

City Santa Rosa State CA Zip 95405 Phone 707-538-8818

12. Laboratory

Name Sequoia Analytical

Address 680 Chesapeake Dr

City Redwood City State CA Zip 94063

State Certification No. 1210

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

If yes, describe. 10K (EMPTY) PLUS UAL.

14. Describe methods to be used for rendering tank(s) inert:

15 lbs dry ice per 1,000 gallons
 Tank Capacity

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be permanently plugged.

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas indicator on-site to verify that the tank is inert.

15. Tank History and Sampling Information *** (see instructions) ***

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
10,000	10,000 Plus UnL (EMPTY) BW STEEL	SOIL	2' below each end of tank & every 20' pipe
10,000	Reg. UnL BWF	SOIL	" "
8,000	Sup. UnL SW STEEL	SOIL	" "

One soil sample must be collected for every 20 linear feet of piping that is removed. A ground water sample must be collected if any ground water is present in the excavation.

Excavated/Stockpiled Soil

<p>Stockpiled Soil Volume (estimated)</p> <p align="center">340 cy</p> <p>1 sample / 50 cy for disposal or 1/20 cy for reuse</p>	<p>Sampling Plan</p> <p>Soil samples will be collected from the backhoe bucket and handled as recommended by the LUFT MANUAL + TRI Regional Board staff. Collected in 2"x6" brass liners</p>
---	---

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

Will the excavated soil be returned to the excavation immediately after tank removal? [] yes [] no [x] unknown

If yes, explain reasoning _____

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from Alameda County. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling operations.

16. Chemical methods and associated detection limits to be used for analyzing samples:
 The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed.
 See attached Table 2.
17. Submit Site Health and Safety Plan (See Instructions)

Contaminant Sought	EPA or Other Sample Preparation Method Number	EPA or Other Analysis Method Number	Method Detection Limit
TPH 6	5030		1.0
BTEX+E MTBE	8020		0.005
Total lead			

18. Submit Worker's Compensation Certificate copy

Name of Insurer State Fund

19. Submit Plot Plan ***** (See Instructions) *****

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery.
The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.

22. Submit a closure report to this office within 60 days of the tank removal. The report must contain all information listed in item 22 of the instructions.

23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one B form for each UST to be removed) (mark box B for "tank removed" in the upper right hand corner)

I declare that to the best of my knowledge and belief that 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 approval from the Environmental Protection Division 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 health and safety. 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.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

CONTRACTOR INFORMATION

Name of Business American Construction

Name of Individual Terri Stack

Signature Terri Stack Date 5/13/96

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business B+E Gas mini mart




Name of Individual BALAJI ANGLE

Signature [Signature] Date 5/13/96

rev 4/6/95

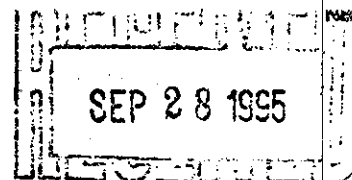
AMERICAN CONSTRUCTION & ENVIRONMENTAL SERVICES, INC.

CONTRACTORS POCKET CARD

	State of California CONTRACTORS STATE LICENSE BOARD ACTIVE LICENSE	
License Number	702214	Entity CORP
Business Name	AMERICAN CONSTRUCTION & ENVIRONMENTAL SERVICES INC	
Classification	A HAZ ASB B C-9	
Expiration Date	02/28/97	

**STATE
COMPENSATION
INSURANCE
FUND**

P.O. BOX 807, SAN FRANCISCO, CA 94101-0807



CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

ISSUE DATE: 10-01-95

POLICY NUMBER: 571-95 UNIT 0001488
CERTIFICATE EXPIRES: 10-01-96

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
ATTN: HAZARDOUS MATERIALS DIVISION
1131 HARBOR BAY PARKWAY, STE. 250
ALAMEDA CA 94502-6577

This is to certify that we have issued a valid Workers' Compensation insurance policy in a form approved by the California Insurance Commissioner to the employer named below for the policy period indicated.

This policy is not subject to cancellation by the Fund except upon 30 days' advance written notice to the employer.

We will also give you 30 days' advance notice should this policy be cancelled prior to its normal expiration.

This certificate of insurance is not an insurance policy and does not amend, extend or alter the coverage afforded by the policies listed herein. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate of insurance 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.

Kenneth C. Bollier
PRESIDENT

EMPLOYER'S LIABILITY LIMIT INCLUDING DEFENSE COSTS: \$1,000,000.00 PER OCCURRENCE.

ENDORSEMENT #2085 ENTITLED CERTIFICATE HOLDERS' NOTICE EFFECTIVE 10/01/95 IS ATTACHED TO AND FORMS A PART OF THIS POLICY.

EMPLOYER

LEGAL NAME

AMERICAN CONSTRUCTION
ENVIRONMENTAL SERVICES, INC.
567 EXCHANGE CT.
LIVERMORE CA 94550

THE D. B. NEFF CORP
GOLDEN WEST ENVIRONMENTAL SERVICES,
AMERICAN CONST. ENVIRONMENTAL SERV

B&C Gas MiniMart
35584 Conovan Lane
Fremont, Ca. 94536

May 8th, 1996

Robert Weston
Senior Hazardous Materials Inspector
Alameda County Health Care Services Agency
Environmental Protection Division
1131 Harbor Bay Pkwy, #250
Alameda, Ca. 94502-6577

Re: Replacement of new double wall fiberglass tanks, pipes and dispensers

Dear Robert:

I had assured you and Mrs. Eva Chu that I would inform you as soon as I received approval for my RUST fund loan from the state of California to replace new tanks and pipes.

It took almost 9 months before I could get approval. I have signed the loan documents today and forwarded them to the state agency. I have also signed the contracts simultaneously for the purchase of tanks and equipment and also for installation.

The contractors, American Construction and Environmental Services, Inc. of Livermore, will approach you for the necessary permits to do the project. Please extend to them the cooperation you^{AND EVA} have so kindly extended to me all along.

Thanks again for all of your help.

Sincerely,



B.S. Angle

Copy to Mrs. Eva Chu ✓

ENVIRONMENTAL
PROTECTION
96 MAY 14 AM 11:08

B.S. Angle
B&C Gas MiniMart
2008 First Street
Livermore, Ca. 94550

April 10th, 1996

Ms. Eva Chu
Hazardous Materials Specialist
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, Ca. 94502-6577

Re: 2008 First Street, Livermore, Ca. 94550

Dear Eva:

I refer to my telephone discussions with you 2 weeks ago in the matter of replacement of new tanks.

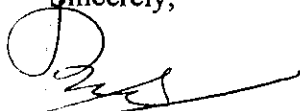
Mr. Jim La Tanner, loan officer of the California Trade and Commerce Agency, RUST FUND program, confirmed to you that he had approved my loan and it was pending environmental review. I expected the approval this week.

However, Jim wanted some more information from me which included copies of the approval of myself and Desert Petroleum Inc. by the Leak Fund. I have federal expressed these copies to him on April 9th. Hopefully, I expect the approval shortly.

I will inform you as soon as I get final approval.

Thanks.

Sincerely,



B.S. Angle

2008 APR 11 10 10 AM
ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY

ENVIRONMENTAL
PROTECTION
96 APR 15 PM 2: 34

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH

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

StID 1689

February 5, 1996

Mr. Lou Carpiac, Counsel for Desert Petroleum
Ferguson, Case, Orr, Paterson & Cunningham
1050 South Kimball Road
Ventura, CA 93004

RE: 2008 First Street, Livermore, CA 94550

Dear Mr. Carpiac:

I have completed review of your letter of February 1, 1996. Your letter requests that Desert Petroleum (Desert) be relieved of their responsibility for the 1994 and 1995 fuel releases at the above referenced site.

It is not disputed that a significant fuel release occurred after Desert sold the property to Mr. Balagi Angle. The recent releases (1994, 1995) have co-mingled with the "old" release, which occurred when Desert owned the property. This office, however, does not concur that Desert contributed only "low level contamination" to soil and groundwater at this site. Be reminded that Desert failed to fully characterize the extent and severity of the contaminant plume prior to the sale of the property to Mr. Angle.

Laboratory analytical results show that monitoring well MW-1, the nearest down gradient well from the tank complex, exhibited up to 1,300 ppb benzene in August 2, 1990. Since the property was sold to Mr. Angle, benzene concentrations have ranged from 66 to 900 ppb. At the same time, monitoring well MW-2 (further down gradient from the tank complex) which was installed in June 1994, revealed free product and at least two orders of magnitude higher levels of benzene. Similar levels of benzene were also detected in monitoring wells MW-3, MW-5, and MW-6. It appears that the lower levels of benzene detected in well MW-1 is not representative of groundwater quality beneath this site.

Desert's contaminant plume cannot be distinguished from Angle's plume. This Agency cannot allocate percentage of responsibility or liability for site assessment/remediation. Therefore, Desert Petroleum and Mr. Balagi Angle are required to continue with site characterization and remediation, as deemed necessary.

Pre-approval from the Cleanup Fund for all approved workplans should be obtained prior to the start of field work. Pre-approval will alleviate concerns that the UST Cleanup Fund will not reimburse for remediation work requested by this Agency.

Lou Carpiac
re: 2008 1st St, Livermore
February 9, 1996

Page2

If you have any questions, I can be reached at (510) 567-6762.

Sincerely,



eva chu
Hazardous Materials Specialist

(w) cc: John Rutherford, P.O. Box 1601, Oxnard, CA 93032
Balagi Angle, 2008 1st Street, Livermore, CA 94550
files

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004

(805) 659-6800

TELECOPIER: (805) 659-6818

OF COUNSEL
ALLEN F. CAMP

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
WILLIAM B. SMITH
GISÈLE GOETZ
ANNETTE M. LERCEL
RAMON L. GUIZAR
GREGORY W. HERRING
DOUGLAS E. KULPER

February 1, 1996

Ms. Eva Chu
Alameda County Health
Care Services Agency
1131 Harbor Bay Parkway, #205
Alameda, CA 94502-6577

Re: Desert Petroleum 795/Livermore

Dear Ms. Chu:

As you know from prior correspondence, the undersigned represents Desert Petroleum, Inc., Chapter 11 Debtor in Possession. Desert has asked me to review the facts and circumstances surrounding the above referenced service station and your agency's demand that Desert prepare and submit a RAP.

A little historical background may be helpful as a starting point.

Desert acknowledges that it discovered traces of low level hydrocarbon soil contamination when it was implementing leak UST monitoring measures for the Livermore service station in February 1988 (herein referred to as the "1988 Residual Contamination").

On December 30, 1993, Desert sold the service station to Mr. B.S. Angle, under an agreement which specifically allocated to Desert the responsibility to deal with the 1988 Residual Contamination, which had been fully disclosed to the Buyer at the time of the sale. The sale agreement specifically provided that Desert's obligation did not include other contamination which occurred after the close of escrow. Therefore, as of that point in time, Desert's responsibility included the completion of assessment and if necessary the remediation of the low level contamination which existed in 1993. In 1993, there was no evidence of free product or LNAPL at the service station location.

At approximately the time of the sale, your agency had given a conditional case closure to the owners of the Mills Springs Park Apartments ("Mills Springs"), situated at 1809 Railroad

February 1, 1996
Ms. Eva Chu
Page 2

Avenue, Livermore, predicated in part on test results which indicated the absence of any gasoline constituents or LNAPL in the Mills Springs monitoring well. It was not until February 1995 that the Mills Springs property well detected for the first time any LNAPL contamination. This is one of several indisputable facts in this case. It can thus be said, that if the 1988 traces of contamination discovered by Desert in 1988 had been the cause of the contamination later discovered at the Mills Springs property, there would have been some evidence of it in 1988, or certainly sometime earlier than February 1995.

There is evidence, backed by correspondence to your attention that in June 1994, six months after Desert sold the service station to Mr. Angle, evidence of a new release was discovered by a geologist doing work at the site. Mr. Angle was notified of this. There is further evidence that in February 1995, a second release likely occurred at the service station, corroborated in part by the discovery of free product in the wells then being sampled as part of Desert's remediation of the 1988 Residual Contamination. This too was reported to Mr. Angle and to your agency.

At about the time that this second release was discovered, the monitoring well at the Mills Springs property detected for the first time the presence of LNAPL. The Mills Springs consultant, Earth Tech, concludes that the source of the contamination was the service station, based on the following factors:

- the absence of LNAPL in the subject well during the Mills Springs cleanup and the post-closure monitoring, a period spanning over 4 years.
- The reports of two releases from the USTs at the service station and the removal from service of a leaking UST in September 1995 (all of which occurred after the 12/93 sale of the station by Desert Petroleum).
- Fingerprinting data from samples obtained at the service station in 1995 and the LNAPL extracted from the Mills Springs monitoring well (all of which relate to conditions existing in 1995, nearly two years after the sale of the service station by Desert).

On the strength of these facts, Mills Springs requested and you affirmed that your agency's case closure, which had been first granted on December 24, 1993, would not be altered. Your letter to Mr. Hardy, dated October 17, 1995, went even further and stated that present and future owners of MSP will not be held

February 1, 1996
Ms. Eva Chu
Page 3

responsible of any future costs associated with the investigation, characterization or remediation of the gasoline plume from off-site.

Desert is not necessarily taking issue with your conclusion to relieve Mills Springs of further responsibility for the gasoline contamination. If the evidence points to a release of gasoline in the summer of 1994 and again in the spring of 1995, and free product is discovered shortly thereafter in wells where none had been detected during the prior 4 years, then it may be reasonable to conclude that the contamination was caused by the 1994 and 1995 releases.

This begs the question why is Desert not being relieved of this responsibility based on the same evidence? If Mills Springs can be given such an unqualified closure, on the strength of evidence indicating that no problems existed prior to 12/93, this same body of evidence militates in favor of a similar conclusion as to Desert. Desert's responsibility had been limited by contract to the cleanup of the 1988 Residual Contamination. Nothing requires it contractually or by law to remediate the contamination resulting from two releases which occurred after its sold the property. In my opinion, there are insufficient facts upon which your agency to require Desert's continued assessment or remediation of the contamination which resulted from the 1994 and 1995 releases.

In the initial stages following the discovery of contamination at the Mills Springs property, Desert agreed to cooperate by attending meetings sponsored by your agency to discuss solutions to this problem, but at all times Desert rejected any conclusion that it was the responsible party. Desert's willingness to continue to cooperate was based largely on the fact that it had an application pending for funding from the UST Cleanup program. Although Desert's USTCF application was filed in connection with Desert's work on the 1988 Residual Contamination, your agency and others concluded that it would afford the most expedient means to obtain funding for the cleanup of the subsequent releases if Mr. Angle could be joined as a co-applicant. Again, in the spirit of cooperation, Desert agreed to permit its application to be so amended and lent its name to the continued work at the service station, so long as Mr. Angle was named as the PRP.

In the interim, a new EPA-funded study has produced a report by the Lawrence Livermore National Laboratory ("LLNL"), suggesting that much of the cleanup being required by regulatory agencies such as ACHA is not cost effective nor is it any more effective than natural processes of bio-degradation. The UST

February 1, 1996
Ms. Eva Chu
Page 4

Fund has recently warned that it may not reimburse costs incurred for remediation work which under the new LLNL recommendations would not have required active remediation.

In view thereof, Desert is unwilling to shoulder financial responsibility for further assessment or cleanup work for which Desert may not receive reimbursement from the UST Fund in light of this new LLNL report and policy shift by the UST Fund. While Desert is willing to cooperate in the use of its existing UST Fund application as a vehicle for Mr. Angle to apply for funding, it is not willing to accept the risk that such expenses may not qualify for reimbursement.


If the facts recited by Mills Springs justify release of Mills Springs as a responsible party because the releases occurred in 1994 and 1995, then fundamental notions of due process and fairness require that Desert receive a like release. Mills Springs was found to be not responsible because it was physically distant from the suspected leaking source; Desert is similarly not responsible because it is separated by time from the leaking source. Whether spatially or temporally distanced from the leaking source, both should receive the same treatment.

In my opinion, much of the problem in this case has stemmed from the improper shorthand reference to the service station as the "Desert Station". Yes, this was a Desert Station prior to December 30, 1993. However, after 12/30/93 it is the B.S. Angle station. If you have any test data showing that the off-site problem has been caused by Desert, then I would be pleased to review it and comment thereon. Desert is not the cause of the present contamination and therefore must be released, absent other evidence to the contrary.

Thank you.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By 
Lou Carpiac

LC:dc
cc: Desert Petroleum, Inc.
Attn: Mr. John D. Rutherford

LC5303

CONFIDENTIAL
FEB - 5 PM 2:21

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ARNOLD PERKINS, DIRECTOR
RAFAT A. SHAHID, DEPUTY DIRECTOR

StID 1689

January 12, 1996

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Balagi Angle
B & C Gas Mini-Mart
35584 Conovan Lane
Fremont, CA 94536

DEPARTMENT OF PUBLIC HEALTH
499 Fifth Street
Oakland, California 94607
(510)

RE: RAP for 2008 1st Street, Livermore 94550

Dear Messrs. Rutherford and Angle:

I have completed review of Remediation Service, Int'l's December 1995 Soil and Groundwater Investigation Report for the above referenced site. Two monitoring wells and four exploratory borings were advanced to groundwater. "Grab" groundwater samples analyzed confirmed the contaminant plume has migrated offsite at least 350' downgradient from the onsite tank complex. This report did not include cross-sections of the subsurface. Please provide these diagrams.

On December 18, 1995 I approved the workplan to perform a one-day step draw-down, and a three-day constant rate pump test of the aquifer. Field work is to begin by January 19, 1996. Information gathered from this phase of the investigation should be used to develop a Remedial Action Plan (RAP) to identify and evaluate all feasible alternatives for cleanup of soil and groundwater, both on- and off-site, caused by the unauthorized release of petroleum products.

The referenced RAP is due in this office within 60 days of the date of this letter. Include a time schedule for the completion of each aspect of the remediation process, as well as a proposal for the determination of the lateral extent of groundwater contamination offsite. The temporarily closed, damaged underground storage tank should be removed as soon as possible.

Recent findings and recommendations in the Lawrence Livermore National Laboratory (LLNL) "Recommendations to Improve the Cleanup Process for California's Leaking Underground Fuel Tanks" (October 16, 1995) report which allow passive bioremediation as the primary remediation tool cannot be considered at this time. Until source removal is complete and plume stability has been demonstrated, this option will not be considered.

Rutherford & Angle
re: RAP for 2008 1st St, Livermore
January 12, 1996

Page 2

I look forward to working with you this new year. If you have any questions, I can be reached at (510) 567-6762.

Sincerely,



eva chu
Hazardous Materials Specialist

cc: Rick Pilat, RSI, P.O. Box 1601, Oxnard, CA 93032
Kevin Graves, SF-RWQCB
files

bc

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 729-6777

StID 1689

December 18, 1995

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Balagi Angle
2008 1st Street
Livermore, CA 94550

**RE: Workplan Approval for Aquifer Test at 2008 1st Street,
Livermore 94550**

Dear Messrs. Rutherford and Angle:

I have completed review of Western Geo-Engineerr' Workplan to Perform Aquifer Test at the above referenced site. The proposal to perform a one-day step draw-down, and a three-day constant rate pump test is acceptable. Field work should commence within 30 days of the date of this letter, or **by January 19, 1996**. A report of the pump test results is also due within 60 days upon completion of field work.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: files

B.S. Angle dba
B&C Gas Mini-Mart
35584 Conovan Lane
Fremont, Ca. 94536
10/17/95

Robert Weston
Senior Hazardous Materials Specialist
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, Ca. 94502-6577

Dear Robert:

Subject: Your letter of Sept.21, 1995

Thanks for your letter cited above.

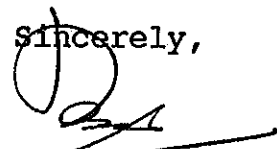
It is my intention to replace the failed tank - and if financially possible - the other two tanks also, with new double wall fiberglass tanks. Towards this objective, I have applied for a loan through the Rust Fund Program of the state.

My application, after scrutiny by the local lending office, has been forwarded to the main office in Sacramento for approval. I am constantly in touch with Sacramento to get the loan approval expedited. However, due to a flood of applications and a limited number of loan officers to deal with them, the time lag now is placed at 14 weeks from the past 4-6 weeks.

As soon as the loan is approved, I will expedite the new tank replacement project and notify you of the status.

I thank you for your cooperation.

Sincerely,


~~B.S. Angle~~

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

ENVIRONMENTAL
PROTECTION

95 OCT -6 PM 2:45

October 3, 1995

Ms. eva chu
Alameda County Environmental Health Department
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

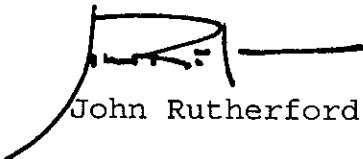
Re: 2008 First Street, Livermore, CA

Dear Ms. chu:

Enclosed is a copy of the revised License Agreement to conduct drilling and sampling on the vacant Groth Brothers lot. As discussed at the recent meeting on October 2, 1995, we have made the changes requested by Mr. Groth. The agreement was forwarded to him on this date by regular mail service at his request. Mr. Pilat has also been given a extra copy of the agreement which he will present to Mr. Groth if needed at the time of the scheduled work. As we at this time have no real assurance that the license agreement will be executed by Mr. Groth, we are planning to do our investigative work as originally approved and will amend the work to move to the vacant lot area if the agreement is signed.

If you have any questions please contact Mr. Pilat or myself.

Very truly yours,



John Rutherford

enclosure

cc L. Carpiac
R. Pilat



REMEDICATION SERVICE, INT'L.

October 3, 1995

Mr. Dick Groth
Groth Brothers Oldsmobile - GMC
59 South "L" Street
Livermore, CA 94550

Re: Subsurface Investigation
2008 First Street
Livermore, CA

Dear Mr. Groth:

RSI has been contracted by Desert Petroleum, Inc., former owner of the aforementioned property to conduct a soil investigation in the area as mandated by the Alameda County Health Department. As part of the investigation it has been determined that in order to minimize vehicular safety concerns and public encroachment logistics we request that a portion of the work be performed on your vacant property at South "L" Street and Railroad Avenue.

The proposed work will consist of four (4) borings and the collection of groundwater samples only. In this phase of the investigation there are no proposed permanent aboveground, surface, or subsurface installations. The time anticipated performing the work will be approximately two days and as before, every attempt to minimize inconvenience to your operations will be made.

After the work is complete, the area will be restored as closely to existing conditions as possible. We would like to begin this work during the week of October 9, 1995, and will give you prior notification of the actual date.

As discussed in the recent meeting of Monday, October 2, 1995, we would appreciate you completing the enclosed License Agreement and return it to us as soon as possible. This Agreement has been amended to include the items which you requested during our meeting.

If you have any questions please contact me.

Sincerely,

Richard W. Pilat
Program Director

RWP:ca

enclosure



LICENSE AGREEMENT

AGREEMENT made this _____ day of _____, 1995 by and between: Mr. Dick Groth, Groth Brothers Oldsmobile - GMC, 59 South L Street, Livermore, CA 94550 (hereinafter "Owner"; and Remediation Service Int'l (RSI), with principal office at 2060 Knoll Drive, Suite 200, Ventura, CA 93003 (hereinafter "Contractor"); Owner and Contractor shall sometimes hereinafter be referred to as "Parties".

- A. Owner is the owner of a certain parcel, or parcels, of real property known as 59 South L Street, Livermore, CA 94550 (hereinafter "Subject Property") in the vicinity of the real property located at 2008 First Street, Livermore, CA.
- B. Contractor now desires to enter the Subject Property to drill a maximum of four (4) boreholes.
- C. Owner and contractor desire to enter into this lease Agreement so that the groundwater can be assessed in relation to environmental laws and regulations; under the following five conditions:
 - 1) Contractor has authority to drill four borings (max) on Owners vacant lot for purposes of groundwater sampling only.
 - 2) Borings to be open for 72 hours, then backfilled and sealed in a workmanlike manner.
 - 3) Owner, or his representative, will be given split samples on all samples taken.
 - 4) Owner is to be held free and harmless from any liability whatsoever associated with this undertaking.
 - 5) Owner is to receive copies of all laboratory reports.

NOW, THEREFORE, in consideration of the granting of the foregoing, the mutual premises, covenants, conditions and agreements hereinafter set forth, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Grant of License - Owner hereby grants to Contractor, its employees, representatives and contractors a non-exclusive license (hereinafter the "License") to enter upon the Subject Property from time to time to conduct the activities described in Recitals Paragraph B & C above. This License shall commence on October 3, 1995 and shall end within 90 days of Owner acceptance of agreement unless the parties agree in writing to extend the term of the License. Prior to the License, Contractor shall, at its sole cost and expense, cause any excavation to be returned to the original gradient, and shall remove all equipment placed on the Subject Property, fill and level all ditches, ruts and depressions, if any, caused by the closure of the excavation operations, and remove all debris resulting therefrom.
2. Compliance with Laws - Contractor shall conduct all operations which are the subject of this License in compliance with all federal, state and municipal statutes and ordinances, and with all regulations, orders, and directives of appropriate governmental agencies, as such statutes, ordinances, regulations, orders, and directives now exist or provide.
3. Permits - Contractor, at no cost or expense to Owner, shall be responsible for obtaining any and all governmental permits and approvals which may be necessary for it to conduct any work or activities under this License Agreement. Owner shall coordinate and cooperate with Contractor in Contractor's activities to obtain all necessary government permits and permissions.
4. Liens and Claims - Contractor will not permit any mechanics' materialman's, or other similar liens of claims to stand against the Subject Property for labor or material furnished in connection with any work performed by Contractor under this License Agreement.
5. Cooperation - Contractor agrees to coordinate its activities with Owner to minimize any impairment of access by customers or business invitees of Owner to the Subject Property and any inconvenience to or disruption of Owners business on the Subject Property.
6. Indemnity - Contractor agrees that it will indemnify and hold Owner harmless from and against any claims, demands, actions, suits, judgements, losses, damages, costs or expenses incurred as a result of personal injury, property damage, civil penalties or fines proximately caused by the negligent acts or omissions of Contractor or its authorized contractors, employees and agents in conducting its activities under this License Agreement. This Indemnity is expressly conditioned on the following:

- (a) In the event Owner shall identify any matter to which this indemnity may apply or receive a notice or claim from any third party of such matter, it shall immediately, and in every case within thirty (30) days of said notice or claim, notify Contractor in writing of such matter addressed to 2060 Knoll Drive, Suite 200, Ventura, CA 93003.
 - (b) Owner shall cooperate with Contractor by allowing contractor, its agents, representatives, contractors and consultants, prompt and ready access to the Subject Property for the purpose of investigating any matter to which this Indemnity may apply.
 - (c) This Indemnity extends only to liability found to have been due to Contractor's comparative fault and shall not extent to liability for any claim, including future contamination, determined to have been due to acts or omissions of Owner, its agents, its predecessors, successors or assigns, or any third party.
7. Notices - Any notice provided for herein of otherwise required to be given hereunder shall be given by United States mail, postage prepaid, addressed to the other as set forth in the first paragraph of this License Agreement, except for the notice required to be given to Contractor as set forth in paragraph 6(a) hereof. The person and the place to which notices are to be mailed may be changed by either party by providing written notice of same to the other.
8. Modification - This Agreement may be amended at any time and from time to time, but any amendment must be in writing and signed by all parties thereto.
9. Partial Invalidity - If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provision shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.
10. Assignment, Successors, and Assigns - This Agreement may not be assigned by either party without the prior written consent of the other but otherwise shall be binding upon and inure to the benefit of the Parties' respective representatives, successors and assigns.

11. Entire Agreement - This License Agreement represents the full, complete and entire agreement between the parties with respect to the subject matter hereof, and the rights and remedies of the Parties shall be solely and exclusively those herein contained, and in lie of any remedies otherwise available at law or in equity.
12. Governing Law - this Agreement shall be construed and interpreted and governed by and in accordance with the local law of the State of California without reference to any choice of law rules or policies which may refer the resolution of any dispute arising hereunder to the laws of any other jurisdiction.

IN WITNESS WHEREOF, the Parties have executed this License Agreement by their duly authorized representatives on the date first above written.

OWNER:

CONTRACTOR:

by

Dick Groth
Groth Brothers Oldsmobile - GMC

by

RWL

Richard W. Pilat
Program Director



Newlandex Corporation, dba

REMEDIATION SERVICE, INT'L.

STID 1689

October 3, 1995

Ms. eva chu
Alameda County CC4580
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

RE: Further Soil and Groundwater Investigation 2008 St. Street, Livermore 94550

Dear Ms. chu:

This letter will confirm the key points mutually agreed upon during our meeting yesterday, and amend the previously submitted workplan to meet current assessment / interim remedial requirements. Attached is a plot plan with the modified boring and well locations. Work is scheduled to begin October 10, 1995.

1. Pending written approval of the license agreement from Dick Groth, four boreholes will be advanced to groundwater in the vacant lot owned by Groth. Only Hydropunch groundwater samples will be collected at these locations, however the borings will be logged per U.S.C.S.
2. One groundwater monitoring well will be installed on the West side of L Street downgradient of the subject site. This boring will be continuously cored to further assess potential lithological pathways for groundwater transport. The screen interval of this well will extend from 15 feet below ground surface to 40 feet (TD).
3. Because of the ongoing presence of free product and previous well screen intervals below the current groundwater/ LNAPL surface, one additional groundwater monitoring well will be installed on the subject property near MW-2. Logging and installation parameters will be the same as above (item 2).
4. Once the wells have been installed and sampled, an aquifer evaluation will be conducted to assess further remedial alternatives.

Thank you for your help with this phase of the project. I am certain that the mutual cooperation recently evident will expedite the successful assessment and ultimate remediation of this site. If you have any further requirements or questions please contact me at (805) 644-5892.

Sincerely,

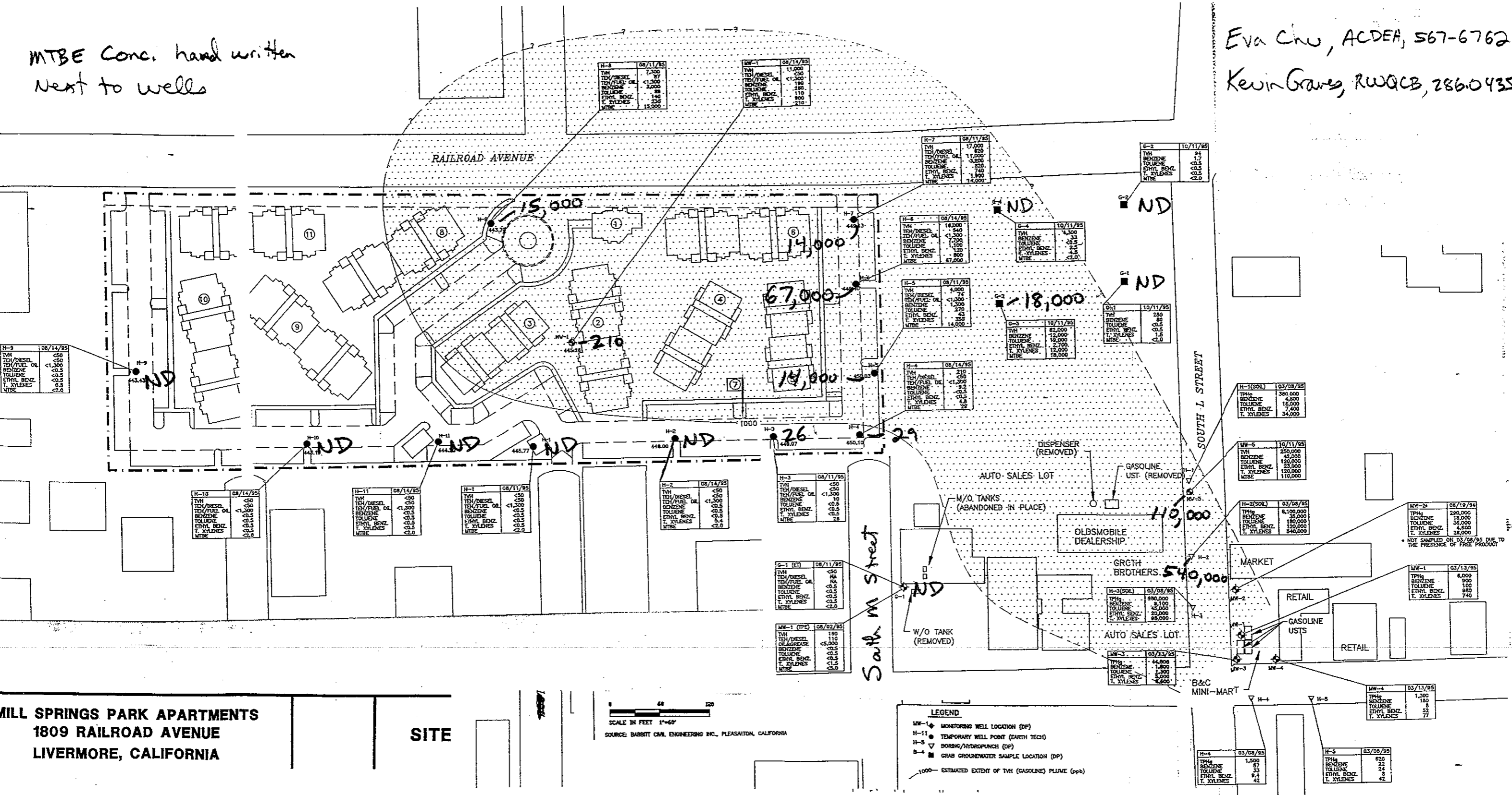
Richard W. Pilat
Program Director

(805) 644-5892 • FAX (805) 654-0720

Mailing Address: P.O. Box 1601, Oxnard, CA 93032 • Shipping Address: 2060 Knoll Drive, Suite 200, Ventura, CA 93003

MTBE Conc. hand written
Next to wells

Eva Chu, ACDEH, 567-6762
Kevin Gray, RWQCB, 286-0435



ZONE 7
WATER RESOURCES ENGINEERING
WELL LOCATION DATA

WELL NUMBER 3S/2E 8R11

ADDRESS: 2008 FIRST ST
LIVERMORE

OWNER: DESERT PETROLEUM

PRIMARY USE: WATER SUPPLY
CATHODIC
MONITORING

DRILLER: RSI

DATE COMPLETED: 06/18/1994

DEPTH: COMPLETED 60 Ft
DRILLED 60 Ft

DIAMETER 4 In

OTHER DESIGNATION MW-2

PUMP: TYPE _____
MAKE _____
HP _____
DISCHARGE _____ In

METER NUMBER _____

SOUNDED DEPTH _____ Ft

DATE SOUNDED _____

DATE DESTROYED _____

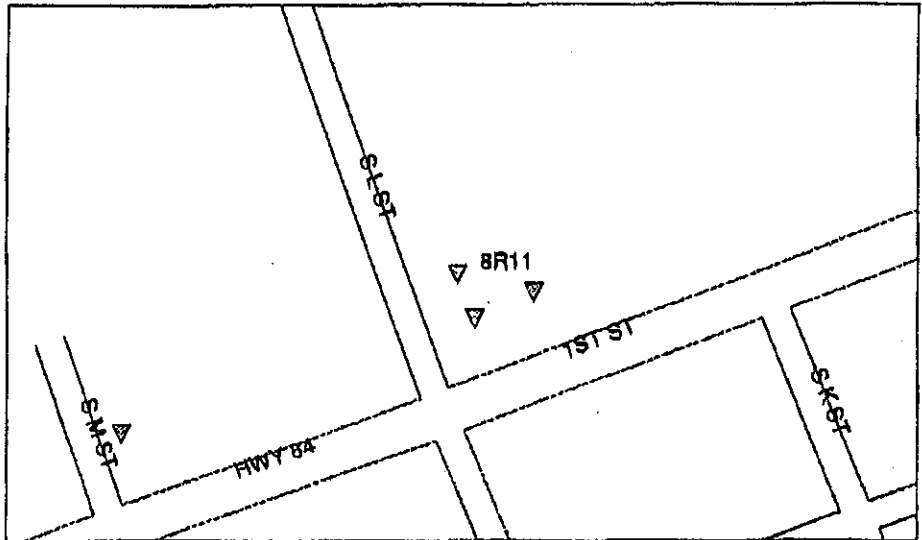
DATE UNLOCATABLE _____

LOCATION SKETCH

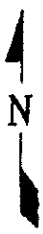
DETAIL



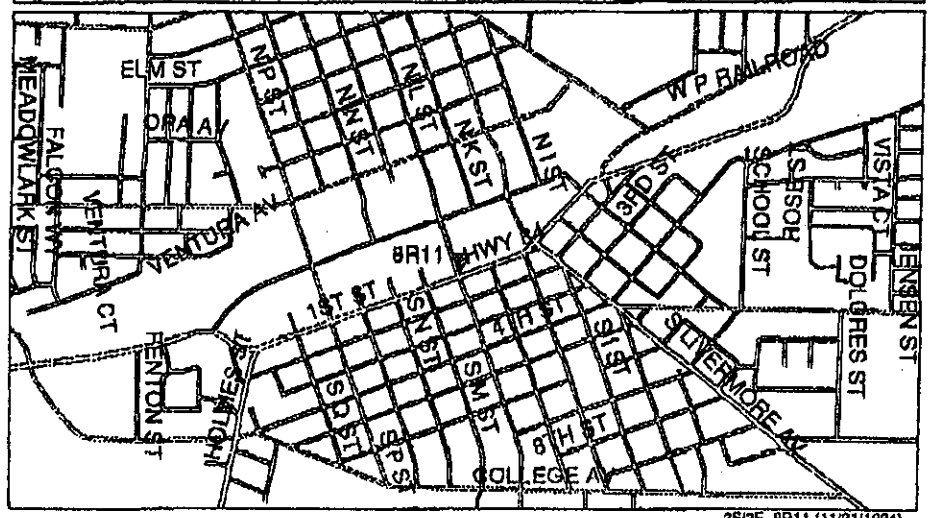
Scale: 1 Inch = 200 ft



GENERAL



Scale: 1 Inch = 2000 ft



RAILROAD AVENUE

REVISED 10/3/95

1801

FORMER LOCATION OF RAILROAD

G4

G2

G3

G-1

AUTO SALES LOT

OLDSMOBILE DEALERSHIP

OSMOBILE

AUTO SALES LOT

MW5

N-1

N-2

H-3

SOUTH "L" STREET

MW-1

MW-2

MW-3

MW-4

MW-5

MW-6

FIRST STREET

H-4

H-5

PARKING

STRIP MALL

RETAIL

RETAIL

RETAIL

RETAIL

ABANDONED GAS STATION & AUTO REPAIR

SOUTH "K" STREET

RETAIL

SOUTH "N" STREET

SOUTH "M" STREET

HOTEL

TRAVEL

SECOND STREET

PROPOSED LOCATIONS:

LEGEND

MW-



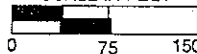
GROUNDWATER MONITORING WELL LOCATION

G-



HYDROPUNCH LOCATION

SCALE IN FEET



2008 FIRST STREET,
LIVERMORE, CA 94550

FIGURE 2: VICINITY MAP



REMEDIATION SERVICE, INT'L.

ENVIRONMENTAL
PROTECTION

95 OCT -6 PM 2: 50

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, DIRECTOR

September 21, 1995

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6777

Mr. Balaji Angile
B&C Minimart
2008 First Street
Livermore, CA 94550

Subject: Acknowledgement of Underground Storage Tank Unauthorized Release (ULR) and receipt of Forms A&B for temporary closure of Plus tank

Dear Mr. Angile:

This Department is in receipt of the ULR and forms A&B related to the August 25, 1995 discovery of a release of gasoline from a breach in the fiberglass Plus tank. Enclosed please find your copies of the forms submitted.

Within 60 days of this letter please provide this Department with a closure plan for the failed tank. The tank is currently empty and inert. However, the release of a hazardous substance into the environment will require corrective action on your part to investigate the extent of possible contamination. Please contact eva chu in this office for further guidance on the investigative phase of that work.

If you have any questions on this matter please contact me or eva chu at the letterhead telephone number.

Sincerely,

Robert Weston
Sr. Hazardous Materials Specialist

enclosures

c: Bill Reynolds, East Area Manager, ACDEH
eva chu, Hazardous Materials Specialist, LOP

M E M O R A N D U M

Date: September 21, 1995

To: Eva Chu, Alameda County Health Agency
Mark Milani, EARTH TECH

From: Jim Hardy, Wingfield Venture Funds

Subject: Discussions of September 20, 1995, with Dick Groth

1.
 - A. Desert Petroleum has authority to do four borings (max) on Groth's vacant lot for purposes of groundwater sampling *only*.
 - B. Borings to be open for up to 72 hours, then back filled and sealed in a workman-like manner.
 - C. Groth, or his representative, is to get "splits" on all samples taken.
 - D. Dick Groth is to be held free and harmless from any liability whatsoever associated with this undertaking.
 - E. Groth to receive copies of all laboratory reports.

2. ACHA to give Groth a letter that includes the following:
 - A. Any cost or liability associated with contamination found on his property from an off-site source is to be paid by the responsible party (RP) and ACHA shall hold him harmless therefrom should the RP fail in its duties.
 - B. Groth's existing monitoring well will remain subject to the terms and conditions of that agreement which was negotiated previously.
 - C. The testing referenced above to be done by Desert Petroleum will be done pursuant to the terms stated and shall be observed by the ACHA to insure compliance with such conditions.

Eva, I suggest that you encourage Desert Petroleum to prepare an "Access Agreement" that is *very brief*, reciting the provisions of Paragraph 1.A above. Secondly, I think Dick wants a letter from you that merely states that if he is not the cause of this problem, you and your colleagues will look to those who are, and hold him harmless from any negative aspects of it. When you think about it, his request is not unreasonable. Finally, Dick has agreed to attend your meeting on October 2.

MEM.UH.UH-20-6180.751789

Post-It™ brand fax transmittal memo 7671 # of pages 1	
From	John Butterfield
To	eva chu
Co.	Alameda Co. CA
Dept.	(510) 576-7622
Fax #	(510) 576-7622
	(510) 654-6720

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, DIRECTOR

September 15, 1995

DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Mr. James Hardy
P.O. Box 368
Hinsdale, IL 60522-0368

(510) 567-6777
Mr. Balagi Angle
2008 1st Street
Livermore, CA 94550

Mr. John Rutherford
P.O. Box 1601
Oxnard, CA 93032

Mr. Dick Groth
59 South L Street
Livermore, CA 94550

RE: Meeting on October 2, 1995, at 10:00 AM

Dear Messrs. Hardy, Angle, Rutherford, and Groth:

A serious groundwater pollution problem has been identified at the BP Station located at 2008 1st Street in Livermore as a result of fuel release(s) from the underground storage tanks. In addition, elevated gasoline contamination has recently been discovered in groundwater sampled from temporary well points at the Mill Springs Park Apartment (MSP) complex at 1809 Railroad Avenue. The connection, if any, between the groundwater pollution identified at MSP and the release at the BP station is currently unknown.

Your attendance is requested at a meeting to discuss the status of the on-going soil and groundwater investigation and cleanup at the BP station. Future investigation scope, corrective action, and current data gaps will be discussed. So that we may discuss this project in the presence of all available technical information, please bring copies of any reports or other data you may have which describe past or current environmental investigations associated with your properties.

This meeting is slated for **October 2, 1995 at 10:00 AM**, and will be held at the Alameda County Environmental Health Department offices, 1131 Harbor Bay Parkway, Suite 250, Alameda.

Please call me at (510) 567-6762 if you have any questions.

eva chu
Hazardous Materials Specialist

cc: Mark Milani, Earth Tech
Rick Pilat, RSI
John Kaiser, RWQCB
Kevin Graves, RWQCB
Gil Jensen, Alameda Co. District Attorney's Office
Scott Seery, ACDEH
files (desert14)

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6777

StID 1689

September 15, 1995

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Balagi Angle
2008 1st Street
Livermore, CA 94550

**RE: Well Replacement, Aquifer Pump Test at 2008 1st St,
Livermore**

Dear Messrs. Rutherford and Angle:

In a recent visit to the above referenced site, separate phase product was noted in well MW-2. Groundwater elevation is currently above the screened interval of the well. At this time, well MW-2 should be reconstructed to reflect current groundwater elevation, and to maximize free product recovery. In addition, well MW-1 may be decommissioned as it is a redundant well and does not appear to provide data which is representative of site conditions.

Also, an aquifer pump test should be performed to determine groundwater flow rate. The dissolved plume may have migrated 800' offsite. Please provide an addendum to the approved June 1995 Soil and Groundwater Investigation Workplan. Field work should commence as soon as permits are obtained.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: files

STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF CLEAN WATER PROGRAMS
 2014 T STREET, SUITE 130
 P.O. BOX 944212
 SACRAMENTO, CALIFORNIA 94244-2120
 (916) 227-4360
 (916) 227-4530 (FAX)

ENVIRONMENTAL
 PROTECTION

95 SEP -5 PM 4:10

Std 16 89



John Rutherford
 Desert Petroleum, Inc.
 P.O. Box 1601
 Oxnard, CA 93032

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 003272, FOR SITE ADDRESS: 2008 First Street, Livermore, CA 94550

The State Water Resources Control Board (State Board) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed \$100,000. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on January 17, 1992 and may be modified by the State Board in writing by an amended Letter of Commitment.

Read the terms and conditions listed in the 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.

This package includes the following:

- A "Reimbursement Request Instructions" package. Retain this package for future reimbursement requests. These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are:
 - Samples of completed Reimbursement Request forms and Spreadsheets.
 - Recommended Minimum Invoice Cost Breakdown
- A "Bid Summary-Sheet to list information on bids received.
- A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
- "Reimbursement Request" forms which you must use to request reimbursement of costs incurred.
- "Spreadsheet" forms which you must use in conjunction with your Reimbursement Request.
- "Claimant Data Record" (Std. Form 204) which must be completed and returned with your first Reimbursement Request.

YOU MUST SUBMIT A REIMBURSEMENT REQUEST PACKAGE BY November 7, 1995, OR SEND A WRITTEN UPDATE EXPLAINING:

1. Status of cleanup to date.
2. Reason(s) why a reimbursement request has not been submitted.
3. Costs incurred to date for corrective action.
4. Projected date for submitting a reimbursement request.

We constantly review the status of all active claims. If you do not submit a reimbursement request or a written update by the date above, or fail to proceed with due diligence with the cleanup, we will take steps to withdraw your Letter of Commitment.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,

ORIGINAL SIGNED BY

Dave Deaner, Manager
 UST Cleanup Fund Program

Enclosures

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

Eva Chu
 Alameda County EHD
 1131 Harbor Bay Pkway, 2nd Fl
 Alameda, CA 94502-6577

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 003272

AMENDMENT NO: 0

CLAIMANT: Desert Petroleum, Inc.

BALANCE FORWARD: \$0

CO-PAYEE: William E. Thompson

JOINT CLAIMANT: None

THIS AMOUNT: \$100,000

NEW BALANCE: \$100,000

CLAIMANT ADDRESS: John Rutherford
P.O. Box 1601
Oxnard, CA 93032

TAX ID/SSA NO: 95-2596253 463-24-1359

Subject to availability of funds, the State Water Resources Control Board (SWRCB) agrees to reimburse Desert Petroleum, Inc. (Claimant) for eligible corrective action costs at Desert Petroleum, Inc. #795 2008 First Street, Livermore, CA 94550 (Site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

1. Reimbursement shall not exceed \$100,000 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 SWRCB, the SWRCB 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. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
4. 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.
5. 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.
6. 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.
7. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the SWRCB. 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 SWRCB's consent.
8. This Letter of Commitment may be withdrawn at any time by the SWRCB if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the SWRCB this 7th day of August, 1995.

STATE WATER RESOURCES CONTROL BOARD

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

BY [Signature]
Chief, Division Administrative Services

STATE USE:
CALSTARS CODING:
0550-569.02 - 30530
\$ _____

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

July 26, 1995

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA:94502-6577
(510) 567-6700

Mr. Balaji Angile
B&C Gas Minimart
2008 First Street
Livermore, California 94550

**Subject: Five Year Operating Permit for Underground Storage
Tanks, 2008 First Street, Livermore, CA 94550**

Dear Mr. Angile:

Enclosed please find a five year permit to operate three underground storage tanks (USTs). Two of the tanks are single wall steel with a sprayed on interior lining. The third tank is single walled fiberglass also with a sprayed on interior lining. The pipe lines are single wall steel with automatic line leak detectors connected to a Veeder Root TLS 350. An automatic tank gauge is being utilized to monitor the contents of the USTs. Corrosion protection on the system is provided by an impressed current cathodic protection system.

Compliance with the following conditions is a requirement of the five year permit to operate:

1. Maintain written records of all maintenance performed on the tank system.
2. Make available inventory reconciliation records within 36 hours of request.
3. Perform annual operational tests on the electronic monitoring equipment by qualified technicians.
4. Complete employee training and document such training at least annually.
5. Report any unauthorized releases to this office within 24 hours. Provide written reports within 5 working days.
6. Report changes in facility staff and/or monitoring equipment on Forms A&B within 30 days.
7. Fees related to the operation of the tanks are to be paid in a timely manner to this Department.
8. Display the permit to operate in a conspicuous place on site.
9. Maintain financial responsibility certification with this Department.
10. Interior tank lining is to be inspected as specified in Title 23 of the California Code of Regulations.
11. Complete the upgrade requirements on all applicable equipment by December 22, 1998. Specifically, overfill

B&C Gas Minimart
2008 First Street
Livermore, CA 94550
July 26, 1995
Page 2

protection, overspill protection sumps, and pump shutdown interlock for pipeline leaks. A guidance document for upgrade requirements is enclosed.

If you have any questions regarding the operation of this tank system please contact me at (510) 567-6781.

Sincerely,



Robert Weston
Senior Hazardous Materials Specialist

enclosures

c: Bill Raynolds, East Team Manager
eva chu, LOP
files

STID 1689

July 20, 1995

Ms. eva chu
Alameda County CC4580
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

RE: Further Soil and Groundwater Investigation 2008 St. Street, Livermore 94550

Dear Ms. chu:

This letter will confirm my verbal request today for an extension of time for the initiation of field activities at the subject site due to the time required by State and Local Agencies to process encroachment permitting. As I indicated yesterday, both of these agencies have indicated that they would expedite the permitting process by attaching riders to the original permits (that have since expired or been closed). This is very unusual and extremely encouraging. Based upon past experience I anticipate that the normal 60 to 90 day turnaround time may be able to be cut in half.

I will continue to press for the amended permits as quickly as possible. Desert Petroleum has directed me to complete the entire investigation and initiate remedial activities without delay.

I will continue to update you on a weekly basis until permitting has been secured and will notify your office once final scheduling of this phase of the fieldwork has been made.

Thanks for your continued cooperation in our efforts to manage these projects in a cost effective and responsible manner. If you have any further requirements or questions please contact me at (805) 644-5892.

Sincerely,



Richard W. Pilat
Program Director



Newlandex Corporation, dba

REMEDICATION SERVICE, INT'L.

July 18, 1995

Dick Groth
Groth Brothers Oldsmobile - GMC
59 South L Street
Livermore, CA 94550

RE: Subsurface Investigation - 2008 First Street, Livermore, CA

Dear Mr. Groth:

RSI has been contracted by Desert Petroleum, former owners of the aforementioned property to conduct a soil investigation in the area as mandated by the Alameda County Health Department. As part of the investigation it has been determined that in order to minimize vehicular safety concerns and public encroachment logistics we request that a portion of the work be performed within one foot of the sidewalk on the West side of South L. Street and North of Railroad Avenue on your property.

The proposed work will consist of soil boring, and the collection of groundwater samples only. In this phase of the investigation there are no proposed permanent aboveground, surface, or subsurface installations. The time anticipated performing the work will be approximately two days and as before, every attempt to minimize inconvenience to your operations will be made.

After the work is completed, surface expression will be restored as closely to existing condition as possible.

Our records show that you are the legal property owner. If this is correct, we would appreciate if you would complete the enclosed license agreement and return it to us as soon as possible.

If you have any questions please contact me at (805) 644-5892.

Sincerely,

A handwritten signature in dark ink, appearing to read 'RWP', is written over a light-colored background.

Richard W. Pilat
Program Director

(805) 644-5892 • FAX (805) 654-0720

Mailing Address: P.O. Box 1601, Oxnard, CA 93032 • Shipping Address: 2060 Knoll Drive, Suite 200, Ventura, CA 93003

LICENSE AGREEMENT

AGREEMENT made this 18th day of July 1995 by and between:

Dick Groth

at 59 South L Street, Livermore, CA 94550

(Hereinafter "Owner") and Remediation Service, Int'l., with principal office 2060 Knoll Drive, Suite 200, Ventura, California 93003 (hereinafter "Contractor"); Owner and Contractor shall sometimes hereinafter be referred to as "Parties."

A. Owner is the owner of a certain parcel, or parcels, of real property known as:

59 South L Street, Livermore, CA 94550

(hereinafter "Subject Property") in the vicinity of the real property located at 2008 First Street, Livermore, CA

B. Contractor now desires to enter the Subject Property to drill a maximum of six soil boreholes.

C. Owner and Contractor desire to enter into this License Agreement so that the soil and groundwater can be assessed in relation to environmental laws and regulations;

NOW THEREFORE, in consideration of the granting of the foregoing, the mutual premises, covenants, conditions and agreements hereinafter set forth, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. Grant of License - Owner hereby grants to Contractor, its employees, representatives and contractors a nonexclusive license (hereinafter the "License") to enter upon the Subject Property from time to time to conduct the activities described in Recitals Paragraph B & C above. This License shall commence on July 18, 1995 and shall end within 90 days of Owner acceptance of agreement unless the parties agree in writing to extend the term of the License. Prior to the expiration of the License, Contractor shall, at its sole cost and expense, cause any excavation to be returned to the original gradient, and shall remove all equipment placed on the Subject Property, fill and level all ditches, ruts and depressions, if any, caused by the closure of the excavation operations, and remove all debris resulting therefrom.

2. Compliance with Laws - Contractor shall conduct all operations which are the subject of this License in compliance with all federal, state and municipal statutes and ordinances, and with all regulations, orders, and directives of appropriate governmental agencies, as such statutes, ordinances, regulations, orders, and directives now exist or provide.

3. Permits - Contractor, at no cost or expense to Owner, shall be responsible for obtaining any and all governmental permits and approvals which may be necessary for it to conduct any work or activities under this License Agreement. Owner shall coordinate and cooperate with Contractor in Contractor's activities to obtain all necessary government permits and permissions.

4. Liens and Claims - Contractor will not permit any mechanics' materialmen's, or other similar liens of claims to stand against the Subject Property for labor or material furnished in connection with any work performed by Contractor under this License Agreement.

5. Cooperation - Contractor agrees to coordinate its activities with Owner to minimize any impairment of access by customers or business invitees of Owner to the Subject Property and any inconvenience to or disruption of Owners business on the Subject Property.

6. Indemnity - Contractor agrees that it will indemnify and hold Owner harmless from and against any claims, demands, actions, suits, judgments, losses, damages, costs or expenses incurred as a result of personal injury, property damage, civil penalties or fines proximately caused by the negligent acts or omissions of Contractor or its authorized contractors, employees and agents in conducting its activities under this License Agreement. This Indemnity is expressly conditioned on the following:

- (a) In the event Owner shall identify any matter to which this indemnity may apply or receive a notice or claim from any third party of such matter, it shall immediately, and in every case within thirty (30) days of said notice or claim, notify Contractor in writing of such matter addressed to 2060 Knoll Drive, Suite 200, Ventura, CA 93003.
- (b) Owner shall cooperate with Contractor by allowing Contractor, its agents, representatives, contractors and consultants, prompt and ready access to the Subject Property for the purpose of investigating any matter to which this Indemnity may apply.
- © This Indemnity extends only to liability found to have been due to Contractor's comparative fault and shall not extent to liability for any claim, including future contamination, determined to have been due to acts or omissions of Owner, its agents, its predecessors, successors or assigns, or any third party.

7. Notices - Any notice provided for herein of otherwise required to be given hereunder shall be given by registered mail or certified United States mail, postage prepaid, addressed to the other as set forth in the first paragraph of this License Agreement, except for the notice required to be given to Contractor as set forth in paragraph 6(a) hereof. The person and the place to which notices are to be mailed may be changed by either party by providing written notice of same to the other.

8. Modification This Agreement may be amended at any time and from time to time, but any amendment must be in writing and signed by all parties thereto.

9. Partial Invalidity If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provision shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

10. Assignment, Successors and Assigns - This Agreement may not be assigned by either party without the prior written consent of the other but otherwise shall be binding upon and inure to the benefit of the Parties' respective representatives, successors and assigns.

11. Entire Agreement - This License Agreement represents the full, complete and entire agreement between the parties with respect to the subject matter hereof, and the rights and remedies of the Parties shall be solely and exclusively those herein contained, and in lie of any

remedies otherwise available at law or in equity.

12. Governing Law - This Agreement shall be construed and interpreted and governed by and in accordance with the local law of the State of California without reference to any choice of law rules or policies which may refer the resolution of any dispute arising hereunder to the laws of any other jurisdiction.

IN WITNESS WHEREOF, the Parties have executed this License Agreement by their duly authorized representatives on the date first above written.

OWNER

By:

Date:


Dick Groth
Owner

CONTRACTOR

Remediation Service, Int'l.

By:

Date:


Richard W. Pilat
Program Director

7/18/95

P 536 369 390

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

★ U.S.G.P.O. 1983-403-517
S Form 3800, Feb. 1982

Sent to		Groth
Street and No.		
P.O., State and ZIP Code		
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to whom and Date Delivered		
Return receipt showing to whom, Date, and Address of Delivery		
TOTAL Postage and Fees		\$
Postmark or Date		7/20/95

EMERGENCY CENTRAL

95 JUL 24 PM 2:20

CalVEPA

July 10, 1996

Post-it® Fax Note	7671	Date	7/10/96	# of pages	2
To	Eva Chiu		From	C. Stevens	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	(510) 337-9335		Fax #		



Pete Wilson
Governor

State Water
Resources
Control Board

Division of
Clean Water
Programs

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4519
FAX (916) 227-4530

World Wide Web:
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

Mr. Balaji Angle
B & C Gas Minimart
2008 First Street
Livermore, CA 94550

Dear Mr. Angle:

**PRE-APPROVAL OF CORRECTIVE ACTION COST ESTIMATE, Claim No. 3272, 2008
First Street, Livermore, CA**

I have reviewed your request, received on June 27, 1996, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included a copy of the "Cost Pre-Approval Request" form; please use this form in the future for requesting pre-approval of corrective action costs.

With the following provisions, the actual costs of conducting the work proposed in the American Construction & Environmental Services, Inc., May 15, 1996 estimate will be eligible for reimbursement. The total cost pre-approved as eligible for overexcavating and disposing of soil after tank removal is **\$4,500**. (The total amount eligible for reimbursement through reimbursement request no. 1 for work at your site that has been directed and approved by the County has been **\$76,066**.)

Be aware that this pre-approval does not constitute a decision on reimbursement: all reasonable and necessary corrective action costs for work directed and approved by the County will be eligible for reimbursement per the terms of the Letter of Commitment at costs consistent with those pre-approved in this letter.

TASK	AMOUNT PRE-APPROVED	COMMENTS
Overexcavate, transport & dispose	\$4,500	Based on maximum of 90 tons at \$50/ton.
TOTAL PRE-APPROVED	\$4,500	

- No workplan or agency approval letter was included with the pre-approval request. This pre-approval is valid only if the County directs and approve of overexcavation and off-site disposal.
- The actual costs and scope of work performed must be consistent with those in the original cost estimate and the provisions of this letter.



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Mr. Balaji Angle

-2-

- The work products must be acceptable to the County and the Regional Water Quality Control Board.

In addition, it is my opinion that it is unnecessary to obtain three bids for this contract; the Fund's three bid requirement is waived for this contract. If a different scope of work, or a new contract, becomes necessary, however, then you must request pre-approval of costs on the new scope of work.

Let me point out that it is the Fund's policy that you must obtain at least three bids from qualified firms for soil or ground water investigation or cleanup. Recent changes in the legislation governing the Fund require that the Fund provide you with assistance in procuring contractor and consultant services for corrective action. If you need any assistance in contracting for corrective action services, don't hesitate to call on me.

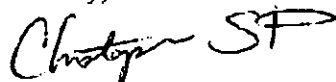
Please remember that it is still necessary to submit the actual cost of the work as explained in the Reimbursement Request Instructions to confirm that the costs are consistent with this estimate before you will be reimbursed. *To make this easier, insure that your consultant prepares his invoices to match the format of the original estimate, and provides reasonable explanations for any changes made in the scope of work or increases in the costs. When the invoices are submitted you must include copies of all:*

- *subcontractor invoices,*
- *technical reports, when available, and*
- *applicable correspondence from the County.*

Lastly, the State Water Resources Control Board's (SWRCB) Executive Director has recommended that the Lawrence Livermore National Laboratory (LLNL) report Recommendations to Improve the Cleanup Process for California's Leaking Underground Fuel Tanks be implemented aggressively; included is a copy of his December 8, 1995 letter. You and your consultant should be aware of this guidance as you determine what work is necessary at your site in the future. I have included also a copy of Mr. Giannopoulos' letter advising you that you have the right to appeal to the SWRCB any action or inaction on the part of an LOP agency.

Please call if you have any questions; I can be reached at the above number.

Sincerely,



Christopher Stevens, WRC Engineer
Underground Storage Tank Cleanup Fund Program

Attachments (3)

cc: Ms. Eva Chu w/o attachments
by fax (510) 337-9335



Recycled Paper


Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

TOTAL P.02

EVA
THIS IS ABOUT ALL
I CAN OFFER IN THE
WAY OF RICHES
RP.

Save 25¢

McIlhenny's® Tabasco® Peppercorn Sauce
 The McIlhenny Company will reimburse you
 25¢ for each of this coupon plus 8¢ if submitted
 in compliance with our published Coupon Redemption
 Policy. (See Policy available at
 coupon features. One coupon
 per purchase; void if cop-
 ied or taxed. Any other
 use constitutes fraud. Mail
 coupons to: McIlhenny
 Company, CMS Depart-
 ment #11210, 1 Fawcett
 Drive, Del Rio, Texas 78840. 5 11210 11025 3-5



1534

When the imagination goes out of
Control and
When Reason is hiding and Sanity Has
Left is answering machine on
Automatic



1 PG Follows.

FAX COVER



RICHARD W. PILAT
Senior Engineer
Program Director

2080 KNOLL DRIVE, SUITE 200
VENTURA, CA 93003

(805) 644-5892
FAX (805) 654-072C

Analytical Laboratory Report
EPA Methods 8015 Modified / 8020

Date Sampled: 21-Jun-95
Date Received: 22-Jun-95
Date Analyzed: 22-Jun-95
Date Reported: 23-Jun-95
Report Number: 3B218.rpt
Lab Number: 3B218

Proj Mgr: Rick Pilot
Client: DP
Project: 2008 1st ST
Matrix: Water
Units: ug/L
COC #:

Lab ID No.	Field ID No.	Benzene	Toluene	Ethyl-benzene	Xylenes total	TPH Gasoline	MTBE	BTEX Surrogate %	DL factor
01	MW-4	3.3	0.7	ND	1	ND	ND	99	1
02	MW-3	600	1900	490	2600	13000	4200	98	50
03	MW-2	2300	3400	720	3100	25000	16000	91	100
04	MW-1	210	380	53	280	2400	1300	82	50
Detection Limits WATER (PQL) ug/L		0.5	0.5	0.5	0.5	50	0.5		

NOTES:
 NR - Not requested
 COC - Chain of custody
 ND - Analytical not detected at, or above the stated detection limit
 TPHs - Total petroleum hydrocarbons as gasoline
 ug/L - Micrograms per liter (PPB)
 PQL - Practical Quantitation Limit
 *1 Higher boiling compounds indicated
 *1 Matrix interference
 *2 Sample has elevated levels of non-target compounds detected
 *2 Preliminary estimated result (sample will be rerun)
 * - exceeds calibration limit (samples will be diluted and rerun)

PROCEDURES:
 BTEX - This analysis was performed using EPA Method 8020, and EPA Method 5030

CERTIFICATION:
 California Department of Health Services ELAP Certificate #2010
 Onsite Environmental Laboratories, 5300 Bourcel Common, Fremont, CA 94538 (510) 483-8571

ALFRED E. NEUMAN
 Laboratory Director

PLEASE!
 Date ?

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

StID 1689

June 23, 1995

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

Mr. Balagi Angle
2008 1st Street
Livermore, CA 94550

RE: Postponement of Pre-Enforcement Review Panel for 2008 1st Street, Livermore

Dear Messrs. Rutherford and Angle:

I have completed review of Remediation Services, Int'l's Revised June 1995 Soil and Groundwater Investigation Workplan for the above referenced site. The proposal to advance additional hydropunches further north on L Street, and west on First Street to delineate the extent of groundwater contamination is acceptable. Should the limits of the impacted groundwater not been reached, further stepout borings will be advanced on Railroad Avenue and/or First Street. Data collected from this phase of the investigation will determine best locations for permanent monitoring wells.

Field work should commence within 30 days of the date of this letter, or **by July 25, 1995**. Please notify me at least 72 hours prior to the start of field activities. I may also be of assistance in expediting the procurement of appropriate encroachment permits.

Having approved the above referenced workplan for additional investigation, I have also postponed the Pre-Enforcement Review Panel hearing scheduled for July 5, 1995 until further notice.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Lou Carpiac, 1050 S. Kimball Rd, Ventura, CA 93004
Rick Pilat, RSI, 2060 Knoll Dr, #200, Ventura, CA 93003
files (desert 12)

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

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW
1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004
(805) 659-6800
TELECOPIER: (805) 659-6818

OF COUNSEL
ALLEN F. CAMP

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
WILLIAM B. SMITH
ANNETTE M. LERCEL
RAMON L. GUIZAR
GISÈLE GOETZ
GREGORY W. HERRING
DOUGLAS E. KULPER

June 23, 1995

Ms. eva chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, California 94502-6577

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

Dear Ms. chu:

This letter will confirm our telephone conversation yesterday wherein we discussed the following:

1. You acknowledged receipt of the RSI work plan submitted on behalf of Desert Petroleum. It is my understanding that you reviewed the plan and will approve it in a letter to Desert or RSI.
2. Groundwater testing at the Mills Street Apartments will be performed by the consultant for the apartments as part of its delineation of their property.
3. You are planning or have already communicated to the UST Cleanup Fund that Desert Petroleum is in compliance with your agency directives.
4. There is some evidence suggesting that a second release occurred while Mr. Angle operated the service station property, approximately over the period December 1994 and March 1995, although it is unclear as to the amount of the release.
5. In light of the above, the pre-enforcement meeting previously scheduled for July 5, 1995, is cancelled.

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550
June 23, 1995
Page 2

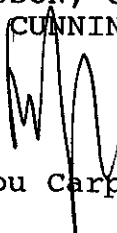
6. Desert Petroleum will either confirm in a letter to you that its request for permission to test on the Groth property has been denied or, alternatively, Desert will request anew such permission in writing and provide you with the written response.

If the above fails to correctly recite the substance of our telephone conversation in any way, please communicate your comments to me as soon as possible so we can clear up any misunderstanding. Otherwise, we look forward to receiving your letter approving the work plan and proceed with the described work.

Thank you.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By 
Lou Carpiac

LC:lya

LC4681

cc: Desert Petroleum, Inc.
Attn: Mr. John D. Rutherford
RSI
Attn: Mr. Rick Pilat

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.
--	--	--

REPORT DATE 0 <u>6</u> / <u>1</u> / <u>5</u> 9 <u>5</u>	CASE #	SIGNED <u>Robert Weston</u> DATE <u>6-20-95</u>
--	--------	---

REPORTED BY	NAME OF INDIVIDUAL FILING REPORT BALAJI ANGLE	PHONE (510) 449-2194	SIGNATURE 	
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER	COMPANY OR AGENCY NAME		
	ADDRESS 2008 FIRST STREET, LIVERMORE, CA 94550			

RESPONSIBLE PARTY	NAME BALAJI ANGLE B & C GAS MINI MART	CONTACT PERSON BALAJI ANGLE	PHONE (510) 449-2194
	ADDRESS 2008 FIRST STREET LIVERMORE CA 94550		

SITE LOCATION	FACILITY NAME (IF APPLICABLE) B & C GAS MINI MART	OPERATOR BALAJI ANGLE	PHONE (510) 449-2194	
	ADDRESS 2008 FIRST STREET LIVERMORE CA 94550			
	CROSS STREET L & FIRST STREET			

IMPLEMENTING AGENCIES	LOCAL AGENCY COUNTY OF ALAMEDA EHD	CONTACT PERSON ROBERT WESTON	PHONE (510) 567-6781
	REGIONAL BOARD		

SUBSTANCES INVOLVED	(1) GASOLINE NAME REGULAR UNLEADED QUANTITY LOST (GALLONS)	<input checked="" type="checkbox"/> UNKNOWN
	(2) <input type="checkbox"/> UNKNOWN	

DISCOVERY/ABATEMENT	DATE DISCOVERED 0 <u>3</u> / <u>1</u> / <u>3</u> 9 <u>5</u>	HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER FLOW REDUCTION		
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> CLOSE TANK & REMOVE <input checked="" type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER		
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 0 <u>3</u> / <u>1</u> / <u>3</u> 9 <u>5</u>			

SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	CAUSE(S) <input type="checkbox"/> OVERFILL <input checked="" type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER
--------------	--	--

CASE TYPE	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)
-----------	--

CURRENT STATUS	CHECK ONE ONLY <input checked="" type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input checked="" type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY
----------------	---

REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input checked="" type="checkbox"/> OTHER (OT) NO ACTION AT THIS TIME
-----------------	--

COMMENTS	SITE INVESTIGATION CURRENTLY IN PROGRESS. PIPE UNION REPAIRED ON MARCH 13, 1995.
----------	---

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW
1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004
(805) 659-6800
TELECOPIER: (805) 659-6818

ENVIRONMENTAL
PROTECTION
35 JUN 21 AM 8:58

OF COUNSEL
ALLEN F. CAMP

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
WILLIAM B. SMITH
ANNETTE M. LERCEL
RAMON L. GUIZAR
GISÈLE GOETZ
GREGORY W. HERRING
DOUGLAS E. KULPER

June 19, 1995

VIA OVERNIGHT COURIER

Ms. Eva Chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

Dear Ms. Chu:

As a further to our conversations regarding the above-referenced site, I am forwarding herewith the Soil and Groundwater Investigation Workplan prepared by Desert Petroleum's consultant, RSI-Remediation Service, Int'l. I would appreciate your copying me with any written response you may direct to RSI or Desert Petroleum in this matter.


I am still awaiting your reply to my earlier letters concerning the planned July 5, 1995, meeting. If you decide to proceed with the meeting, despite our request to accommodate the re-scheduling of the meeting in light of Mr. Rutherford's absence, then we would like to have the meeting include, at a minimum, representatives from the Regional Water Quality Control Board and the owners/consultants of the Mills Street Apartments, the Oldsmobile dealership property, and the two nearby gasoline service stations.

I look forward to hearing from you at your earliest opportunity.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By:


Lou Carpiac

LC/cs
LC27615

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004

(805) 659-6800

TELECOPIER: (805) 659-6818

OF COUNSEL

ALLEN F. CAMP

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
WILLIAM B. SMITH
ANNETTE M. LERCEL
RAMON L. GUIZAR
GISÈLE GOETZ
GREGORY W. HERRING
DOUGLAS E. KULPER

June 16, 1995

VIA FAX (510) 337-9335
AND REGULAR MAIL

Ms. eva chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, California 94502-6577

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

Dear Ms. chu:

This letter is a further to my June 14, 1995 letter and the recent conversations you've had with John Rutherford and RSI's Rick Pilat.

It is my understanding that earlier this week Mr. Pilat presented to you what has been called a draft work plan. Next week Mr. Pilat will present a formal written work plan, which takes into account your input on a number of points. The work plan will propose to do further step-out hydro-punch tests aimed at delineating the plume. If the first step-out tests do not establish a clean zone, then further step out testing will be performed.

As a material inducement for Desert Petroleum to undertake this planned course of action, it is Desert Petroleum's understanding that you will be contacting the UST Cleanup Fund to validate that Desert Petroleum is in compliance with regulatory agency directives, thereby qualifying it to receive funding for this and other work which may be necessitated at this site. Absent such funding from the UST Cleanup Fund, Desert Petroleum would not be in a position to assume the lead role in taking these corrective actions, particularly since allocation between old and new contamination has not yet been determined.

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

June 16, 1995


Page 2

As stated in earlier letters, nothing herein is intended to waive Desert Petroleum's rights with respect to the automatic stay protections arising out of the chapter 11 bankruptcy proceedings.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By


Lou Carpiac

LC:lya
LC4666

REVENUE
PROPERTY TAX

95 JUN 19 PM 2:49

CLAIM NO. 9272

LOCAL AGENCY NO. 1689

SITE ADDRESS 2008 First St., Livermore 94550

PAGE 3

CORRECTIVE ACTION COMPLIANCE DOCUMENTATION

DATE ACTION REQUIRED/RESPONSE

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To <u>Eva Chu</u>	From <u>Cheryl Gordon</u>	
Co. <u>Alameda Health</u>	Co. <u>State Water Board</u>	
Dept.	Phone #	
Fax # <u>(510) 337-9335</u>	Fax # <u>(510) 227-4530</u>	

See attached to corrective action Cheryl Gordon

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE: After reviewing the lead agency site file, the claim reviewer has determined that the claimant is in substantial compliance with corrective action requirements.

Cheryl Gordon
REVIEWER'S SIGNATURE

6-15-95
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.

Wach
SIGNATURE

6/16/95
DATE SIGNED

STAFF RECOMMENDATION: () APPROVED () REFERRED TO TEAM LEADER - See Comments, Page 2.

REVIEWER'S SIGNATURE:

DATE SIGNED

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

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

StID 1689

June 14, 1995

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

**RE: Workplan to Delineate Extent of Plume at 2008 1st Street,
Livermore**

Dear Mr. Rutherford:

On June 13, 1995 I met with Mr. Rick Pilat and received RSI's June 9, 1995 Soil and Groundwater Investigation Workplan for the above referenced site. This plan proposes to advance three soil borings along South L Street, and three soil borings along First Street. Grab groundwater samples collected and analyzed would help further delineate the contaminant plume. However, as discussed with Mr. Pilat, I need to have additional borings advanced at the end of South M Street and along Railroad Ave, to further define the downgradient edge of the plume. I am suggesting these locations because you do not wish to advance borings at the Oldsmobile site at this time. Also, one of the borings proposed along the west side of South L Street should be moved to the east side of L Street.

This work plan is acceptable once an amended site plan showing the additional boring locations recommended is received. The amended site plan is due within 7 days of the date of this letter, or by June 22, 1995.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Rick Pilat, RSI, 2060 Knoll Dr, #200, Ventura, CA 93003
Balagi Angle, 2008 1st Street, Livermore 94550
files

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004

(805) 659-6800

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ANNETTE M. LERCEL
RAMON L. GUIZAR
GISÈLE GOETZ
GREGORY W. HERRING
DOUGLAS E. KULPER

June 14, 1995

VIA FAX (510) 337-9335
AND REGULAR MAIL

Ms. Eva Chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, California 94502-6577

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

Dear Ms. Chu:

This letter is intended to memorialize the substance of various telephone conversations last week among the various parties and their representatives relative to the above referenced site.

In our telephone conversation, I informed you that Mr. John Rutherford of Desert Petroleum, would not be available on July 5, 1995, the date selected for the pre-enforcement review meeting, because he will be on the East Coast traveling on non-refundable tickets.

From our telephone conversation it became apparent that you do not see the need to continue with the July 5 review meeting if you receive a work plan with respect to the Desert/Angle station situated at 2008 1st Street, Livermore, California ("2008 Property"). I reiterated that it was not Desert's or Angle's intentions to shirk from their responsibility regarding assessment and delineation of the contamination on the 2008 Property.

While there are disagreements between Mr. Angle and Desert Petroleum concerning the allocation of responsibility between the old and new contamination, jointly they are not disputing the need to assess the 2008 Property. Any work done in this regard by either Desert Petroleum or Mr. Angle will be with the express reservation of

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

June 14, 1995

Page 2

rights as to the other and not deemed an admission for any purpose. However, both Desert Petroleum and Mr. Angle object to any demand that their property assessment encompass the alleged contamination at the Mills Springs Apartments, unless and until it has been established through scientific data that there is a causal relationship between these two sites. To the contrary, at present there are indications that a benzene-free zone exists between the 2008 Property and the Mills Springs Apartments property, suggesting that the two plumes are independent. Absent other data, the proper course is to require further assessment of each of the two plumes by the respective parties. Specifically, I think that the apartment owner should perform upgradient groundwater testing as a minimum first step before reaching conclusions about causation. After all, there is a history of hydrocarbon contamination at the apartment site which, when coupled with recent rising groundwater levels, could explain increasing levels of contamination at that site.

There have also been discussions about a possible meeting on the 20th or 21st of June for the purpose of discussing the overall situation. I in fact suggested such meeting in my letter to Mr. Hardy, dated June 6, 1995. However, Desert Petroleum's John Rutherford and Desert's consultant, Mr. Rick Pilat of RSI, and Mr. Angle believe that a work plan to do plume delineation step-out testing across the street from the 2008 Property, coupled with concurrent testing by Mr. Hardy on the upgradient side of his property would generate technical data that would make for a more meaningful discussion. Also, perhaps Mr. Pilat or Mr. Hardy's consultant may have additional suggestions regarding further testing relative to the Olds dealership property and other nearby service stations.

I also want to reiterate that nothing herein should be construed as a waiver by Desert Petroleum of the protections available to it under the automatic stay which issued upon the filing of its petition for protection under Chapter 11 of the Bankruptcy Code. Similarly, by participating in the further site characterization, Desert Petroleum does not waive any rights it may have vis-a-vis the present owner nor does it accept primary responsibility relative to subsequent releases on the 2008 Property.

In view of the foregoing, it would be in everyone's interest to cancel the July 5, 1995, review meeting, in favor of the course suggested above. If for any reason a work plan is not submitted, I request that the July 5 meeting be rescheduled as a special meeting for another date in July. I would appreciate your views regarding these matters and the requested rescheduling of the July 5 meeting.

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

June 14, 1995

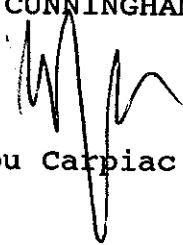
Page 3

Thank you for your anticipated continued cooperation.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By


Lou Carpiac

LC:lya

LC4658

cc: Desert Petroleum, Inc.
Attn: John D. Rutherford
Mr. Jim Hardy
Mr. Balagi Angle

CONFIDENTIAL
JUN 16 9 11 AM '56

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

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GREGORY W. HERRING
DOUGLAS E. KULPER

ENVIRONMENTAL
PROTECTION
COUNSEL
ALL F. CAMP
95 JUN 10 4 12 PM '95

June 6, 1995

Mr. Jim Hardy
Mills Springs Apartments
1809 Railroad Avenue
Livermore, California 94550

Re: 2008 1st Street
Livermore, CA

Dear Mr. Hardy:

The undersigned represents Desert Petroleum, Inc., presently in Chapter 11 Bankruptcy proceedings, with respect to the above referenced service station site.

This letter is a follow up to your conversation with Mr. John Rutherford. As relayed to you by Mr. Rutherford, I have been in discussions with Ms. Eva Chu, of the Alameda County Health Care Services Agency, Division of Environmental Protection. In my most recent conversation with Ms. Chu, I made a suggestion which I believe was embraced by the agency, that there should be a meeting of all parties in an attempt to identify the issues and concerns arising out of the recent discovery of hydrocarbon contamination at your apartment property. At a minimum, at this meeting I would expect to see representatives of the regulatory agencies, Mr. Angle (who has been operating the former Desert Petroleum service station since December, 1993), the owner/operator of the Oldsmobile dealership, you (as owner of the apartment) and technical and/or legal consultants for the various participants.

Desert Petroleum's willingness to participate in such a meeting would be with the express understanding that it does not waive any of the rights and protections arising out of the automatic stay issued by the Bankruptcy Court.


Re: 2008 1st Street
Livermore, CA
June 6, 1995
Page 2

In the meanwhile, I anticipate that Desert Petroleum and the property owner, Mr. B.S. Angle, will continue to monitor and assess the service station property, with a view to ascertain the present condition and also attempt to allocate between old contamination and new releases on the property. Presently, neither Mr. Angle nor Desert believe that the contamination on your property was caused or contributed to by the service station property. In fact, it is the belief that rising groundwater levels are responsible for the alleged presence of hydrocarbon contamination on your property. Rising groundwater will often cause old historical contamination from prior release and spills, such as could have happened from the prior operation of a bulk storage facility on your property, to be brought to the surface by the rising groundwater. Until your site has been more fully characterized, and the plume on delineated, it is premature for anyone to conclude as to the causation of the contamination.

If you have an interest in the informal meeting I suggested, please communicate your views to Ms. Chu.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By 
Lou Carpiac

LC:lya

LC4649

cc: Desert Petroleum, Inc.
Attn: Mr. John D. Rutherford
Alameda County Health Care Services Agency
Attn: Ms. Eva Chu

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM. SIGNED: <u>[Signature]</u> DATE: <u>6/5/95</u>
REPORT DATE 06/15/95	CASE #	

REPORTED BY	NAME OF INDIVIDUAL FILING REPORT BALAJI ANGLE	PHONE (510) 449-2194	SIGNATURE <u>[Signature]</u>	DATE	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD	COMPANY OR AGENCY NAME			
	ADDRESS 2008 FIRST STREET LIVERMORE CA 94550				

RESPONSIBLE PARTY	NAME BALAJI ANGLE <input type="checkbox"/> UNKNOWN	CONTACT PERSON BALAJI ANGLE	PHONE (510) 449-2194	ZIP
	ADDRESS 2008 FIRST ST LIVERMORE CA 94550			

SITE LOCATION	FACILITY NAME (IF APPLICABLE) B+C GAS MINIMART	OPERATOR BALAJI ANGLE	PHONE (510) 449-2194	ZIP	
	ADDRESS 2008 FIRST STREET LIVERMORE ALAMEDA 94550				
	CROSS STREET L & FIRST ST.				

IMPLEMENTING AGENCIES	LOCAL AGENCY COUNTY OF ALAMEDA EHD	AGENCY NAME	CONTACT PERSON ROBERT WESTON	PHONE (510) 567-6781
	REGIONAL BOARD			

SUBSTANCES INVOLVED	(1) GASOLINE NAME REGULAR UNLEADED QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2) <input type="checkbox"/> UNKNOWN

DISCOVERY/ABATEMENT	DATE DISCOVERED 03/13/95	HOW DISCOVERED <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER FLOW REDUCTION	<input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> CLOSE TANK & REMOVE <input checked="" type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 03/13/95		

SOURCE/ CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	CAUSE(S) <input type="checkbox"/> OVERFILL <input checked="" type="checkbox"/> RUPTURE/FAILURE- <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER
---------------	---	---

CASE TYPE	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)
-----------	--

CURRENT STATUS	CHECK ONE ONLY <input checked="" type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY
----------------	--

REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input checked="" type="checkbox"/> OTHER (OT) NO ACTION AT THIS TIME
-----------------	---

COMMENTS
 SITE INVESTIGATION CURRENTLY IN PROGRESS.
 PIPE UNION REPAIRED ON MARCH 13, 1995.

INSTRUCTIONS

EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25130.5, a government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION

Enter information regarding the tank facility. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options follow:

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at site, but has not been confirmed.

Preliminary Site Assessment Workplan Submitted - workplan/proposal requested of/submitted by responsible party to determine whether ground water has been, or will be, impacted as a result of the release.

Preliminary Site Assessment Underway - implementation of workplan.

Pollution Characterization - responsible party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.

Remediation Plan - remediation plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.

Cleanup Underway - implementation of remediation plan.

Post Cleanup Monitoring in Progress - periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate effectiveness of remedial activities.

Case Closed - regional board and local agency in concurrence that no further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION

Indicate which action have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.

Containment Barrier - install vertical dike to block horizontal movement of contaminants.

Excavate and Dispose - remove contaminated soil and dispose in approved site.

Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).

Remove Free Product - remove floating product from water table.

Pump and Treat Groundwater - generally employed to remove dissolved contaminants.

Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.

Replace Supply - provide alternative water supply to affected parties.

Treatment at Hookup - install water treatment devices at each dwelling or other place of use.

Vacuum Extract - use pumps or blowers to draw air through soil.

Vent Soil - bore holes in soil to allow volatilization of contaminants.

No Action Required - incident is minor, requiring no remedial action.

REMARKS - Use this space to elaborate on any aspects of the incident.

SIGNATURE - Sign the form in the space provided.

DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies intact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Clean Water Programs, Underground Storage Tank Program, P.O. Box 944212, Sacramento, CA 94244-2120
3. Regional Water Quality Control Board
4. Local Health Officer and County Board of Supervisors or their designee to receive Proposition 65 notifications.
5. Owner/responsible party.

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

In Re The Property Known As :

2008 1st Street
Livermore, CA 94550

) Proof of Service of
) Notice of
) Pre-Enforcement
) Review Panel

I Eva Chu, do hereby certify that I served Balagi Angle
with a copy of the attached Notice of Pre-Enforcement Review
Panel to be held on July 5, 1995 at 1:00 pm by certified
mailer # Z 196 176 843.

Dated: 6/1/95



(signature)

E. CHU

Z 196 176 844



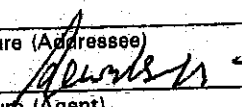
Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to		John Rutherford
Street and No.		2060 Knoll Dr., Ste. 200
P.O., State and ZIP Code		Ventura CA 93003
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$
Postmark or Date		

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. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: E. Chu Salagi Angle 2008 1st Street Livermore CA 94550		4a. Article Number Z 196 176 843	
5. Signature (Addressee) 		4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature (Agent)		7. Date of Delivery 6/13/95	
		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for your service

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

In Re The Property Known As :

2008 1st Street
Livermore, CA 94550

) Proof of Service of
) Notice of
) Pre-Enforcement
) Review Panel

I Eva Chu, do hereby certify that I served John Rutherford
with a copy of the attached Notice of Pre-Enforcement Review
Panel to be held on July 5, 1995 at 1:00 pm by certified
mailer # Z 196 176 844.

Dated: 6/1/95



(signature)

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

In Re The Property Known As :)	Notice of
)	Pre-Enforcement
2008 1st Street)	Review Panel
Livermore, CA 94550)	

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 **Pre-Enforcement Review Panel** will convene on **Wednesday, July 5, 1995 at 1:00 pm** in the offices of the Alameda County Hazardous Materials Division located at 1131 Harbor Bay Parkway, Room 106, Alameda CA 94502. This **Pre-Enforcement 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 location.

The Alameda County Environmental Protection Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Pre-Enforcement 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. John Rutherford
Desert Petroleum
2060 Knoll Dr, Suite 200
Ventura, CA 93003
2. Balagi Angle
2008 1st Street
Livermore, CA 94550

Dated: 6-1-95



eva chu
Hazardous Materials Specialist

cc: Gil Jensen
Kevin Graves
files - *ec*

FACSIMILE

Tell me
we're in
compliance.

Please.

RSI
REMEDIAL SERVICES, INT'L

RICHARD W. PILAT
Senior Engineer
Program Director

DATE: 5/23/95

TO: EPA CHW

COMPANY: ALAMEDA

REGARDING: 2008 1ST LIVERMORE

FAX NO.: 510 337 9335

FROM: MR PILAT

NO. OF PAGES (INCLUDING COVER SHEET): 2

COMMENTS/NOTES: THANKS.



StID 1689

May 22, 1995

Ms. eua chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway #250
Alameda, CA 94502-6577

Re: Workplan for Further Soil and Groundwater Assessment at 2008 First St,
Livermore

Dear Ms. chu:

RSI has been contracted by Desert Petroleum to prepare a workplan to further assess the subject site. In light of the fact that important new information has come forth during our recent meetings which requires my additional review, I request a one week extension for the workplan submittal.

Approved 5/23/95

Your continued cooperation in our efforts to assist Desert Petroleum in a cost-effective manner is greatly appreciated. If you have any questions please Contact me at (805) 644-5892.

Richard W. Pilat
Program Director



Newlandex Corporation, dba

REMEDIATION SERVICE, INT'L.

StID 1689

May 22, 1995

Ms. eva chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway #250
Alameda, CA 94502-6577

ENVIRONMENTAL
PROTECTION
95 MAY 25 PM 2:28

Re: Workplan for Further Soil and Groundwater Assessment at 2008 First St,
Livermore

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Richard W. Pilat
Program Director

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004

(805) 659-6800

TELECOPIER: (805) 659-6818

OF COUNSEL

ALLEN F. CAMP

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
WILLIAM B. SMITH
ANNETTE M. LERCEL
RAMON L. GUIZAR
GISÈLE GOETZ
GREGORY W. HERRING
DOUGLAS E. KULPER

May 12, 1995

VIA OVERNIGHT COURIER

Ms. Eva Chu
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, #250
Alameda, California 94502-6577

Re: Plume Delineation at 2008 1st Street
Livermore, California 94550

Dear Ms. Chu:

The undersigned represents Desert Petroleum, Inc., an entity operating under Chapter 11 of the U.S. Bankruptcy Code. Your letter to Desert Petroleum, dated May 1, 1995, concerning the above referenced service station site has been forwarded to me for review and response.

I have spent considerable effort in assimilating the facts surrounding this particular site, because it seemed necessary to have a complete grasp of the site history and facts before meaningful conclusions can be formed. Having done this, it is my opinion that the current operator, who acquired title and has been operating the station since 1993, has experienced one or two new and independent leaks which account for the discovery of hydrocarbon contamination in the downgradient groundwater at or near the 1809 Railroad Avenue site.

A review of the records discloses the following chronology of site testing:

- Records indicate that there has been no evidence of free product observed during sampling tests performed from MW-1 at the station in 1988, 1990, 1991, 1992, and 1993.

ENVIRONMENTAL
PROFESSIONAL
95 MAY 15 AM 8:25

Ms. Eva Chu Re: Plume Delineation at 2008 1st Street
Livermore, California 94550
May 12, 1995
Page 2

- On May 22, 1994, nearly four months after the sale of the property by Desert Petroleum to Mr. Angle, the current owner/operator, testing of MW-1 revealed only traces of contamination, but again no free product.
- When MW-2, MW-3 and MW-4 were installed in early June, 1994, there was no evidence of free product.
- On June 17, 1994, a geologist working for Desert Petroleum's contractor was told by other contractors and service station employees about a certain repair of a significant leak.
- On August 26, 1994, at the next scheduled well observation, free product is discovered in MW-2.
- On November 22, 1994, free product is observed in MW-2.
- We lack information concerning repair activities on site between November 22, 1994 and February 22, 1995, when tank tests performed by Mr. Angle reportedly indicated that the tanks were tight.
- On March 8, 1995, a large volume of free product is detected at an off-site well, suggesting a possible second leak since the December 1993 close of escrow.

By way of further background, it should be noted that during the escrow for the sale of the property the buyer had new VeederRoot tank monitoring equipment and spill boxes installed, in anticipation of his assumption of the operation of the station.

In conjunction with the sale, the tanks were tested and in the case of one tank it was relined. Testing established that the tank system, including product lines, were integrally sound at the time of the sale. Moreover, from the test data summarized above, it can be determined that only traces of hydrocarbon contamination existed at the time of the sale, a fact which was again confirmed by testing on May 22, 1994. Desert Petroleum agreed to undertake the remediation of these hydrocarbon traces, as memorialized in the sale agreements. These contracts further establish that if any new releases occur after the close of escrow, responsibility therefor is assumed by the buyer.

Ms. Eva Chu Re: Plume Delineation at 2008 1st Street
Livermore, California 94550
May 12, 1995
Page 3

From this evidence, it seems amply clear that whereas traces of hydrocarbon contamination existed at the time of the sale, the test data from 1988 through May 22, 1994 consistently failed to establish the presence of free product. All indications point to the occurrence of one or two new releases after the sale, coinciding with the statements made to Desert Petroleum's on site contractors that repairs were performed in connection with at least one new leak. Pursuant to the terms of the sale contract, and consistent with principles of environmental liability, the responsible party for those releases is the current owner, not Desert Petroleum.

Recently, while attempting to gather further test data, Desert Petroleum's contractors were chased off the site by Mr. Angle, from which Desert Petroleum interprets that Mr. Angle assumes the principal lead role and responsibility for the corrective action needed in response to these new releases.

A further complication arises from the position recently adopted by the UST Cleanup Fund with respect to Desert Petroleum's application for reimbursement for cleanup costs associated with the previous contamination. The Fund has informed Desert Petroleum that it may be ineligible for funding due to specified technical reasons. As you may suspect, with Desert Petroleum operating under Chapter 11 it does not have the funds nor the unilateral authority to incur certain expenditures. Consequently, it may be that the only viable source for funding the required corrective actions is through Mr. Angle and he in turn can obtain funding of his own "B" priority claim for these new releases. This would be consistent with equitable principles and the express terms of the sale contract, both of which suggest that each party shall be responsible for its own actions.

If there is any doubt as to the above described facts, I am sure that Desert Petroleum would be pleased to cooperate by producing all test data available, provided, however, that your agency's enforcement actions are even-handed and seek from the current operator all data concerning tank testing, repairs, inventory reconciliation records, maintenance records, repair and installation records from third party contractors, delivery records, and annual test data from which it can be determined whether in fact there has been one or more post-1993 releases.

By copy of this letter to Mr. Angle, I am suggesting that he forthwith make application to the UST Cleanup Fund for funding of the necessary cleanup work, for which he probably qualifies as a "B" priority claimant and that until such funding is received, he take

Ms. Eva Chu Re: Plume Delineation at 2008 1st Street
Livermore, California 94550
May 12, 1995
Page 4

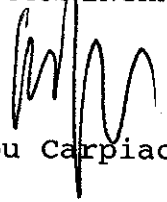
immediate steps to correct the apparent migration of free product from his property. If necessary, he should also direct these concerns to the contractors who installed the various pieces of equipment.

Consistent with your agency's "Notice of Requirement to Reimburse", dated March 10, 1994, which was directed to Mr. Angle, as Responsible Party No. 1, and to Desert Petroleum, as Responsible Party No. 2, I submit that your directives regarding further site investigation and plume delineation, should be directed to Mr. Angle, as the principal responsible party.

If you have any questions or wish to discuss this further, please do not hesitate to call me.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By 
Lou Carpiac

LC/cds

cc: Mr. B. S. Angle
Desert Petroleum, Inc.
Debtor in Possession

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

StID 1689

May 1, 1995

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

ALAMEDA COUNTY-ENV. HEALTH DEPT.
ENVIRONMENTAL PROTECTION DIV.
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577
(510)567-6700

RE: Plume Delineation at 2008 1st Street, Livermore 94550

Dear Mr. Rutherford:

I have completed review of Remediation Service, Int'l's March 1995 Soil and Groundwater Investigation Report and Quarterly Report for the above referenced site. In March 1995 five boreholes were drilled to first encountered groundwater, at a depth of 31 to 35'. Borings HP1, HP2, and HP3, advanced west, northwest of the site, detected free product in the augers. Groundwater samples were not collected as it was not considered to be cost effective since the boundaries of the contaminant plume had clearly not been reached.

Recent data gathered from a downgradient site, 1809 Railroad Ave, Livermore, indicated free product in the form of gasoline was detected in their monitoring well. This contamination appears to be from an offsite source. The former Desert Petroleum site is upgradient from this apartment complex.

At this time, you are required to fully delineate the extent of the groundwater plume resulting from the release of petroleum hydrocarbons from your site. A workplan for this phase of the investigation is due to this office by **May 22, 1995**. Field work should be expedited to fully characterized the extent and severity of the plume and its potential impact to the residents at the apartment complex.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Rick Pilat, RSI, 2060 Knoll Dr, #200, Ventura, CA 93003
Balagi Angle, 2008 1st St, Livermore 94550
files

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

Expand investigation to delineate extent of plume W, NW of site. See if Mill Spring is impacted by their plume.

April 19, 1995

Ms. Eva Chu
County of Alameda
Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

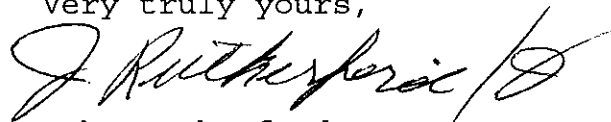
Subject: Groundwater Monitoring Report
2008 First St. Livermore, CA

Dear Ms. Chu:

Enclosed is the Groundwater Monitoring Report for the recent sampling of groundwater monitoring at the subject property.

Any questions regarding this report should be directed to our project manager Mr. Rick Pilat at Remediation Services Int'l., 805-644-5892.

Very truly yours,



John Rutherford

JR:js

cc: R. Pilat
SWRCB
Chron
File

Enclosure

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120
(916) 227-4424
(916) 227-4530 (FAX)



Mr. John Rutherford
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032

APR 10 1995

Dear Mr. Rutherford:

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 003272

I have recently reviewed the file for Desert Petroleum, Inc. (DPI) Underground Storage Tank Cleanup Fund Claim #003272. Based on the information you have provided for your site at 2008 First Street, Livermore, an unauthorized release was identified in March 1988. The unauthorized release was discovered during the installation of vapor monitoring wells. Both soil and groundwater have been identified as being impacted with petroleum hydrocarbons.

Normally when petroleum contamination in groundwater and soil has been discovered underneath a UST system, a 24 hour immediate response is required. Immediately the source of the leak is to be located and abated. If the source cannot be stopped, the system is to be taken out of operation. No information exists in the subject claim file which indicate that the source has been abated. Also, it appears based on file information that the USTs identified at the subject site may still be in use. Essentially it appears that DPI may be negligent by not investigating or repairing the UST system and continuing to operate, thus causing an ongoing release. DPI's Claim #003272 to the Fund may be ineligible per Section 2810.3 of the USTCF Regulations.

The unauthorized release report dated 4/1/88 submitted by the DPI states "At this time contamination is believed to be caused by overspills from product delivery...". Section 2804 of the USTCF Regulations state that the definition of the term **release** "...does not include releases which are clearly attributable to spills and overfills occurring as a result of filling or emptying of a tank."

In order to validate this claim, DPI must clearly establish that after contamination detection, repairs to the UST system were completed within a reasonable time period, or the UST system was taken out of service. If written documentation of UST leak identification and abatement is not received within 30 days from the date of this letter, I will recommend that this claim be issued a Notice of Ineligibility to the Fund.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Munch".

James Munch, P.E.
Technical Review Unit, Underground Storage Tank Cleanup Fund

Inventory Reconciliation Worksheet

Month/Year: Dec 94 Tank # II Size: 12000 Product: UNL R
 Ite Name: B.C. Sp. 4 + n. Site Address: 2008 F.C. + Fivermore Ct

1	2	3	4	5	6		7		8	
					Measured Volume = (Dipstick reading)		Daily Variation = (Column 6 - 5)		Variation To date = sum of Column 7 entries	
Day	Opening Inventory - Yesterday's Column 6	Deliveries (Inputs)	Withdrawals (metered or pumped sales)	Calculated Volume = (Column 2+3-4)	Inches	Gallons	+/-	Gallons	+/-	Gallons
1	8056	—	2426	5630		5528	—	-102	—	102
2	5528	—	2455	3073		2985	—	-88	—	190
3	2985	6291	2055	7221		7270	+	+49	—	141
4	7270	—	2023	5237		5155	—	-82	—	223
5	5155	4600	2647	7108		7115	+	7	—	216
6	7115	—	2490	4625		4520	—	-105	—	321
7	4520	—	2503	2017		1933	—	-84	—	405
8	1933	5993	2602	5244		5324	+	80	—	325
9	5324	—	2662	2662		2560	—	-102	—	427
10	2560	6606	2352	6814		6908	+	94	—	333
11	6908	—	1876	5032		4944	—	-88	+	421
12	4944	3994	2605	6333		6328	—	-5	—	426
13	6328	—	2414	3914		3904	—	-10	—	436
14	3904	4600	2641	5763		5702	—	-61	—	497
15	5702	—	2509	3193		3113	—	-80	—	577
16	3113	4606	2606	5033		4999	—	-34	—	611
17	4999	—	2555	2444		2316	—	-108	—	503
18	2316	6321	2193	6444		6420	—	-24	—	527
19	6420	—	2646	3774		3760	—	-14	—	541
20	3760	5949	2607	7002		6836	—	-66	—	607
21	6836	—	2768	4068		3944	—	-124	—	731
22	3944	6602	2900	7566		7540	—	-20	—	751
23	7540	—	2979	4561		4429	—	-132	—	883
24	4429	6013	2292	8150		8139	—	-11	—	894
25	8139	—	542	7572		7597	+	25	—	869
26	7572	—	2088	5484		5384	—	-100	—	969
27	5384	—	2554	2830		2725	—	-105	—	1074
28	2725	6609	2365	6969		6935	—	-34	—	1108
29	6935	—	2711	4224		4102	—	-122	—	1230
30	4102	—	2479	1623		1535	—	-88	—	1318
31	1535	6614	2055	6094		6064	—	-34	—	1352

Maximum Allowable Variation (1% Total Deliveries + 130 Gallons)

0.01 x Sum of Column 3 74798 = 748 + 130 gallons =

A	878
B	1352

Check box for larger amount

Total Monthly Variation (Bottom Line of Column 8) = 1352

* If you checked box B, turn this page over for further instructions

Inventory Reconciliation Worksheet

Month/Year: Jan 85 Tank # II Size: 10,000 Product: UNL R.
 Site Name: 124 E Gas Stn. Site Address: 2008 F. St Livermore CA 94550

1 Day	2 Opening Inventory - Yesterday's Column 6 Gallons	3 Deliveries (Inputs) Gallons	4 Withdrawals (metered or pumped sales) Gallons	5 Calculated Volume - (Column 2+3-4) Gallons	6 Measured Volume - (Dipstick reading)		7 Daily Variation - (Column 6 - 5)		8 Variation To date - sum of Column 7 entries	
					Inches	Gallons	+/-	Gallons	+/-	Gallons
1	6064	—	1392	4672		4594	—	78	—	78
2	4594	4912	2186	7320		7284	—	36	—	114
3	7284	—	2496	4788		4670	—	118	—	232
4	4670	4607	2522	6755		6705	—	50	—	282
5	6705	—	4041	3918		4041	+	123	—	159
6	3918	—	2890	1028		948	—	80	—	239
7	948	7602	1963	6587		6532	—	55	—	294
8	6532	—	1843	4689		4601	—	88	—	382
9	4601	3803	2466	5938		5868	—	70	—	452
10	5868	—	2448	3420		3311	—	109	—	561
11	3311	4603	2359	5555		5514	—	41	—	602
12	5514	—	2485	3029		2938	—	91	—	511
13	2938	6000	2433	6505		6462	—	43	—	554
14	6462	—	2143	4319		4236	—	83	—	637
15	4236	6204	1465	8975		8965	—	10	—	647
16	8965	—	2572	6393		6365	—	28	—	675
17	6365	—	2499	3766		3652	—	114	—	789
18	3652	4010	2771	4891		4815	—	76	—	865
19	4815	—	2747	1964		2068	+	104	—	761
20	1964	6643	2397	6206		6182	—	24	+	785
21	6182	3603	2257	7528		7486	—	42	—	827
22	7486	—	2021	5365		5364	—	1	—	828
23	5364	—	2676	2688		2680	—	8	—	836
24	2680	6618	2546	6652		6603	—	49	—	885
25	6603	5009	2543	9069		9027	—	42	—	927
26	9027	—	2268	6759		6748	—	11	—	938
27	6748	—	2624	4024		3901	—	123	—	1061
28	3901	6602	2152	8351		8348	—	3	—	1064
29	8348	—	1873	6475		6676	+	201	—	863
30	6676	—	2410	4266		3982	—	284	—	1147
31	3982	6598	1884	8646		8696	+	50	—	1097

Maximum Allowable Variation (1% Total Deliveries + 130 Gallons)

0.01 * Sum of Column 3 76814 = 768 + 130 gallons =

A	898
---	-----

Total Monthly Variation (Bottom Line of Column 8) =

B	1097
---	------

Check box for larger amount.

* If you checked box B, turn this page over for further instructions

Inventory Reconciliation Worksheet

Month/Year: Feb 95 Tank # II Size: 10000 Product: UNLR
 Site Name: Ex. P Gas Stn Site Address: 2008 F.S.J. Livermore CA 945

1	2	3	4	5	6		7		8	
Day	Opening Inventory - Yesterday's Column 6	Deliveries (Inputs)	Withdrawals (metered or pumped sales)	Calculated Volume - (Column 2+3-4)	Measured Volume - (Dipstick reading)		Daily Variation - (Column 6 - 5)		Variation To date-sum of Column 7 entries	
—	Gallons	Gallons	Gallons	Gallons	Inches	Gallons	+/-	Gallons	+/-	Gallons
1	8646	—	2448	6198	55 1/4	6137	—	61	—	61
2	6137	—	2067	4070	39 1/4	3902	—	168	—	229
3	3902	8405	2471	9836	99 5/8	9728	—	108	—	337
4	9728	—	2218	7510	99 7/8	7821	+	311	⊗	26
5	7821	—	1969	5852	52 1/2	5761	—	91	—	117
6	5761	4295	2260	7796		7875	+	79	—	38
7	7875	—	2162	5713	51 3/4	5606	—	107	—	145
8	5606	—	2615	2991	31	2804	—	187	—	332
9	2804	4988	2051	5741	53 3/8	5784	+	43	—	289
10	5784	—	2470	3314	33-3	3112	—	202	—	491
11	3112	6076	10115	7273		7281	+	8	—	483
12	7281	—	2038	5243	47 5/8	5093	—	150	—	633
13	5093	4368	2403	7058		7115	+	57	—	576
14	7115	1041	2255	5901	—	5759	—	142	—	718
15	5759	4016	2453	7226	63 3/4	7322	—	+96	—	622
16	7226	2406	2472	7160	62 7/8	7152	—	8	—	628
17	7152	—	2357	4575	43 7/8	4765	—	190	—	438
18	4575	4687	2143	7119		6991	—	128	—	566
19	6991	—	1822	5169		5006	—	-163	—	729
20	5006	—	2374	2632		2403	—	229	—	958
21	2403	7192	2546	7049	61 7/8	7030	—	19	—	977
22	7030	—	2413	4617	—	4399	—	-218	—	1195
23	4399	—	2117	2282	—	2084	—	198	—	1393
24	2084	7301	2724	6560	58 3/8	6661	—	+101	—	1292
25	6560	4022	2445	8137	69 1/4	7998	—	139	—	1431
26	7998	—	1929	6069	53 7/8	5949	—	120	—	1551
27	5949	5647	2490	8867	78	5829	—	239	—	1790
28	8867	—	2180	6387	56 3/8	6303	—	84	—	1874
29										
30										
31										

⊗ Driver overfilled & T.C.S. does not show any in beyond the fill. Total again total to include driver overfill

Maximum Allowable Variation (1% Total Deliveries + 130 Gallons)

0.01 x Sum of Column 3 64444 = 644 + 130 gallons = **A** 774

Total Monthly Variation (Bottom Line of Column 8) = **B** 1874

Check box for larger amount.

* If you checked box B, turn this page over for further instructions

Inventory Reconciliation Worksheet

Department of Environmental Health - Hazardous Materials Division 100 Swan Way, Rm. 200, Oakland, CA 94621 (510) 271-4527
 Month/Year: MAR. 95 Tank # II Size: 10.000 Product: UNLR
 Site Name: B+C GAS MINI MART Site Address: 2008 FIRST ST. LIVERMORE

1 Day	2 Opening Inventory - Yesterday's Column 6 Gallons	3 Deliveries (Inputs) Gallons	4 Withdrawals (metered or pumped sales) Gallons	5 Calculated Volume = (Column 2+3-4) Gallons	6 Measured Volume = (Dipstick reading)		7 Daily Variation = (Column 6 - 5)		8 Variation To date-sum of Column 7 entries	
					Inches	Gallons	+/-	Gallons	+/-	Gallons
3-1	6303	-	2650	3653	35 1/2	3401	-	252	-	252
3-2	3401	5976	2551	6826	60 1/2	6842	+	16	-	236
3-3	6842	-	2668	4174	60 3/4	3928	-	246	-	482
3-4	3928	4599	2534	5988	53 5/8	5921	-	67	-	549
3-5	5921	-	2084	3837	37 1/2	3612	-	225	-	774
3-6	3612	6181	3004	6789	59 1/4	6689	-	100	-	874
3-7	6689	-	2811	3878	36 1/2	3546	-	332	-	1206
3-8	3546	5639	2701	6484	57 3/8	6439	-	45	-	1251
3-9	6439	-	2602	3837	36 3/4	3580	-	257	-	1508
3-10	3580	6271	2300	7551	65 3/8	7465	-	86	-	1594
3-11	7465	-	2261	5204	47 1/8	5015	-	189	-	1783
3-12	5015	-	2467	2548	27 1/2	2318	-	230	-	2013
3-13	2318	5882	1809	6391	58 5/8	6315	+	4	-	2009
3-14	6391	-	2549	3846	58 5/8	3869	+	13	-	1996
3-15	3846	4572	2728	5713	53 1/2	5742	+	29	-	1967
3-16	5742	-	2417	3325	36 1/4	3336	+	11	-	1956
3-17	3336	5837	2469	6704	61 1/4	6699	-	5	-	1961
3-18	6699	-	2081	4618	45 1/8	4654	+	36	-	1925
3-19	4618	5971	4447	6148	56 3/8	6121	-	27	-	1952
3-20	6148	-	2283	3838	39 1/4	3857	+	19	-	1933
3-21	3838	4860	2318	6399	39 1/4	6490	+	91	-	1842
3-22	6399	-	2873	3617	37 5/8	3642	+	25	-	1817
3-23	3617	-	3231	411	9 1/2	504	+	93	-	1724
3-24	411	8460	2390	6574	59 7/8	6566	-	8	-	1732
3-25	6574	-	2257	4309	42 7/8	4351	+	42	-	1690
3-26	4309	-	2596	1755	22 1/2	1781	+	26	-	1664
3-27	1755	5973	2560	5194	49 1/4	5171	-	23	-	1687
3-28	5194	-	2252	2919	32 1/2	2919	+	0	-	1687
3-29	2919	4588	2540	4967	47 1/2	4959	-	8	-	1695
3-30	4967	3945	2822	6082	56 1/8	6093	+	11	-	1684
3-31	6082	-								

Maximum Allowable Variation (1% Total Deliveries + 130 Gallons)
 0.01 x Sum of Column 3 76754 = 785 + 130 gallons = A 915
 Total Monthly Variation (Bottom Line of Column 8) = B -1612

Check box for larger amount

*If you checked box B, turn this page over for further instructions



Reorder From
The Drawing Board
 P.O. Box 2044 • Hartford, CT 06104-2044
 CALL TOLL FREE: 1-800-927-9830

REORDER ITEM # NVR118

INVOICE

CENTRAL PETROLEUM MAINTENANCE

176 WYOMING STREET, P.O. BOX 211, PLEASANTON, CA 94566
 PHONE (510) 462-1877 OR 462-4060 ; FAX (510) 462-8352
 STATE CONTRACTORS LICENSE NO. 491948

SOLD TO

B & C Gas Mini Mart

2008 First Street

Livermore, Ca. 94550

SHIPPED TO

Same

(15)

DATE	DATE SHIPPED	SHIPPED VIA	YOUR ORDER NO.	F.O.B.	TERMS	INVOICE NO.
3/16/95	3/13/95	CPM	Angle		Net 10	017526

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	Checked calibration of meters in four Regular dispenser outlets; adjusted and resealed meters in #1 & #2; meters in #7 & #8 OK.		
	Performed line test on Regular product line; pressure dropped to 0 PSI in less than 1 minute. Checked inside Regular dispensers for leaks - found none. Checked piping and found leaky 2" union at Regular sub-pump; union could be turned by hand. Install new union and test for leaks - OK. Retested Regular product line and line held pressure at 20 PSI after 15 minute test. Removed the contaminated soil from around Regular sub-pump and put into 55 gallon drum. Install Haz Mat decal showing content on drum and place drum in rear of station for disposal by others.		
	Reprogrammed tank capacity for Tank #2 in TLS-350 using 95 1/2" tank chart and provided copy of tank chart to station manager. Changed tank tilt from 1.75" to 1.1" to make printout match dipstick.		
	Connected "pump in" and "pump out" wires for Tank #2 (Regular) leak detector and enabled leak detector in TLS-350 programming, and ran a 3.0 GPH line test - tested OK.		
2 ea	Meter seal & decal	\$ 1.00	\$ 2.00
1 ea	2" union		12.15
3 ea	Hydro sorb towel	1.35	4.05
1 ea	Drum, 55 gallon, DOT 17		40.00
1 ea	Decal, Hazardous Waste, yellow		1.50
1 ea	2" x 3" nipple		5.64
			\$ 65.34
	Sales Tax		5.39
	Labor		720.00
	TOTAL INVOICE		\$790.73

Tank II

Inventory Reconciliation Worksheet

Month/Year: Aug 94 Tank # I Size: 10,000 Product: Plus
 Site Name: Bole eyes Stn. Site Address: 2008 First St. Fremont CA 94531

1 Day	2 Opening Inventory - Yesterday's Column 6	3 Deliveries (Inputs)	4 Withdrawals (metered or pumped sales)	5 Calculated Volume - (Column 2+3-4)	6		7		8	
					Measured Volume = (Dipstick reading)	Daily Variation = (Column 6 - 5)	Variation To date=sum of Column 7 entries			
	Gallons	Gallons	Gallons	Gallons	Inches	Gallons	+/-	Gallons	+/-	Gallons
1	5660	-	762	5333	44 1/2	5350	+	17	+	17
2	5292	-	1031	4261	41 3/4	4298	+	37	+	54
3	4761	1989	852	5398	50 1/2	5435	+	37	+	91
4	5396	1885	975	6508	58 2/4	6530	+	22	+	113
5	6508	-	814	5694	52 1/2	5724	+	30	+	143
6	5694	1983	1454	6223		6246	+	23	+	166
7										
8	6223	1629	881	6971	55 5/8	7053	+	02	+	174
9	6971	-	843	6180	63 3/4	6178	-	-52	+	122
10	6178	1986	916	7198		7246	+	48	+	170
11	7246	-	775	6471	59	6628	+	205	+	375
12	6628	-	808	5820	53 5/8	5876	+	56	+	431
13	5820	-	1625	4195	41 3/8	4247	+	52	+	483
14										
15	4195	-	1008	3187	32 1/4	3200	+	13	+	496
16	3187	-	942	2315	26 1/2	2245	-	70	+	426
17	2245	-	785	1460	19 1/2	1498	+	38	+	464
18	1460	-	811	649	11	656	+	7	+	471
19	649	2693	906	2436	28 1/2	2460	+	24	+	495
20										
21	2436	2623	1466	3693		3631	-	62	+	433
22	3693	-	828	2765	31 1/2	2818	+	53	+	486
23	3989	-	953	2036	14 1/2	3068	+	32	+	518
24	3036	-	667	2429	25 5/8	2425	-	4	+	514
25										
26	2429	2285	820	3894	30 1/2	3746	+	52	+	566
27	3894	-	1396	2498	12 1/2	4249	-	5	+	561
28										
29	2498	-	743	1755		1760	+	5	+	566
30	1755	1688	743	2700	37 3/8	2737	-	37	+	529
31	2700	-	695	2044	30 5/8	2005	-	39	+	490

Maximum Allowable Variation: (1% Total Deliveries + 130 Gallons)

0.01 x Sum of Column 3 = 18761 = 188 + 130 gallons =

A	318
---	-----

Total Monthly Variation: (Bottom Line of Column 8) =

B	+490
---	------

Check box
for larger
amount.

* If you checked box B, turn this page over for further instructions

Bad Reading on 8/10



2060 KNOLL DRIVE, SUITE 200, VENTURA, CALIFORNIA 93003
(805) 644-5892 • FAX (805) 654-0720

FAX COVER SHEET

DATE: 11/30/94

TO: EVA CARV

COMPANY: ALAMEDA CO.

REGARDING: 2000 1ST ST. LIVERMORE ST ID 1689

FAX NO.: 510 337 9395

FROM: RICH PILAT

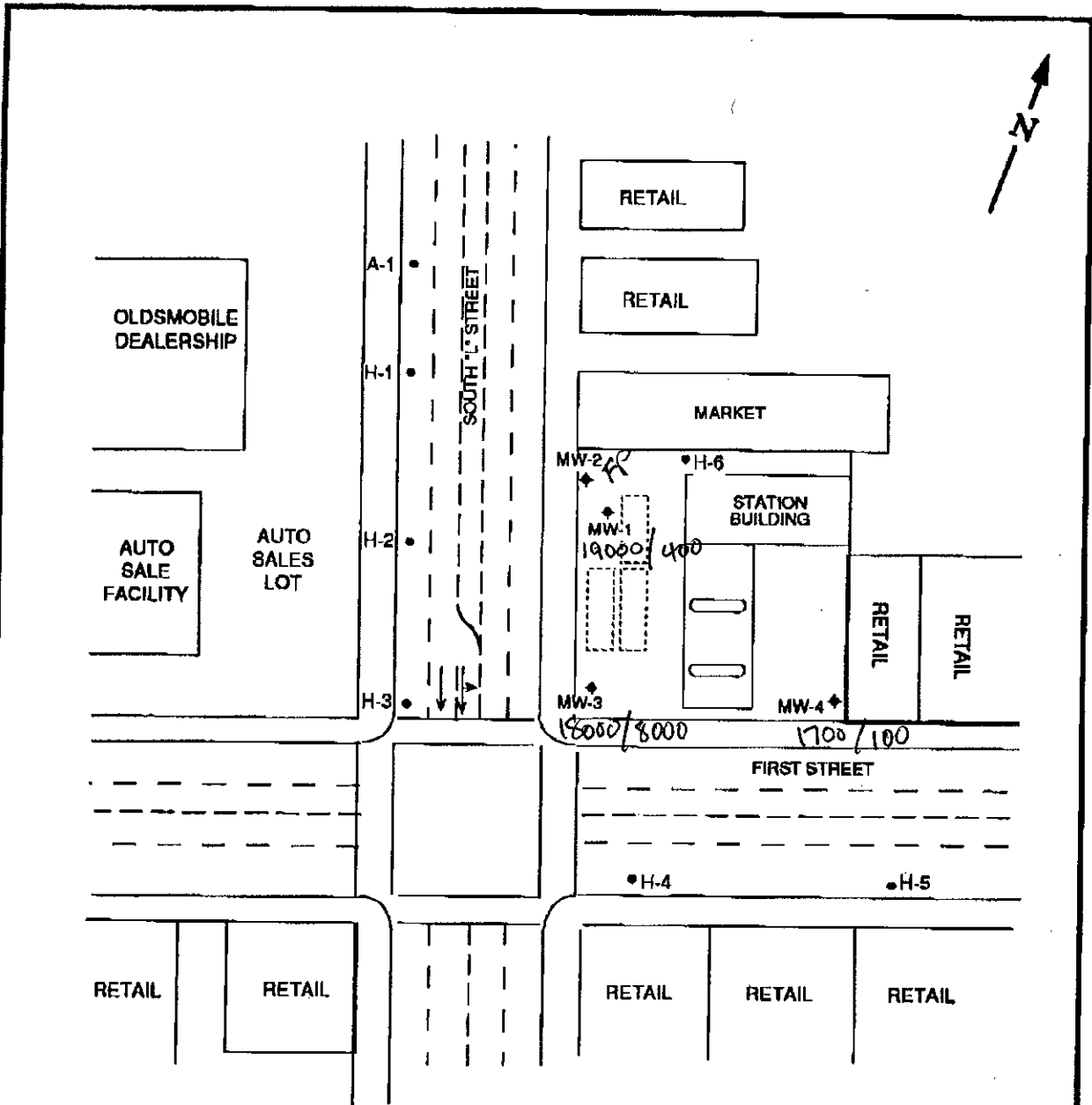
NO. OF PAGES (INCLUDING COVER SHEET): 2

COMMENTS/NOTES:

BASED UPON THE FACT THAT CALTRANS
WILL NOT GRANT ENCROACHMENT PERMITS
FOR BORINGS IN TRAFFIC LANES (CONF W/
TOM FRANKLIN CALTRANS INSPECTOR @ 510 - 286
4712) THE REVISED HYDRO PUNCH LOCATION
MAP IS ATTACHED. PLS REVIEW & CONTACT
ME FOR ANY FURTHER REVISIONS, COMMENTS OR APPROVALS

If you do not receive the indicated number of pages, please call for SITE CLOSURE at (805) 644-5892.

THANKS,
RICH



ppb Toluene/benzene (11/22/94)

MAP NOT TO SCALE.
SURVEYED DISTANCE BETWEEN WELLS, 1" = 50'

LEGEND

- ◆ GROUNDWATER MONITORING WELL LOCATION
- H-1 • PROPOSED HYDROPUNCH LOCATION
- A-1 • ALTERNATE HYDROPUNCH LOCATION

2008 FIRST STREET,
LIVERMORE, CA 94550

FIGURE 2: PLOT PLAN WITH PROPOSED
HYDROPUNCH LOCATIONS

RSI
REMEDATION SERVICE, INT'L.

2060 KNOLL DRIVE, SUITE 200, VENTURA, CALIFORNIA 93003
(805) 644-5892 • FAX (805) 654-0720

ALCO
HAZMAT
94 NOV 23 PM 2:43

St ID 1689

November 17, 1994

Ms. eva chu
Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way Room 200
Oakland, CA 94621

RE: Soil and Groundwater Investigation at 2008 St. Street Livermore, CA

RSI has been contracted by Desert Petroleum to perform the work outlined in RSI's Workplan dated September 30, 1994. Permitting has been initiated with three separate agencies for the offsite drilling. Due to the requirements of these agencies for encroachment approval, which has not yet been granted, RSI would like to request that an extension be granted for reasonable time to mobilize and carry out the field investigation. 30 days from the approval of permits should be sufficient.

Caltrans has indicated that they will not expedite permitting for this site and that they are only required to **respond** within 60 days, although I have permitted this type of work with Caltrans many times and I do not anticipate any problems. All other permits should be granted within the next two weeks.

Your cooperation in this matter is greatly appreciated, and I look forward to completing this phase of the investigation as quickly as possible. In the interim we will continue our monitoring as required.

Sincerely,



Richard W. Pilat
Program Director

Extension OK

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

StID 1689

October 24, 1994

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division

Alameda County CC4580
Dept. of Environmental Health
Environmental Protection Division
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577

RE: Workplan Approval for 2008 1st Street, Livermore 94550

Dear Mr. Rutherford:

I have completed review of RSI's September 1994 Soil and Ground Water Investigation Workplan for the above referenced site. The plan proposes to advance six soil borings and collect soil and groundwater grab samples to delineate the extent of soil and groundwater contamination at the site. The workplan is acceptable and field work should commence within 45 days of the date of this letter, or by **December 19, 1994**. Please notify this office at least 72 hours prior to the start of field activities.

If proposed boring H-1 is "hot", it may be necessary to advance another boring further north. The proposed borings locations may be moved, pending field observations and conditions. Please be advised that permanent wells will be required at the edge of the plume at a later date.

If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Richard Pilat, RSI, 2060 Knoll Dr, #200, Ventura, CA 93003
files

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

StID 1689

October 4, 1994

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

RE: Free Product Removal at 2008 1st St, Livermore 94550

Dear Mr. Rutherford:

I have completed review of Remediation Services' September 1994 Quarterly Monitoring Report for the above referenced site. It appears all wells onsite exhibit elevated levels of petroleum hydrocarbons. In fact, well MW-2 detected free product.

At this time, interim measures should be taken to abate the potential effects of an unauthorized release of petroleum hydrocarbons with free product in groundwater. Please be advised, pursuant to Section 2655 of Article 5, Title 23 of the California Code of Regulations, the owner or operator shall conduct free product removal in a manner that will minimize the spread of contamination into previously uncontaminated zones. Free product removal reports must be prepared in compliance with said section and be submitted within 45 days upon completion of interim remediation.

A workplan for offsite investigation is currently due. Be sure this proposal includes evaluating the contaminant plume both up- and down-gradient from the tank pit/dispenser islands.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

Should you have any questions about the content of this letter, please contact me at (510) 567-6762.

A handwritten signature in cursive script, appearing to read 'eva chu'.

eva chu
Hazardous Materials Specialist

cc: Richard Pilat, RSI, 2060 Knoll Dr, #200, Ventura, CA 93003
files (desert7)

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

StID 1689

July 29, 1994

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

**RE: QMR and Additional Investigations at 2008 First Street,
Livermore 94550**

Dear Mr. Rutherford:

I have completed review of Remediation Service, Int'l's July 1994 Soil and Groundwater Investigation Report for the above referenced site. This report documents the installation and sampling of three monitoring wells onsite.

At this time, a quarterly monitoring schedule should be established for the site. In addition to the analyses for TPH-G, BTEX, and soluble lead, monitoring well MW-2 should also be analyzed for VOCs and TOG. The next sampling event should be in September 1994. A report summarizing each sampling event is due 60 days after field work.

It also appears an off site investigation is warranted to delineate the extent of groundwater contamination resulting from the unauthorized fuel release from the former underground storage tanks. A workplan proposal for this phase of the investigation is due to this office by **October 3, 1994**.

If you have any questions, I can be reached at (510) 567-6700.

eva chu
Hazardous Materials Specialist

cc: Michael Mulhern, RSI, 2060 Knoll Dr, Suite 200, Ventura, CA
93003
files (desert6)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1689

May 13, 1994

Mr. John Rutherford
Desert Petroleum
P.O. Box 1601
Oxnard, CA 93032

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

Subject: Additional Investigation at 2008 First St, Livermore

Dear Mr. Rutherford:

I have completed review of Western Geo-Engineers' April 1994 Waste Oil UST and Hydraulic Hoist Removal, Overexcavation Sample Report for the above referenced site. This report summarizes field activities and laboratory results of soil samples collected at the time of the waste oil and hydraulic hoist removal. It appears that contaminated soil has been removed to the extent possible from the waste oil pit. No further excavation is anticipated at this area. Elevated levels of petroleum hydrocarbons as hydraulic oil left in soil beneath the east hoist has not been removed. It is not known at this time if the contaminated soil left in place will or have impacted groundwater.

In January 1994 I approved RSI's Soil and Groundwater Investigation Workplan to install additional monitoring wells at this site. I also requested that a well be installed in the northwest corner of the property. To date, this work has not been initiated. Field work for this phase of the investigation must commence by **June 30, 1994**. Quarterly sampling of the existing well should also be in affect.

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency. Failure to comply may result in the referral of this case to the District Attorney Office to consider for enforcement action.

If you have any questions, I can be reached at (510) 271-4530.

eva chu
Hazardous Materials Specialist

cc: files (desert5)

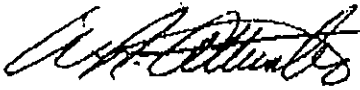
EC

Memorandum

To : RWQCB Executive Officers
ALCO
HAZMAT
94 APR -4 PM 1:37

Date: March 23, 1994

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	<i>J. Grimm</i>	From	<i>Abbey</i>
Co.	<i>OR2</i>	Co.	<i>SWRCB</i>
Dept.		Phone #	
Fax #		Fax #	



William R. Attwater
Chief Counsel

From : OFFICE OF THE CHIEF COUNSEL
STATE WATER RESOURCES CONTROL BOARD
901 P Street Sacramento, CA 95814
Mail Code G-8

Subject: DESERT PETROLEUM, INC.: CHAPTER 11, PETITION IN BANKRUPTCY

Desert Petroleum filed a voluntary Petition for Relief under Chapter 11 of the Bankruptcy Code in 1992. As the San Francisco Bay Regional Board has several Desert Petroleum sites in their region requiring soil and ground water remediation, they have requested the Attorney General to pursue claims. It further appears that there are numerous sites throughout the State that may be affected by this bankruptcy. Thus, the SWRCB has requested the Attorney General's Office to represent the SWRCB and all the RWQCBs in this matter.

In view of the above, please provide a list of Desert Petroleum sites in your region where soil, ground water, or surface water investigation or remediation is or may be necessary. Your list should include the following information for each site:

1. Name and location of the site.
2. Brief status of RWQCB regulation of the site.
3. Brief description of necessary investigation and remediation.
4. General estimate of cost of investigation and remediation.
5. Where the site is on the LUST list.

The contact person in this case is Gary Grimm (510) 286-0889 on behalf of the Office of the Chief Counsel. Please send this information directly to him at the San Francisco Bay Regional Board office within two weeks of the date of this letter. Remediation of sites may be barred by the bankruptcy proceedings unless appropriately pursued by the Attorney General.

cc: William Abbey
Deputy Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

State of California

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



Gary J. Grimm
Board Legal Counsel

(510) 286-0889
FAX (510) 286-1380

MODE = TRANSMISSION START=FEB-22 15:27 END=FEB-22 15:28

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG. NO.	PROGRAM NAME
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001	INC	2	8346810	000		
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-ALCO HAZMAT -

***** - 5105694757- *****

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Division Inspection Form

Site ID# 1689 Site Name Desert Petroleum #795 Today's Date 3/17/94
 Site Address 2008 1st St. EPA ID# _____
 City Livermore Zip 94 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? Y N
 Hazardous Waste generated per month? _____

Inspection Categories:

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- | | | |
|-------------------|--|---------|
| Manifest | <input type="checkbox"/> 1. Waste ID | 66471 |
| | <input type="checkbox"/> 2. EPA ID | 66472 |
| | <input type="checkbox"/> 3. > 90 days | 66508 |
| | <input type="checkbox"/> 4. Label dates | 66508 |
| | <input type="checkbox"/> 5. Biennial | 66493 |
| Misc. | <input type="checkbox"/> 6. Records | 66492 |
| | <input type="checkbox"/> 7. Correct | 66484 |
| | <input type="checkbox"/> 8. Copy sent | 66492 |
| | <input type="checkbox"/> 9. Exception | 66484 |
| | <input type="checkbox"/> 10. Copies Rec'd | 66492 |
| Prevention | <input type="checkbox"/> 11. Treatment | 66371 |
| | <input type="checkbox"/> 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | <input type="checkbox"/> 13. Ex Haz. Waste | 66570 |
| Contn. gency | <input type="checkbox"/> 14. Communications | 67121 |
| | <input type="checkbox"/> 15. Aisle Space | 67124 |
| | <input type="checkbox"/> 16. Local Authority | 67126 |
| | <input type="checkbox"/> 17. Maintenance | 67120 |
| | <input type="checkbox"/> 18. Training | 67105 |
| Containers, Tanks | <input type="checkbox"/> 19. Prepared | 67140 |
| | <input type="checkbox"/> 20. Name List | 67141 |
| | <input type="checkbox"/> 21. Copies | 67141 |
| | <input type="checkbox"/> 22. Emg. Coord. Trng. | 67144 |
| | <input type="checkbox"/> 23. Condition | 67241 |
| | <input type="checkbox"/> 24. Compatibility | 67242 |
| | <input type="checkbox"/> 25. Maintenance | 67243 |
| | <input type="checkbox"/> 26. Inspection | 67244 |
| | <input type="checkbox"/> 27. Buffer Zone | 67246 |
| | <input type="checkbox"/> 28. Tank Inspection | 67259 |
| | <input type="checkbox"/> 29. Containment | 67245 |
| | <input type="checkbox"/> 30. Safe Storage | 67261 |
| | <input type="checkbox"/> 31. Freeboard | 67257 |

Comments:

1. 280 gal W.O. UST. Bare steel
 UST w/ rust + corrosion, but no obvious through
 holes. Some waste product had leaked from
 piping at time of disconnect, staining soil
 and tank surface.
 One soil sample collected at 7'10" center of
 pit. Sandy, gravel - strong odor, moist.
 Analyze for TPH-G, TPH-D, BTEX, TOG,
 Metals (Cr, Cd, Pb, Ni, Zn), chlorinated
 hydrocarbons and semi-volatile compounds.
 Recommend sampling soil beneath hydrocarbon
 hoists.

I.B TRANSPORTER (Title 22)

- | | | |
|----------|--|-------|
| Manifest | <input type="checkbox"/> 32. Applic./Insurance | 66428 |
| | <input type="checkbox"/> 33. Comp. Cert./CHP Insp. | 66448 |
| | <input type="checkbox"/> 34. Containers | 66465 |
| Cont'n's | <input type="checkbox"/> 35. Vehicles | 66465 |
| | <input type="checkbox"/> 36. EPA ID #s | 66531 |
| | <input type="checkbox"/> 37. Correct | 66541 |
| | <input type="checkbox"/> 38. HW Delivery | 66543 |
| | <input type="checkbox"/> 39. Records | 66544 |
| | <input type="checkbox"/> 40. Name/ Covers | 66545 |
| | <input type="checkbox"/> 41. Recyclables | 66800 |

Contact: _____
 Title: _____
 Signature: [Signature]

Inspector: [Signature]
 Signature: [Signature]

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
80 SWAN WAY, ROOM 200
OAKLAND, CA 94671
PHONE NO. 415/271-4328

office copy

Project Specialist (print) Evachy

J. Vachy 2/17/94
Note changes/additions in Red

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH
470 - 27th Street, Third Floor
Oakland, CA 94612
Telephone: (415) 574-7237

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 referred for issuance of any required building 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 laws and regulations.

THIS IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE PERMITS.

UNDERGROUND TANK CLOSURE PLAN

*** * * Complete according to attached instructions * * ***

1. Business Name Desert Petroleum Inc. #795
Business Owner Desert Petroleum Inc.
 2. Site Address 2008 First Street
City Livermore, CA Zip 94550 Phone 510/449-9722
 3. Mailing Address P.O. Box 1601
City Oxnard, CA Zip 93032 Phone 805/644-6784
 4. Land Owner Balaji and Chhaya Angle
Address 2008 First St. Livermore City, State CA zip 94550
 5. Generator name under which tank will be manifested Desert Petroleum Inc.
- EPA I.D. No. under which tank will be manifested CAL 000005068

6. Contractor Newlandex Corp. DBA-Remediation Service Int'l.
Address 2060 Knoll Drive
City Ventura, CA Phone 805/644-5892
License Type A-Gen.Engineering ID# 615877

7. Consultant Remediation Service Int'l
Address 2060 Knoll Drive
City Ventura, CA Phone 805/644-5892

8. Contact Person for Investigation
Name John Rutherford Title Dir. Environmental Affairs
Phone 805/644-6784

9. Number of tanks being closed under this plan 1
Length of piping being removed under this plan -0-
Total number of tanks at facility 4

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**** Underground tanks are hazardous waste and must be handled **
as hazardous waste**

a) Product/Residual Sludge/Rinsate Transporter

Name Erickson Inc. EPA I.D. No. CAD 009466392
Hauler License No. 00019 License Exp. Date _____
Address 255 Park Blvd.
City Richmond State CA Zip 94801

b) Product/Residual Sludge/Rinsate Disposal Site

Name Erickson Inc. EPA I.D. No. CAD009466392
Address 255 Park Blvd.
City Richmond State CA Zip 94801

c) Tank and Piping Transporter

Name Erickson, Inc. EPA I.D. No. CAD009466392
Hauler License No. 00019 License Exp. Date _____
Address 255 Park Blvd.
City Richmond State CA Zip 94801

d) Tank and Piping Disposal Site

Name Erickson EPA I.D. No. CAD 009466392
Address 255 Park Blvd.
City Richmond State CA Zip 94801

11. Experienced Sample Collector

Name Remediation Service Int'. - Mike Joy
Company Same
Address 2060 Knoll Drive
City Ventura State CA Zip 93003 Phone 805/644-5892

12. Laboratory

Name Coast to Coast Analytical Services
Address 4765 Calle Quetzal
City Camarillo State CA Zip 93012
State Certification No. 3687919-5 1783

13. Have tanks or pipes leaked in the past? Yes [] No [X]

If yes, describe. _____

14. Describe methods to be used for rendering tank inert

Inert with dry ice (10 lbs.) two hours prior to work being performed.

Meter varification prior to removal - Agency Direction

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
Capacity	Use History (see instructions)		
280 Gallons	A. Installation date unknown. Product B. stored - <u>waste oil</u> C. Last known date of use is 5-8-89	Soil	A. Approximate 10' two (2) feet below native soil Beneath tank and at side wall B. Other samples as directed by Agency.

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.

Excavated/Stockpiled Soil	
Stockpiled Soil Volume (Estimated)	Sampling Plan
50 cubic yards	1 sample per 20 cubic yards

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

16. Chemical methods and associated detection limits to be used for analyzing samples

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
TPH - Gasoline	GCFID	5030	1.0 PPM
TPH-Diesel	GCFID	3550	1.0 PPM
BTXE	GCFID	8260	0.005 PPM
Oil & Grease	D & F	5520	50.0
Cl-HC		8010	
Semi-volatiles		8270	
Metals: Cd, Cr, Pb, Ni, Zn			

17. Submit Site Health and Safety Plan (See Instructions)

18. Submit Worker's Compensation Certificate copy

Name of Insurer American Home Assurance #6122

19. Submit Plot Plan (See Instructions)
20. Enclose Deposit (See Instructions)
21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)
22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

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 health and safety. 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.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of Contractor

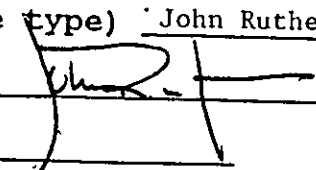
Name (please type) Michael Joy, R.M.E. Newlandex Corp.

Signature  R-ME

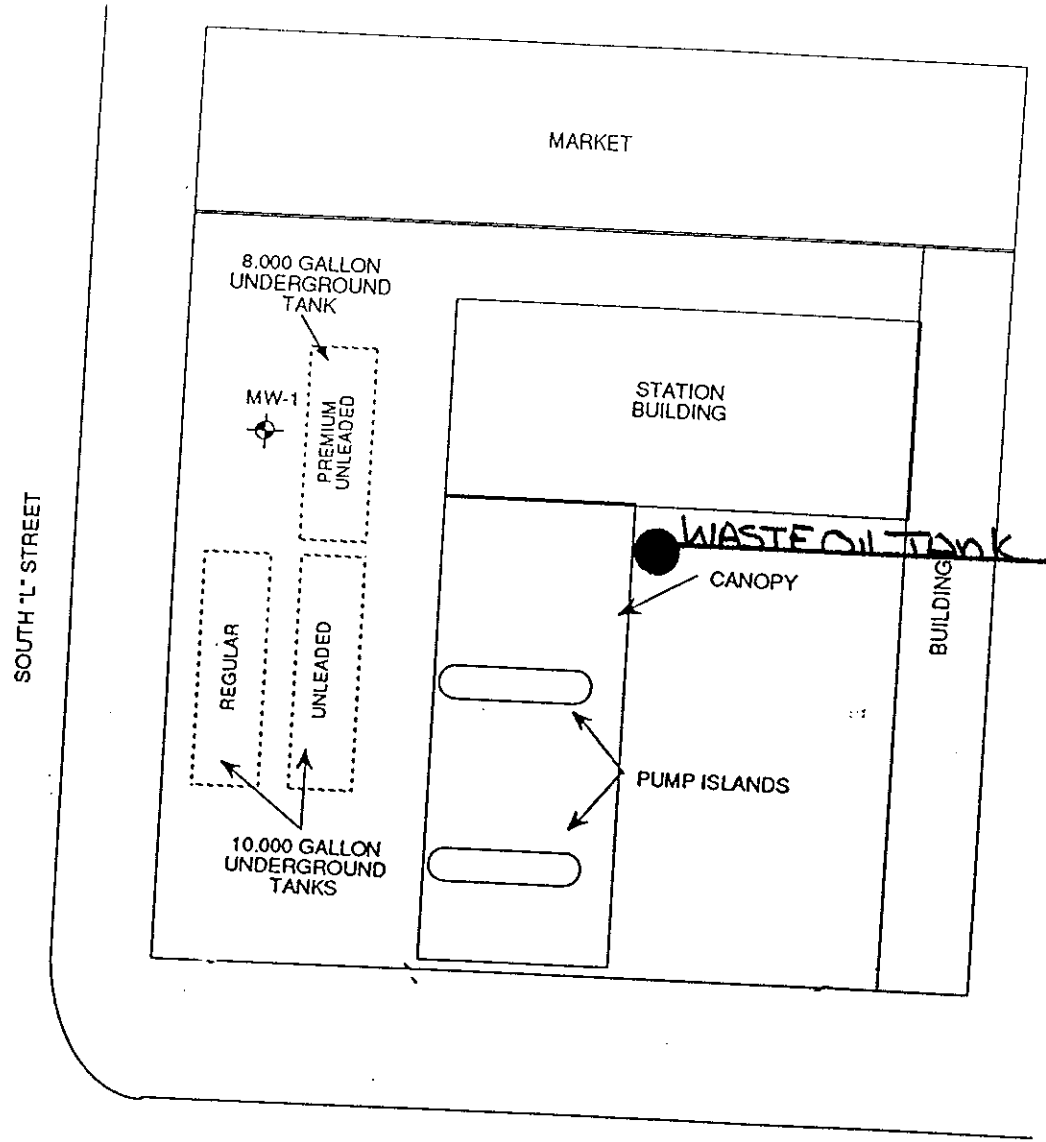
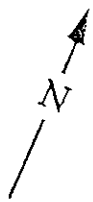
Date 1-13-94

Signature of Site Owner or Operator

Name (please type) John Rutherford-Desert Petroleum, Inc.


Signature 

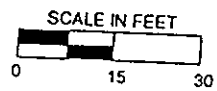
Date 1-13-94



FIRST STREET

LEGEND

 MONITORING WELL LOCATION



DESERT PETROLEUM, INC.
DESERT PETROLEUM STATION #795 2008 FIRST STREET, LIVERMORE, CA 94550
FIGURE 2: PLOT PLAN
RSI REMEDIATION SERVICE, INT'L.

ACORD INSURANCE BINDER

ISSUE DATE (MM/DD/YY)

12/30/1993

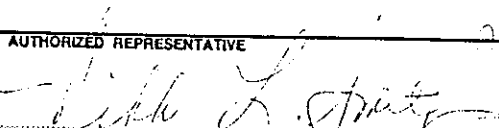
THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM.

PRODUCER Andreini & Company 220 W 20th Ave. San Mateo, CA 94403 (415) 573-1111		COMPANY AMERICAN HOME ASSURANCE		BINDER NO. 006122
CODE	SUB-CODE	DATE EFFECTIVE 01/01/94	TIME 12:01	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
INSURED NEWLANDEX CORPORATION DBA: RSI P.O. BOX 1601 OXNARD, CA 93032-1601		DATE EXPIRATION 03/01/94		
		<input checked="" type="checkbox"/> THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY NO: WC5817628		
DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location)				

COVERAGES		LIMITS		
TYPE OF INSURANCE	COVERAGE FORMS	AMOUNT	DEDUCTIBLE	COINSUR.
PROPERTY CAUSES OF LOSS <input type="checkbox"/> BASIC <input type="checkbox"/> BROAD <input type="checkbox"/> SPEC.				
GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> OWNERS & CONTRACTOR'S PROT.	RETRO DATE FOR CLAIMS MADE:	GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG. \$ PERSONAL & ADV. INJURY \$ EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$		
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY		COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$ MEDICAL PAYMENTS \$ PERSONAL INJURY PROT. \$ UNINSURED MOTORIST \$		
AUTO PHYSICAL DAMAGE DEDUCTIBLE <input type="checkbox"/> ALL VEHICLES <input type="checkbox"/> SCHEDULED VEHICLES		ACTUAL CASH VALUE STATED AMOUNT \$ OTHER		
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	RETRO DATE FOR CLAIMS MADE:	EACH OCCURRENCE \$ AGGREGATE \$ SELF-INSURED RETENTION \$		
WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	CALIFORNIA	<input checked="" type="checkbox"/> STATUTORY LIMITS EACH ACCIDENT \$ 1,000,000 DISEASE-POLICY LIMIT \$ 1,000,000 DISEASE-EACH EMPLOYEE \$ 1,000,000		

SPECIAL CONDITIONS/OTHER COVERAGES

BINDER ISSUED PENDING RECEIPT OF POLICY.

NAME & ADDRESS		<input type="checkbox"/> MORTGAGEE <input type="checkbox"/> LOSS PAYEE LOAN #	<input type="checkbox"/> ADDITIONAL INSURED
		AUTHORIZED REPRESENTATIVE 	

State of California

Contractors State License Board

Pursuant to Chapter 9 of Division 3 of the Business and Professions Code
and the Rules and Regulations of the Contractors State License Board,
the Registrar of Contractors does hereby issue this license to:

REMEDICATION SERVICE INT'L.
* NEWLANDEX CORPORATION



to engage in the business or act in the capacity of a contractor
in the following classification(s):

A - General Engineering Contractor



Witness my hand and seal this day,

March 28, 1991

Issued March 23, 1991

Michael O'Connor
Signature of Licensee

Michael J. Foy
Signature of License Qualifier

David R. Phillips
Registrar of Contractors

615877
License Number

This license is the property of the Registrar of Contractors, is not
transferable, and shall be returned to the Registrar upon demand
when suspended, revoked, or invalidated for any reason. It becomes
void if not renewed.

No 289941

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY CONTRACTORS STATE LICENSE BOARD
DEPARTMENT OF

**Consumer
Affairs**

Building Quality

HAZARDOUS SUBSTANCES REMOVAL AND REMEDIAL ACTIONS CERTIFICATION

Pursuant to the provisions of Section 7058.7 of the Business and Professions Code, the Registrar of Contractors does hereby certify that the following qualifying person has successfully completed the hazardous substances removal and remedial actions examination.



Qualifier: **MICHAEL JOHN JOY**

License No.: **615877**

Name/Style: **NEWLANDEX CORP. * REMEDIATION SERVICE INT'L.**

WITNESS my hand and official seal this

23RD

MARCH, 1991

Edward R. Kelly
Registrar of Contractors

A3809

Site Health and Safety Plan

The following Health and Safety Plan has been developed to protect and ensure the safety of individuals working at the job site located at 2008 First Street, Livermore, CA 94550.

1. Facility/Job Site

The facility is a retail gasoline service station. The job site work consists of excavation, compaction, and sampling of soils on site.

2. Health and Safety Officer

Mr. John Rutherford is the Project Manager and Safety Officer - 805-644-6784.

Cahaya Angel is the facility owner - 510-449-9722. The designated safety officer in his absence will be the field supervisor on site. The safety officer has full authority to operate, correct any problems, or shut down the job activities if required, in order to maintain safety.

3. Safety Briefings

All on-site employees and contractors will be briefed on a daily basis prior to beginning work concerning any safety or health hazards. This briefing will be conducted by the on-site supervisor (safety officer).

4. Personal Protection Equipment

- a. This site is being treated as a Class D level site.
- b. Personnel will wear safety glasses when working in the area.
- c. Organic half mask and respirators will be available and are to be used should vapors become noticeable.
- d. Nitrile gloves will be worn during work when a potential for direct contact with hazardous chemicals exists.
- d. The on-site safety officer will designate hard hat areas within the work zone of the site.

5. Confined Space Procedures

No confined space entry will be allowed.

6. Site Security

The work zone will be restricted to authorized personnel and selected subcontractors. All stockpiled soil and equipment will remain inside the areas of the work zone. Security and warning will be done using barricades, fencing and caution tape as needed.

7. Job Hazard Analysis

Petroleum hydrocarbons are the only known chemical hazard that may be encountered. These include:

- a. Total Petroleum Hydrocarbons
- b. Benzene
- c. Ethyl Benzene
- d. Toluene
- e. Xylenes

Chemical concentrations will vary but are not expected to exceed those found at a normal gasoline facility, ACGIH Gasoline TLV 300 ppm, STEL 500 ppm. If dermal contact occurs, the affected area is to be flushed with water. Should vapors or fumes be inhaled, the person will be removed from the work area.

8. Spill Containment/Emergency

In a small spill situation, the spill will be absorbed with sand or any other available and appropriate material. The disposal will depend on the concentration of the contaminant. In the case of a large spill or fire, the Fire Department will be called. On-site personnel will be used as first responders under supervision of the site safety officer.

Emergency Response Numbers:

Paramedics: 911
Fire Department: 911
Hospital: 415-447-7000

Telephone service is available at the work site. The nearest hospital facility is Valley Memorial Hospital, located at 1111 E. Stanley Blvd., Livermore.

9. Training Requirements

All employees, contractors and subcontractors working in hazardous materials/waste operations on site are trained under 29 CFR 1910.120 Regulations and other appropriate OSHA training as applicable to their job function.

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

ALCO
HAZMAT
94 FEB -7 PM 12:45

February 4, 1994

Alameda County Health Care Agency
Department of Environmental Health
Hazardous Materials Division
80 Swan Way, RM 200
Oakland, CA 94621

RE: Tank Closure Plan - 2008 First Street - Livermore

Enclosed is an underground tank closure plan for removal of one (1) 280 gallon waste oil tank.

The property was sold in December to Mr. B.S. Angle - 3558 Conovan Lane, Fremont, CA 94536. He can also be contacted at the site address.

Desert is to remove the unused waste oil tank and continue the remediation of the site to completion.

We have also enclosed a state form B to the closure application. The new owner should be contacted regarding submitting a new form A for his permit and information change on the remaining existing storage tanks.

We understand that this is an existing L.O.P. site and therefore application fees are not required at this time.

Please process the submitted plan, upon approval we will schedule the removal of the tank.

Very truly yours,


John Rutherford

cc: G.W. Carson
B.S. Angle
Chron
File

enclosure

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1689

January 13, 1994

Mr. Rick Pilat
RSI
2060 Knoll Dr., Suite 200
Ventura, CA 93003

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

**Subject: Workplan Approval for Desert Petroleum Station #795,
2008 First St., Livermore, CA 94550**

Dear Mr. Pilat:

I have completed review of RSI's January 1994 Soil and Ground Water Investigation Workplan for the above referenced site. RSI proposes to install two groundwater monitoring wells in the up-gradient direction from the underground storage tank (UST) pit. These wells will help to determine groundwater flow direction and to verify if an off-site source is contributing to the groundwater contamination on-site resulting from the release caused by the existing USTs.

In addition, a monitoring well should also be installed in the northwest corner of the property. This well will help to delineate the extent of water contamination, as confirmed by groundwater samples collected from monitoring well MW-1 since August 1990. Groundwater flow direction near this site has generally been in the northwesterly direction.

The cited workplan is acceptable and field activities should commence within 45 days of the date of this letter. Please confirm that a monitoring well will be install in the northwest corner during this phase of the investigation. And please notify this office at least 72 hours prior to the start of field work.

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

A handwritten signature in cursive script, appearing to read 'eva chu'.

eva chu
Hazardous Materials Specialist

cc: John Rutherford, Desert Petroleum, P.O.Box 1601, Oxnard, CA
93032
files

desert4

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 1689

October 28, 1993

Mr. John Rutherford
Desert Petroleum, Inc.
P.O.Box 1601
Oxnard, CA 93032

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

Subject: SWI for 2008 First St., Livermore, CA 94550

Dear Mr. Rutherford:

I have completed review of Remediation Service, Int'l's October 1993 Quarterly Monitoring Report for the above referenced site. The one monitoring well on site continues to show elevated levels of petroleum hydrocarbons. Please continue with the quarterly sampling schedule.

To date, this office has not received a workplan for a soil and groundwater investigation (SWI) to delineate the extent of soil and groundwater contamination at this site. Therefore, this letter constitutes a **Final Notice** that you are in violation of specific laws and that the technical report is due.

Failure to furnish technical reports regarding documented or potential groundwater 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 that such a violation continues.

Failure to submit the SWI within 45 days of the date of this letter will result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action.

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

Sincerely,

eva chu
Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Lou Carpiac, 2050 S. Kimbal Rd., Ventura, CA 93004
files

desert3

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

July 30, 1993

Ms. Eva Chu
Alameda County Health Care Services
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Re: Desert Petroleum, Inc. #795
2008 First Street
Livermore, CA 94550

Dear Ms. Chu:

This letter is in response to your most recent correspondence identified as a second request for further environmental assessment at the subject property.

Please refer to my original letter of response dated June 9, 1993. Desert Petroleum, Inc., the owner of the property, is presently in Chapter 11 Reorganization proceedings. The filing of the Chapter 11 petition takes a number of matters out of our hands. We do not have complete discretion to spend limited resources, as the effect may be to deplete the assets available for distribution to the creditors of the bankruptcy estate. Authorizations are required from the court before Desert can make certain expenditures.

Unfortunately, there has not been a resolution of a great number of issues involving the bankruptcy, and consequently Desert is not in a position to make any expenditures at this time.

This should not be viewed as an instance where Desert is disregarding directives from the regulatory agency. Desert does not have the freedom to respond to the demands of agencies and other parties without the necessary authorization from the Bankruptcy Court.

Desert has applied for and been conditionally accepted into the State Cleanup Fund, Category C, and upon being funded through this program can begin to move forward with assessment and remediation of the site.

93 AUG -3 AM 10:58

83 112-3 1116:28

Ms. Eva Chu
July 30, 1993
Page 2

As you may know, there is an automatic stay order which precludes action against the debtor (Desert). I would suggest that if any further action is being considered against Desert in this matter, you have agency's counsel contact our counsel, Mr. Lou Carpiac, at (805) 659-6818, or Mr. Robert Bass, at (818) 986-5687.

Very truly yours,

A handwritten signature in black ink, appearing to read "John D. Rutherford". The signature is stylized with a large initial "J" and "R" and a horizontal line extending to the right.

John D. Rutherford

JDR:jc

cc: W.E. Thompson
G.W. Carson
L. Carpiac, Esquire
R. Bass, Esquire

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL AFFAIRS
State Water Resources Control Board
Division of Clean Water Programs
DST Local Oversight Program
50 Swan Way, Box 700
Oakland, CA 94621
(510) 271-4530

July 28, 1993

Steven R. Ritchie
Executive Officer
California Regional Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Re: Referral of Desert Petroleum sites to Regional Board

Dear Mr. Ritchie:

Several Local Oversight Program sites within Alameda County are owned by Desert Petroleum, Inc. These include:

2844 Mountain Boulevard
Oakland, CA 94602
(Site ID No. 851)

4035 Park Boulevard
Oakland, CA 94602
(Site ID No. 1248)

2008 1st Street
Livermore, CA 94550
(Site ID No. 1689)

15201 Washington Avenue
San Leandro, CA 94578
(Site ID No. 1176)

EC

We have been informed by Desert Petroleum that the corporation is currently in Chapter 11 bankruptcy, and that therefore they cannot release funds to conduct investigations of known releases or the appropriate followup remediation at these sites. A copy of this filing is attached.

Larry Blazer of our District Attorney's Office has checked into the bankruptcy and learned that it is pending in Los Angeles (Case number LA 92-14240-RR; a copy of the notice of filing is attached). He has also learned that a number of other counties are having trouble with Desert Petroleum sites (including Orange, Ventura and Santa Barbara). Mr. Blazer has checked with Mark

INTRODUCTION

Senate Bill (SB) 2040, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 (Act), was signed into law by the Governor in 1990 and created the Office of Oil Spill Prevention and Response (OSPR) within the Department of Fish and Game in January 1991. The OSPR is currently headed by Pete Bontadelli, the Administrator for Oil Spill Response. The Act greatly expands the authority, responsibilities, and duties of the Department of Fish and Game for marine oil spills, emphasizing oil spill prevention, contingency planning, and response.

Pursuant to sections 817.03(g)(1) and 818.03(g)(1) in Title 14 of the California Code of Regulations (CCR), owners/operators of marine facilities and vessels are required to prepare and submit an oil spill contingency plan to the OSPR, and to identify in the plan appropriate financial or contractual arrangements for all necessary equipment and services, for the response, containment, and cleanup of a reasonable worst case oil spill scenario for each part of the coast the plan addresses.

This document is organized to help guide owners/operators of marine facilities and vessels through the regulatory requirements for complying with the Act, as it applies to the response, containment, and cleanup contracting requirements as mentioned above.

DISCLAIMER

While this document is written to assist owners/operators of marine facilities and vessels in complying with the response, containment, and cleanup contracting requirements in the Act and the implementing regulations, it does not replace the Act and the regulations. It is important that all applicable laws and regulations be consulted before using this document in the preparation of the marine facility or vessel contingency plan.

PURPOSE

This guidance document is intended to assist owners/operators of marine facilities and vessels in complying with the response, containment, and cleanup contracting requirements and the regulations. The Act specifies that the owner/operator of a facility or vessel must maintain a level of readiness that will allow effective implementation of the submitted oil spill contingency plan and is capable of providing a timely and effective response to a spill. In order to be consistent with federal regulations and to ensure the best achievable protection of the public health and safety and the environment, the Administrator has found it necessary for the regulations to require that owners/operators of marine facilities and vessels to identify appropriate financial or contractual arrangements for all necessary equipment and services, for the response, containment, and cleanup of a reasonable worst case oil spill scenario for each part of the coast the plan addresses.

July 28, 1993

Page 2 of 2

Steven Ritchie, RWQCB

Urban, a Deputy Attorney General with the Natural Resources Division in Sacramento. Urban told him that if his Division gets a referral of these cases from the Water Board, the AG can appear in the bankruptcy proceeding, file the appropriate claims and coordinate a comprehensive statewide approach to the problem. Although Urban himself may not get the case, he has substantial experience in dealing with multi-county (or multi-state) underground storage tank problems in bankruptcy. (He worked on the recent Circle-K settlement, as well as Thrifty Oil).

In recent discussions with both Gary Grimm and Lester Feldman, they have agreed that this strategy, given the scope of the problem, would be worth a try.

Therefore, please accept this letter as a formal referral of these LOP sites back to the Regional Board.

If you have any questions, please call me or Larry Blazer (569-9281).

Very truly yours,



Thomas F. Peacock
Supervising Hazardous Materials Specialist

cc: Sandra Malos, State Water Resources Control Board
Lester Feldman, Regional Water Quality Control Board
Gary Grimm, Regional Water Quality Control Board
Larry Blazer, Alameda County District Attorney's Office
Edgar B. Howell - Chief, Files
Attachments

P. 02

3248629

TO

FROM DEPT. FISH & GAME - OSRR

DEC-01-1992 16:23

Nautical Charts

Scale

18600	()	Trinidad Head to Cape Blanco	1:196,948
18603	()	St. George Reef and Crescent City Harbor Crescent City Harbor	1:40,000 1:10,000
18620	()	Pt Arena to Trinidad Head Rockport Shelter Cove	1:200,000 1:10,000 1:20,000
18622	7	Humboldt Bay	1:25,000
18623	8	Cape Mendocino and Vicinity	1:40,000
18626	6	Elk to Fort Bragg Fort Bragg & Noyo Anchor Elk	1:40,000 1:10,000 1:10,000
18628	7	Albion to Caspar	1:10,000
18640	8	San Francisco to Pt Arena	1:207,840
18649	7	Entrance to San Francisco Bay	1:40,000
18651	10	San Francisco Bay, Southern Bay Redwood Creek Oyster Point	1:40,000 1:20,000 1:20,000
18654	"	San Pablo Bay	1:40,000
18656	12	Suisun Bay	1:40,000
18680	13	Pt. Sur to San Francisco	1:210,000
18682	14	Half Moon Bay	1:20,000

desert petroleum inc.

See
6/11/93

93 JUN 11 11:22:22

John Rutherford
Director
Environmental Affairs

June 9, 1993

Ms. Eva Chu
Alameda County Health Care Services
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Re: Desert Petroleum, Inc. #795
2008 First Street, Livermore, CA 94550

Dear Ms. Chu:

Enclosed per our discussion is the recent groundwater monitoring report for the subject location.

In reference to your letter dated May 7, 1993, additional investigation, Desert Petroleum has been and continues to be bound by certain constraints regarding expenditures by the United States Bankruptcy Court of California due to their last year's Chapter 11 filing.

These constraints make it almost impossible to comply with your directive for a soil and water investigation within the time periods specified. We are unable to provide a time table for this future work, as the expenses involved are expected to exceed \$25,000.00.

We recognize that future work is required and will pursue this work as quickly as funds are available with court direction.

Desert has applied for and been conditionally accepted into the State Cleanup Fund for this location, and upon being funded through this program, can begin to move forward with further assessment and remediation of the site.

If you have any questions, please contact me.

Very truly yours,



John D. Rutherford

JDR:jc

enclosure

cc: W.E. Thompson
G.W. Carson
B. Mossman

Per J. Rutherford
2008 - 1st St. Livermore

5/24/93

USTs not removed!

→ VE done after
GW sampling done 2wks ago.

pass tank tightness + pipes passed recently

Contam may be due to overflow.

Per J. Rutherford
6/1/93

I have all reports.

GW sampling done last month - will have QMR
within one month to this office -

I will decide if 1 MW is in down grad location
and next step in remediation

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

StID 1689

May 7, 1993

Mr. John Rutherford
Desert Petroleum, Inc.
P.O.Box 1601
Oxnard, CA 93032

Subject: SWI for 2008 First St., Livermore, CA 94550

Dear Mr. Rutherford:

This office has completed review of the file for the above referenced site. To summarize the investigation to date, an initial site assessment began in March 1988 when four vapor wells were advanced adjacent to the underground storage tanks (USTs). Results indicated petroleum products in soil. In September 1988, two additional soil borings were advanced and one monitoring well installed. Still, the extent of soil and ground water contamination was not delineated, though it confirmed soil and ground water to be impacted by the unauthorized release of petroleum products at the site.

A work plan for further site assessment, prepared by RSI, dated August 15, 1990, was approved by this office in October 1990, but the plan was never implemented, pending the removal of the USTs. The latest field activity conducted at the site was a ground water sampling episode performed in October 1991. Ground water analysis exhibited up to 2,200 ppb TPH-G and 430 ppb benzene.

At this time, additional investigation is required to delineate the extent and severity of soil and ground water contamination at the site. Such an investigation shall be in the form of a **Soil and Water Investigation**, or SWI. The information gathered by the SWI will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The SWI must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A.

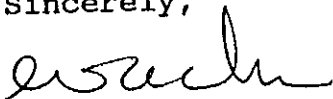
The SWI proposal is due **within 45 days** of the date of this letter. Once the proposal is approved, field work should commence within 60 days. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for RWQCB "sign off." All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

John Rutherford
Desert Petroleum
re: 2008 First St., Livermore
May 6, 1993

Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB. Copies of all proposals and reports must also be sent to Mr. Sumadhu Arigala of the RWQCB.

Should you have any questions about the content of this letter, please contact me at (510) 271-4530.

Sincerely,



Eva Chu
Hazardous Materials Specialist

enclosure

cc: Sumadhu Arigala, RWQCB
Gil Jensen, Alameda County District Attorney's Office
Danielle Stefani, Livermore Fire Department
Lou Carpiac, 2050 South Kimbal Rd., Ventura, CA 93004
files

desert1

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

ATTORNEYS AT LAW

1050 SOUTH KIMBALL ROAD
VENTURA, CALIFORNIA 93004

(805) 659-6800

TELECOPIER: (805) 659-6818

92 MAR -6 AM 3:10

THOMAS R. FERGUSON
MICHAEL W. CASE
JOHN C. ORR
WILLIAM E. PATERSON
DAVID L. CUNNINGHAM
LOU CARPIAC
JOSEPH L. STROHMAN, JR.
ALLEN F. CAMP
ROBERT L. GALLAWAY
SANDRA M. ROBERTSON
CHRIS CAROL HAMER
ANNETTE M. LERCEL
WILLIAM B. SMITH
RAMON L. GUIZAR
BLAINE J. WANKE

March 3, 1992

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

Re: Service Stations Operated by Desert Petroleum, Inc.,
Situating at 277 No. "L" Street, Livermore 94550,
1310 Central Avenue, Alameda; 4035 Park Blvd., Oakland;
2008 First Street, Livermore; 2844 Mountain Blvd.,
Oakland

Gentlemen:

On February 11, 1992, Desert Petroleum, Inc. filed a petition under Chapter 11 of the Bankruptcy Code. The case (No. LA 92-14240RR) is pending in the United States Bankruptcy Court, Central District of California.

I am enclosing a copy of the "Notice of Filing of Bankruptcy Petition" which was prepared by Desert's Bankruptcy counsel, Mr. Robert Bass.

As with most chapter 11 cases, the company will operate as a "debtor in possession" and will concentrate its efforts initially in the direction of making new credit and supply arrangements, without which it cannot continue its operations. Most actions which involve the expenditure of funds will require coordination with lenders, creditors and authorization from the Bankruptcy Court. Operating in such a climate, the company loses much of its independence and autonomy and experiences limitations and restrictions in its ability to deal with the requests and demands from third parties, including creditors and regulatory agencies.

With respect to environmental directives involving its stations, the company will attempt to channel its immediate energies and limited resources, subject of course to Bankruptcy

March 3, 1992
Page 2

Court approvals, to those locations where on-going releases pose a threat to the environment or persons. This letter is intended to apprise you of this development and to ask for your indulgence, patience and cooperation as the company arranges its affairs, wends its way through the bankruptcy maze and prepares its plan of reorganization.

The company will continue its efforts to collect continuing payments from any insurers who may be obligated under pollution policies to pay for site investigation and clean up. However, the company which insured Desert Petroleum for pollution insurance is disputing coverage for the majority of Desert's sites, which will unfortunately result in desert having to expend further funds to pursue the insurers in litigation. That expenditure too will require Bankruptcy Court approval.

If you have any questions concerning this, please do not hesitate to call the undersigned or Mr. John Rutherford, who continues to handle these matters for the debtor in possession.

Very truly yours,

FERGUSON, CASE, ORR, PATERSON
& CUNNINGHAM

By


Lou Carpiac

LC:dlr

cc: Desert Petroleum, Inc., Debtor in Possession

C:\LC01512

1 ROBERT D. BASS, ESQUIRE, State Bar No. 60528
2 GREENBERG & BASS
3 A Partnership Including Professional Corporations
4 16530 Ventura Boulevard
5 Sixth Floor
6 Encino, California 91436
7 (818) 986-5687/(213) 872-2655
8
9 Attorneys for Debtor
10

11
12
13 UNITED STATES BANKRUPTCY COURT
14
15 CENTRAL DISTRICT OF CALIFORNIA
16

11 In Re:) CASE NO. LA 92-14240-RR
12)
13 DESERT PETROLEUM, INC. dba) CHAPTER 11
14 GASCO, adba UNOCAL, adba)
15 ULTRAMAR, adba ARCO, adba BP,) NOTICE OF FILING OF
16 Debtor.) BANKRUPTCY PETITION
17) (No Hearing Date Required)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

23 TO ALL PARTIES IN INTEREST:

24 PLEASE TAKE NOTICE that the above-captioned Debtor filed
25 a Voluntary Petition for Relief under Chapter 11 of the Bankruptcy
26 Code on February 11, 1992. The case is designated as Case No.
27 LA 92-14240-RR and is now pending in the United States Bankruptcy
28 Court for the Central District of California.

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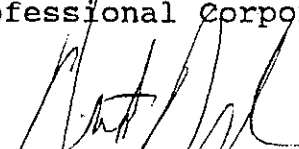
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GREENBERG & BASS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
THE ATRIUM
16530 VENTURA BOULEVARD SIXTH FLOOR
ENCINO, CALIFORNIA 91436-2006
(818) 986-5687 (213) 872-2655
FAX (818) 986-5534

1 Your attention is directed to 11 U.S.C. §362 which
2 provides that the filing of a Petition operates as an automatic
3 injunction against continued prosecution of the matters set forth
4 therein.

5 Dated: February 12, 1992

GREENBERG & BASS
A Partnership Including
Professional Corporations

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9 By: 
ROBERT D. BASS,
Attorneys for Debtor

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GREENBERG & BASS
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THE ATRIUM
16530 VENTURA BOULEVARD, SIXTH FLOOR
ENCINO, CALIFORNIA 91436-2006
(818) 986-5587 (213) 872-2555
FAX (818) 986-6534

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 Division Inspection Form

Site ID# 1689 Site Name BP facility (Desert Petroleum) Today's Date 2/26/92
 Site Address 2008 Just Street EPA ID# _____
 City Kueremore Zip 94550 Phone _____

MAX Amt. Stored 500 lbs/55g/200cf? Y N
 Hazardous Waste generated per month? 0

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A. GENERATOR (Title 22)		
___	1. Waste ID	66471
___	2. EPA ID	66472
___	3. > 90 days	66508
___	4. Label dates	66508
___	5. Biennial	66493
Manifest		
___	6. Records	66492
___	7. Correct	66484
___	8. Copy sent	66492
___	9. Exception	66484
___	10. Copies Rec'd	66492
Misc.		
___	11. Treatment	66371
___	12. On-site Disp. (H.S.&C.)	26189.5
___	13. Ex Haz. Waste	66570
Prevention		
___	14. Communications	67121
___	15. Aisle Space	67126
___	16. Local Authority	67124
___	17. Maintenance	67120
___	18. Training	67105
Confli. Agency		
___	19. Prepared	67140
___	20. Name List	67141
___	21. Copies	67141
___	22. Emg. Coord. Tng.	67144
Containers, Tanks		
___	23. Condition	67241
___	24. Compatibility	67242
___	25. Maintenance	67243
___	26. Inspection	67244
___	27. Buffer Zone	67246
___	28. Tank Inspection	67259
___	29. Containment	67245
___	30. Safe Storage	67261
___	31. Freeboard	67257

I.B. TRANSPORTER (Title 22)		
___	32. Applic./Insurance	66428
___	33. Comp. Cert./CHP Insp.	66448
___	34. Containers	66465
Manifest		
___	35. Vehicles	66465
___	36. EPA ID #s	66531
___	37. Correct	66541
___	38. HW Delivery	66543
___	39. Records	66544
Cont'rs		
___	40. Name/ Covers	66545
___	41. Recyclables	66800

Comments:
 on site for investigation/inspection of BP gas dispensing station
 This station is according to manager Ken by "Convenience Management Group" from Orland, Ca (the station was formerly managed by Desert Petroleum, Inc.)
 Note inventory rep. (stickings)
 - Required actions:
 1) submit accurate applications for underground storage tank permit for the site including
 2) plot plan
 3) spill response plan
 4) inventory plan
 5) initial precision tank test (double walk)
 6) completed forms from A, B and C tanks (state of California)
 7) call for permit fee amount (note permit short form given)

Rev 6/88
 Contact: Bob Zuyewicz
 Title: _____
 Signature: [Signature]

Inspector: Craig Olive REHS
 Signature: [Signature]



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

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

2-26-92

Desert Petroleum

Subject: Application for Permit to Operate Underground Storage Tank(s) at

2008 1st Street Lumber

According to our records, you are the owner/operator of the above facility. The following information is needed to complete the application for underground tank(s) permit(s). To complete the process, please forward the following to this office:

- 1) An accurate and complete plot plan (see attached sheet).
- 2) A written spill response plan (see attached sheet).
- 3) A written monitoring plan, indicating the proposed procedure for tank monitoring.
- 4) Results of precision tank test(s) (initial/annual).
- 5) Results of (original/annual) precision pressure pipeline leak detector tests
- 6) A completed form "A" (enclosed).
- 7) A completed form "B" (enclosed) for each tank, numbered in accordance with the locations shown on the plot plan.
- 8) A completed form "C" (enclosed).
- 9) Correct fee should be in the amount of \$_____ (check or money order) payable to Alameda County Division of Hazardous Materials, 470 27th St., Oakland, CA 94612 (Fee schedule enclosed).

Other: _____

Received checklist: date: 2/26/92 Signature: [Signature]

Note: Please keep checklist in order to facilitate completion. Sign and return second copy to this office indicating receipt of the above checklist.

Further information can be obtained by calling [Signature] at (510) 271-4320.

Forms enclosed: 1) Forms A,B,C, plot plan, spill response plan, and fee schedule. Memo on SB 2004 funding (January 9, 1992). (PERMAPPL BPO 1/92)

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

91 JUN 10 PM 1:24

June 7, 1991

Mr. Gil Wistar
Hazardous Materials Specialist
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

RE: Desert Petroleum #795
2008 First Street
Livermore, CA 94550

Dear Mr. Wistar:

In response to your inquiry of May 24, 1991, please be advised that it is still our intention to move forward with the removal of the tanks at the subject site and installation of a new fuel system as quickly as possible.

We have submitted to your agency on May 14, 1991 the required plans, specifications and permit fees to install the new system. We have also made application through the Bay Area Air Quality Management District and have received authority to construct from them.

As of this time we have not received confirmation from your agency regarding our permit application. We request an extension on our approved closure plan for the tanks, pending approval from your agency on the new installation, bid processing and selection of a contractor. It was initially our intent to move forward much more quickly on this project, but we have been experiencing difficulties with obtaining the funds to do the project. With a six month extension we are certain that we can have the project permitted and completed within that time frame.

Your consideration in this matter is appreciated.

Very truly yours,


John D. Rutherford

JDR:jc

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 24, 1991

Mr. John Rutherford
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032

Re: **Underground tank removals at 277 N. L St. and 2008 First St.,
Livermore**

Dear Mr. Rutherford:

During a routine hazardous waste and underground tank inspection last month at the Quality Tune-Up Shop at 277 N. L St. in Livermore, the site operator indicated that the underground tanks were to remain in service. According to the operator, the City of Livermore would not permit the tanks to be removed from this location due to zoning or other considerations. Therefore, this office has cancelled the closure plan for this site, which was submitted and approved in January 1991. I have instructed our accounting department to refund the balance of the account to Desert Petroleum.

Also in January 1991, we approved a closure plan for the tanks at 2008 First St. Since this approval, we have heard no word from the contractor regarding this job. Please let us know within 10 days what the status of this tank removal is; note that an approved closure plan is good for only six months.

If you have any questions about this letter, please contact the undersigned at (415) 271-4320.

Sincerely,

Gil Wistar
Hazardous Materials Specialist

cc: Danielle Stefani, Livermore F.D.
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 HAZARDOUS MATERIALS DIVISION
 80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 PHONE NO. 415/271-4320

Project Specialist (print) GIL WISTAR

ACCEPTED 1/24/91

DEPARTMENT OF ENVIRONMENTAL HEALTH
 470 - 27th Street, Third Floor
 Oakland, CA 94612
 Telephone: (415) 874-7237

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 building 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 laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

Note additional analyses on p. 5

UNDERGROUND TANK CLOSURE PLAN

*** Complete according to attached instructions ***

1. Business Name Desert Petroleum, Inc. #795
 Business Owner Desert Petroleum, Inc.
2. Site Address 2008 First Street
 City Livermore, CA Zip 94550 Phone 415-449-9722
3. Mailing Address P.O. Box 1601
 City Oxnard, CA Zip 93032 Phone 805-644-6784
4. Land Owner Desert Petroleum, Inc.
 Address P.O. Box 1601 City, State Oxnard, CA Zip 93032
5. Generator name under which tank will be manifested Desert Petroleum, Inc.
 EPA I.D. No. under which tank will be manifested CAL000005068

577195

6. Contractor Desert Petroleum/Owner Builder
Address P.O. Box 1601
City Oxnard, CA Phone 805-644-6784
License Type _____ ID# _____

7. Consultant Water Work
Address 1710 Main Street
City Escalon, CA Phone 209-838-3507

8. Contact Person for Investigation
Name J.D. Rutherford Title Dir. Environmental Affairs
Phone 805-644-6784

9. Number of tanks being closed under this plan 4
Length of piping being removed under this plan 100'
Total number of tanks at facility 4

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**** Underground tanks are hazardous waste and must be handled **
as hazardous waste**

a) Product/Residual Sludge/Rinsate Transporter

Name H & H Ship Service EPA I.D. No. CAD004771168
Hauler License No. 0334 License Exp. Date 1/31/91
Address 220 China Basin
City San Francisco State CA Zip 94107

b) Product/Residual Sludge/Rinsate Disposal Site

Name H & H Ship Service EPA I.D. No. CAD004771168
Address 220 China Basin
City San Francisco State CA Zip 94107

c) Tank and Piping Transporter

Name H & H Ship Service EPA I.D. No. CAD004771168
Hauler License No. 0334 License Exp. Date 1/31/91
Address 220 China Basin
City San Francisco State CA Zip 94107

d) Tank and Piping Disposal Site

Name H & H Ship Service EPA I.D. No. CAD004771168
Address 220 China Basin
City San Francisco State CA Zip 94107

11. Experienced Sample Collector

Name Remediation Service, Int'l
Company same
Address 2060 Knoll Drive
City Ventura State CA Zip 93003 Phone 805-644-5892

12. Laboratory

Name Superior Analytical Inc.
Address 1555 Burke Street, Unit 1
City San Francisco State CA Zip 94124
State Certification No. 1332

13. Have tanks or pipes leaked in the past? Yes [X] No []

If yes, describe. Site is under investigation for unknown discharge

which appears to be overspill.

14. Describe methods to be used for rendering tank inert

Inert tank with 1.5 lbs of solid carbon dioxide (dry ice) for each
100 gallons of tank volume. Cap all openings except vent pipe. Allow
one hour for oxygen displacement.

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
Capacity	Use History (see instructions)		
10,000 gal 10,000 gal 8,000 gal	Motor fuel gasoline storage. Installation dates unknown. Relined 1987. Currently in service.	Soil	One sample at each tank end within two feet of native soil/backfill interface
280 gal	Waste oil - Installation date unknown. Currently in service.	Soil	"

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.

Excavated/Stockpiled Soil	
Stockpiled Soil Volume (Estimated)	Sampling Plan NONE

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

16. Chemical methods and associated detection limits to be used for analyzing samples

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
Hydrocarbons	5030 (<i>gasoline</i>)	8260	.005
Lead	Total Lead	T. Lead AA	
BTEX	5030	8020	.005
<i>additional analyses for waste oil tanks</i>			
TPH-D	3550	8260	
TOG		5520 D & F	
CL HC		8010/8240	

17. Submit Site Health and Safety Plan (See Instructions)

18. Submit Worker's Compensation Certificate copy

Name of Insurer American Home Assurance Company

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

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 health and safety. 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.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of Contractor

Name (please type) Robert O. Morris

Signature _____

Date _____

Signature of Site Owner or Operator

Name (please type) John D. Rutherford

Signature JDR

Date 1/15/91

Desert Petroleum, Inc.
Site Health and Safety Plan

The following Health and Safety Plan has been developed to protect and ensure the safety of individuals working at the Desert Petroleum job site located at 2008 First Street, Livermore, CA 94550.

1. Facility/Job Site

The facility is a retail gasoline service station. The job site work consists of removal and replacement of existing underground storage tanks and piping, including excavation, compaction, and sampling of soils on site.

2. Health and Safety Officer

Mr. Robert Morris is the Project Manager - 805-644-6784. Desert Petroleum is the facility owner - 805-644-6784. The designated safety officer will be the field supervisor on site. This safety officer has full authority to operate, correct any problems, or shut down the job activities if required, in order to maintain safety.

3. Safety Briefings

All on-site employees and contractors will be briefed on a daily basis prior to beginning work concerning any safety or health hazards. This briefing will be conducted by the on-site supervisor (safety officer).

4. Personal Protection Equipment

- a. Personnel will wear safety glasses when working in the area.
- b. Organic half mask and respirators will be available and are to be used should vapors become noticeable.
- c. Nitrile gloves will be worn during work when a potential for direct contact with hazardous chemicals exists.
- d. The on-site safety officer will designate hard hat areas within the work zone of the site.

5. Confined Space Procedures

No confined space entry will be allowed.

6. Site Security

The site will be completely enclosed by a locked 8' fence. Only authorized personnel will have access to the job site. All stockpiled soil and equipment will remain inside the fenced areas of the work zone. Additional security and warning will be done using barricades, fencing and caution tape as needed.

7. Job Hazard Analysis

Petroleum hydrocarbons are the only known chemical hazard that may be encountered. These include:

- a. Total Petroleum Hydrocarbons
- b. Benzene
- c. Ethyl Benzene
- d. Toluene
- e. Xylenes

Chemical concentrations will vary but are not expected to exceed those found at a normal gasoline facility, ACGIH Gasoline TLV 300 ppm, STEL 500 ppm. If dermal contact occurs, the affected area is to be flushed with water. Should vapors or fumes be inhaled, the person will be removed from the work area.

8. Spill Containment/Emergency

In a small spill situation, the spill will be absorbed with sand or any other available and appropriate material. The disposal will depend on the concentration of the contaminant. In the case of a large spill or fire, the Fire Department will be called.

Emergency Response Numbers:

Paramedics: 911
Fire Department: 911
Environmental Health Department: 415-271-4320
Hospital: 415-447-7000

Telephone service is available at the work site. The nearest hospital facility is Valley Memorial Hospital, located approximately 1/4 mile northeast of the site at 1111 E. Stanley Blvd. in Livermore.

9. Training Requirements

All employees, contractors and subcontractors working in hazardous materials/waste operations on site are trained under 29 CFR 1910.120 Regulations and other appropriate OSHA training as applicable to their job function.

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

1/09/91

PRODUCER

Andreini & Company
 220 West 20th Avenue
 San Mateo
 Ca 000094403

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

CODE

SUB-CODE

COMPANY LETTER **A**

NATIONAL UNION FIRE INS. CO.

COMPANY LETTER **B**

AMERICAN HOME INS. CO.

COMPANY LETTER **C**

COMPANY LETTER **D**

COMPANY LETTER **E**

INSURED **GASCO GASOLINE, INC.**
 (NAMED INSURED LIST ATTACHED)
 P.O. BOX 1601
 OXNARD,
 CA 930321601

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	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. OWNER'S & CONTRACTOR'S PROT.	GL 5424327	7/01/90	7/01/91	GENERAL AGGREGATE	\$2,000,
					PRODUCTS-COMP/OPS AGGREGATE	\$1,000,
					PERSONAL & ADVERTISING INJURY	\$1,000,
					EACH OCCURRENCE	\$1,000,
					FIRE DAMAGE (Any one fire)	\$ 50,
					MEDICAL EXPENSE (Any one person)	\$ 5,
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY	CA 5424328	7/01/90	7/01/91	COMBINED SINGLE LIMIT	\$ 1,200,
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE	\$
	EXCESS LIABILITY OTHER THAN UMBRELLA FORM				EACH OCCURRENCE	\$
					AGGREGATE	\$
B	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY OTHER	WC 5817393	1/01/91	1/01/92	STATUTORY	\$ 1,000, (EACH ACCIDENT)
						\$ 1,000, (DISEASE—POLICY LIMIT)
						\$ 1,000, (DISEASE—EACH EMPLOYEE)

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

*EXCEPT WITH RESPECT TO NON-PAYMENT OF PREMIUM, WHICH SHALL BE 10 DAYS NOTICE.

CERTIFICATE HOLDER

COUNTY OF ALAMEDA

805 SWAN WAY
 ROOM 200
 OAKLAND

CA 94621

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

GASCO GASOLINE, INC.

GENERAL LIABILITY NAMED INSURED

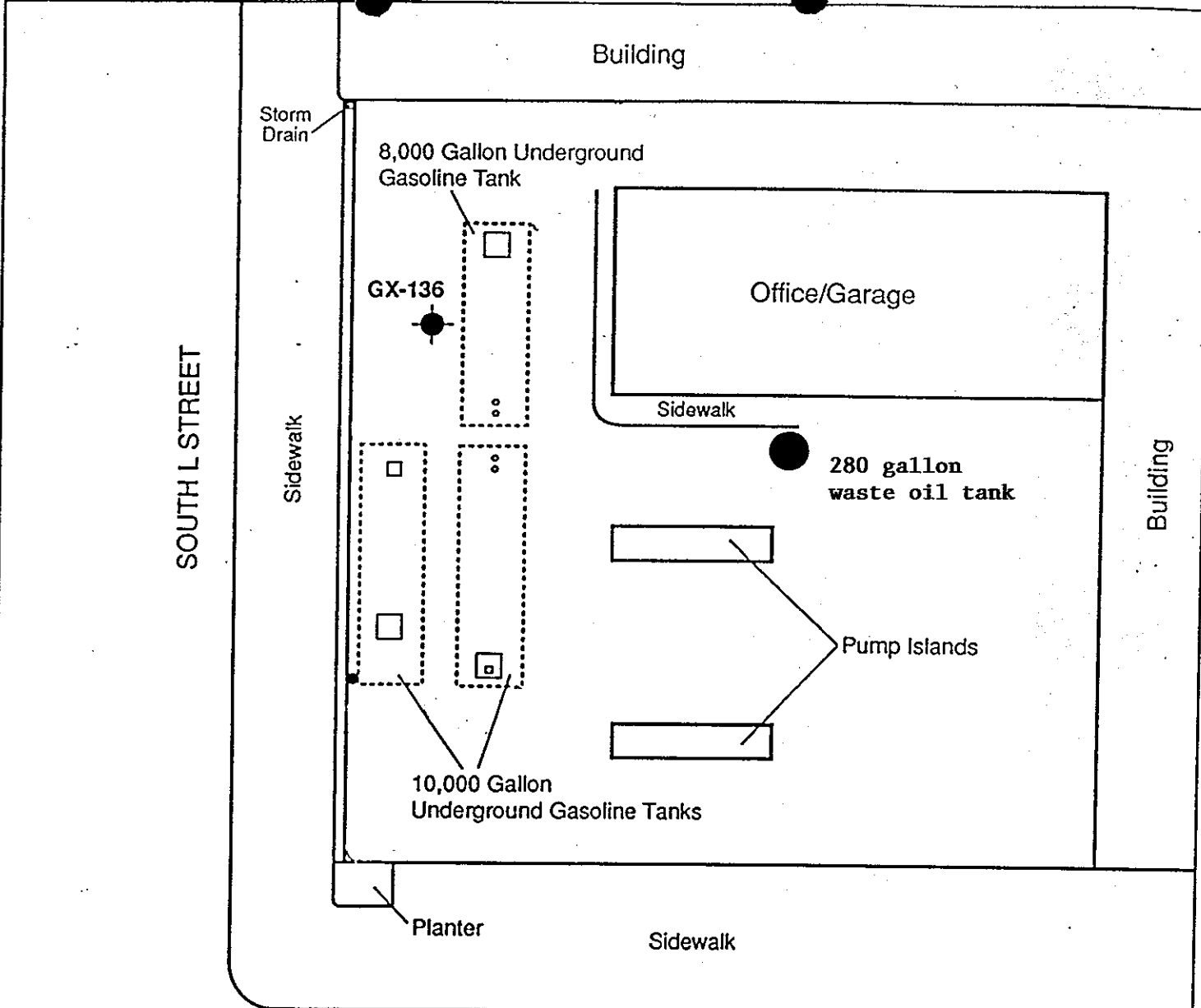
Gasco Gasoline, Inc.
Desert Petroleum, Inc.
Gasco Gasoline DBA: Thompson Petroleum Tank Lines
High Desert Oil Company, Inc.
Anchor Refining Company, Inc.
Anchor Refining Company, Inc. DBA: Sierra Anchor, a Joint
Venture
Thompson Charter & Leasing
Parks Oil Company
Thompson/Ryan, A Joint Partnership
W. E. & K. B. Thompson, Individually
Belridge Energy Resources, Inc.

AUTOMOBILE LIABILITY NAMED INSURED

Gasco Gasoline, Inc.
Desert Petroleum
Gasco Gasoline DBA: Thompson Petroleum Tank Lines
High Desert Oil Company, Inc.
Anchor Refining Company, Inc.
DBA: Sierra Anchor, A Joint Venture
Thompson Charter and Leasing
Thompson/Ryan, a Joint Venture
Houston Ranch Gathering Systems
W. E. & K. B. Thompson, Individually
Belridge Energy Resources, Inc.
Palm Enterprises
Commercial Petroleum Equipment Company, Inc.
Newlandex, Inc. DBA: RSI

WORKERS' COMPENSATION NAMED INSURED

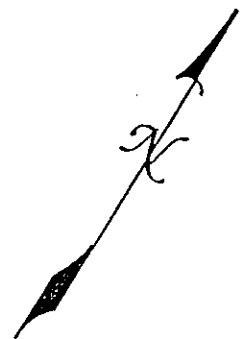
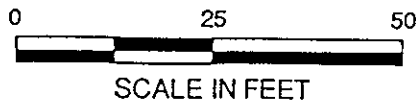
Gasco Gasoline, Inc.
DBA: Thompson Petroleum Tank Lines
Anchor Refining Company, Inc.
DBA: Thompson Charter & Leasing
Desert Petroleum, Inc.



SITE MAP
DESERT PETROLEUM STATION NO. 795
 2008 First Street
 Livermore, California
 Prepared for
DESERT PETROLEUM
VENTURA, CALIFORNIA

LEGEND

GX-136  Water Well



desert petroleum inc.

John Rutherford
Director
Environmental Affairs

January 14, 1991

Mr. Gil Wistar
Hazardous Materials Specialist
Alameda County Health Care
Services Agency
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Dear Mr. Wistar:

Referencing our earlier conversation from my visit to your office, I am enclosing for your further handling two sets of applications for tank removal. These applications are for our service stations in Livermore, as we discussed.

We request approval to delay any further drilling on the First Street location until we can effect the removal of the existing tanks. This removal will take place within a 60 day period, or we will take steps to place the wells if there is any delay in that time schedule.

Thank you for your consideration.

Very truly yours,



John D. Rutherford

JDR:jc

enclosure

cc: G.W. Carson
Bob Morris

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

November 8, 1990

Mr. Gil Wistar
Hazardous Materials Specialist
Alameda County
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

RE: Work Plan for Desert Petroleum #795
2008 First Street, Livermore

Dear Mr. Wistar:

Enclosed please find our check in the amount of \$300.00 per your request. This check will cover your oversight of the project at the subject location.

If there is further information you require, please give me a call.

Very truly yours,


John D. Rutherford

JDR:jc

add to
enclosure

528760

577121

90 NOV 13 PM 2:42

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 19, 1990

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

Mr John Rutherford
Desert Petroleum
2060 Knoll Dr.
Ventura, CA 93003

**RE: Work plan for Desert Petroleum station #795, 2008 First St.,
Livermore**

Dear Mr. Rutherford:

The Alameda County Department of Environmental Health, Hazardous Materials Division has reviewed the work plan submitted by RSI for further subsurface investigation at the above site. The work plan is acceptable. Please make sure to send copies of all project-related documents to us and to Lester Feldman at the Regional Water Quality Control Board in Oakland.

The \$300 deposit submitted in November 1988 for this project has been exhausted; please submit an additional deposit of \$300, made out to Alameda County, to cover our ongoing oversight of the project. (Please include the site address with your remittance.) This office draws upon deposited funds at an hourly rate when working on specific projects.

If you have any questions about this letter, please contact the undersigned at (415) 271-4320.

Sincerely,

Gil Wistar
Hazardous Materials Specialist

cc: Wendy Wittl, RSI (P.O. Box 1601, Oxnard, CA 93032)
Lester Feldman, RWQCB
Rafat A. Shahid, Asst. Agency Director, Environmental Health
files

EJW

RSI
REMEDIATION SERVICE, INT'L.

P.O. BOX 1601, OXNARD, CALIFORNIA 93032
(805) 644-5892 • FAX (805) 654-0720

July 19, 1990

Gil Wistar
Hazardous Materials Specialist
Alameda County Health Care Services Agency
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, California 94621

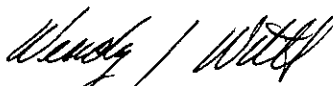
RE: Desert Petroleum station #795
2008 First Street
Livermore, CA

Dear Mr. Wistar:

I am writing to confirm the site assessment deadlines established during our phone conversation today. The environmental assessment work plan, for the above referenced site, will be submitted for your review by August 30, 1990. I appreciate the additional time to allow a groundwater sample to be collected from the existing well. The analytical results will be used to develop the type and scope of work needed to assess the site.

If you have any questions or concerns, please give me a call.

Sincerely,


Wendy J. Wittl
Senior Project Geologist

encl.

cc: Desert Petroleum, J. R.

90 JUL 23 AM 11:42

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)

June 20, 1990

Mr. John Rutherford
Director, Environmental Affairs
Desert Petroleum, Inc.
P.O. Box 1601
Oxnard, CA 93032

Re: **Subsurface investigation at 2008 First St., Livermore**

Dear Mr. Rutherford:

The Alameda County Department of Environmental Health, Hazardous Materials Division, has recently reviewed the file on the above site in Livermore. Apparently, in 1988, On-Site Technologies, a consulting firm based in Campbell, CA, performed a site investigation at 2008 First St., which included the installation of one groundwater monitoring well and several soil borings in the vicinity of the underground tanks. Although analytical results showed "ND" in the groundwater from the well, soil samples were contaminated with gasoline at levels up to 1,600 ppm. Because of this soil contamination, On-Site Technologies recommended the installation of another monitoring well, in a report dated November 1988. However, since this report, nothing regarding the investigation has been submitted to this office.

The California Department of Health Services regards levels of 1,000 ppm gasoline or above in soil to be a hazardous waste, and therefore the soil underneath the site at 2008 First St. may require remediation. In addition, the gasoline in this soil in 1988 may have migrated down to the water table by now. Because of the unanswered questions at this site, including the original source of the contamination, more work will have to be done to provide additional data. This includes the installation of other soil borings and monitoring wells.

This office is acting as the lead agency overseeing environmental investigations and cleanups made necessary by underground tank releases. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is currently unable to manage the large number of fuel leak cases within Alameda County, and has therefore delegated this authority to our office. Nonetheless, Desert Petroleum must keep the Water Board apprised of all actions taken to characterize and, if appropriate, remediate contamination at this site, because the Board retains the ultimate responsibility for ensuring protection of waters of the state.

Mr. John Rutherford
June 20, 1990
Page 2 of 2

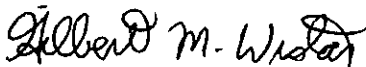
Please submit a work plan to this office within 30 days, i.e., no later than **July 20, 1990**. This plan must address the points raised in this letter regarding the need for further subsurface data at the site, both for unsaturated zone and possible groundwater contamination. Desert Petroleum is required to sample and obtain water levels from all on-site wells on a quarterly basis.

Please submit a deposit of \$300, made out to Alameda County, to cover our costs for report review and remedial oversight of your case.

This letter constitutes a formal request for technical reports (according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the California Health and Safety Code). As mentioned earlier, copies of all documentation sent here should also be sent to the RWQCB in Oakland (attn: Lester Feldman).

If you have any questions about this letter, please contact the undersigned at (415) 271-4320.

Sincerely,



Gil Wistar
Hazardous Materials Specialist

cc: Randy Griffith, Livermore Fire Dept.
Lester Feldman, RWQCB
Rafat A. Shahid, Asst. Agency Director, Environmental Health files

desert petroleum inc.

John Rutherford
Director
Environmental Affairs

June 14, 1988

Alameda County
Department of Environmental Health
470 - 27th Street, Third Floor
Oakland, CA 94612

Attn.: Lizabeth Rose
Hazardous Materials Specialist

Re: Desert Petroleum
2008 First Street
Livermore, CA

file
RECEIVED
1988 JUN 14 11 00 AM
88614 I 1007

Dear Ms. Rose:

This letter is in response to yours dated May 20, 1988, and our telephone conversation on June 10, 1988 concerning the above-referenced location.

We have retained the services of an environmental firm to conduct a preliminary site assessment to determine the extent of contamination. Although very costly, we have agreed to do the site assessment and will be guided accordingly by the results and further direction from the responsible agency. This assessment should be completed and a formal report sent to your agency within a thirty day period. Pending the findings of the site assessment we can then further address the items in your letter.

At this time we do not believe that an unauthorized release has occurred. Soil sample results sent to your office were taken from shallow boring in the backfill area of the storage tanks at approximately 15 feet of depth. The purpose of these borings was to install vadose monitoring wells in the backfill area to further monitor the tanks under State requirements.

We believe the source of the hydrocarbon levels to be historical due to overflow and spillage during product deliveries over a period of many years prior to the new requirements for overspill protection.

still would require us

Our records do not indicate any unauthorized releases. In addition the storage tanks and piping systems were tested and certified tight to grade level based on N.F.P.A. Code 329 criteria. A copy of both the tank tests and the consultant's soil sampling report was sent to your agency as we were required to do.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Rutherford", with a long horizontal flourish extending to the left.

John Rutherford

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH
470 - 27th Street, Third Floor
Oakland, California 94612
(415) 271-4320

May 20, 1988

Desert Petroleum Inc.
P.O. Box 1601
Oxnard, CA 93032
Attn: J. D. Rutherford

SUBJECT: UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK)/
CONTAMINATION SITE REPORT AT 2008 - 1ST ST., LIVERMORE

Dear Mr. Rutherford:

On April 1, 1988, our office received a contaminated soils report prepared by Geonomics, Inc. for the subject site.

The California Administrative Code, Title 23, requires all unauthorized releases to be reported. Section 2652(b) requires within five (5) working days of detecting the release, the operator or permittee shall submit to the local agency (Alameda County Hazardous Materials Division) a full written report to include all of the following information which is known at the time of filing the report:

1. List of type and quantity of hazardous substances released.
2. The results of all investigations completed at that time to determine the extent of soil or groundwater or surface water contamination due to the release.
3. Method of clean-up implemented to date, proposed clean-up actions, and approximate cost of actions taken to date.
4. Method and location of disposal of the released hazardous substance and any contaminated soils or groundwater or surface water (indicate whether a hazardous waste manifest(s) is utilized).

Desert Petroleum Inc.
UGT Unauthorized Release (Leak)/
Contamination Site Report
May 20, 1988
Page 2 of 2

5. Proposed method of repair or replacement of the primary and secondary containers.
6. Facility operator's name and telephone number.

Until clean-up is complete, the operator or permittee shall submit reports to the County and the Regional Water Quality Control Board (RWQCB) every three (3) months or at a more frequent interval if specified by either agency. The reports shall include the information requested in 2, 3 and 4 of the above. The report requested above shall be prepared in accordance with the San Francisco Regional Water Quality Control Board's "Guidelines for Addressing Fuel Leaks," September 1985. The initial investigation report shall be submitted within 30 days and shall include a site safety plan.

Soils contaminated at hazardous waste concentrations shall be transported by a licensed hazardous hauler and disposed of or treated at a California Department of Health Services approved facility. Soils contaminated below hazardous waste concentrations may be managed as non-hazardous but are subject to waste discharge requirements of the Regional Board.

Enclosed is an "Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report" which should be completed and returned within 5 working days. Should you have any questions regarding this letter, please contact Lizabeth Rose, Hazardous Materials Specialist at 271-4320.

Sincerely,

Rafat A. Shahid
Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:mam

cc: RWQCB
Livermore Fire Department

Enclosure