

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

RO0000282

November 26, 2001

Mr. Keith Simas
Xtra Oil
2307 Pacific Ave
Alameda, CA 94501

RE: Workplan Addendum Approval for 5330 Foothill Blvd., Oakland, CA

Dear Mr. Simas:

I have completed review of P & D Environmental's November 2001 *Vapor Extraction Feasibility Work Plan Addendum* prepared for the above referenced site. In October 2001, vapor probes were installed at the site using direct push technology. Refusal was encountered at 12 feet bgs by borehole B9. A sand body has been identified at approximately 10 to 20 feet bgs in the vicinity of B9. Therefore, the proposal to properly install a vapor extraction probe using hollow stem augers by borehole B9 is acceptable. The evaluation of this sand body is an integral part of a feasibility study for this site.

Field work should commence as soon as possible. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

fax: Paul King, P & D



Winston H. Hickox
Secretary for
Environmental
Protection

State Water Resources Control Board

Division of Clean Water Programs

1001 I Street • Sacramento, California 95814 • (916) 341-5831
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

January 24, 2001

Ted/Keith Simas
Edward T. Simas
2307 Pacific Ave
Alameda, CA 94501

**PRE-APPROVAL OF CORRECTIVE ACTION COSTS,
CLAIM NO. 008910, PRE-APPROVAL NO. 2
SITE ADDRESS: 5330 FOOTHILL BLVD, OAKLAND, CA 94610**

I have reviewed your request, received on January 16, 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 September 4, 2000, P & D Environmental workplan approved by the Alameda County EHD (County) in their June 30, 2000 letter, is \$ 13,781; 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



COST PRE-APPROVAL BREAKDOWN

#	Task*	Amount Pre-Approved	Comments
1	Drilling and Wells installation	\$4,980	Project management, drill five soil borings to a maxm. depth of 20' bgs and install 1" PVE VES wells with 5' of screen, install 4 wells to 10' bgs (similar). Includes all time and materials associated with the wells installation. Includes a complete site assessment and VES pilot test report.
2	Pilot test	\$3,273	Perform a VES pilot test for two days to determine the site characteristics and potential for VES application.
3	Equipment for pilot test	\$3,278	All necessary equipment for the test performance.
4	Laboratory analysis	\$2,250	Laboratory costs shall be paid according to the number of samples analyzed for TPH(g), BTEX and MTBE.
	TOTAL PRE-APPROVED	\$ 13,781	

* Task descriptions are the same as those identified in P & D Environmental's January 16, 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 P & D Environmental 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 16, 2001 by P & D Environmental for conducting the work approved by the County for implementing the September 4, 2000, P & D Environmental 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

Edward T. Simas
Claim No. 008910

-3-

January 24, 2001
Pre-Approval No. 2

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: 3674

October 3, 2000

Mr. Ted Simas
2307 Pacific Avenue
Alameda, CA 94501

Waiting for rains to do the
work. Possibly in April.

RE: CAP Approval for 5330 Foothill Blvd., Oakland, CA

Dear Mr. Simas:

I have completed review of P&D Environmental's September 2000 *Corrective Action Plan* (CAP) prepared for the above referenced site. The proposal to perform a vapor extraction pilot test to evaluate the feasibility of vapor extraction as a remedial technology for petroleum-impacted soil is acceptable. A total of nine temporary vapor extraction wells will be installed at the site. Soil vapors samples will be collected from each vapor well. All samples should be analyzed for TPHg, BTEX, and MTBE.

Field work should commence within 60 days of the date of this letter, or **by December 4, 2000**. Please provide 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: Paul King, 4020 Panama Court, Oakland, CA 94611

dream11

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 3674

June 30, 2000

Mr. Ted Simas
2307 Pacific Avenue
Alameda, CA 94501

RE: CAP for 5330 Foothill Blvd., Oakland, CA

Dear Mr. Simas:

I have had several conversations with your consultant, Mr. Paul King, regarding the next phase of investigation that may be appropriate for the above referenced site. Subsurface investigations conducted to date has identified petroleum hydrocarbon contamination in soil at depths ranging from approximately 10 to 40 feet below ground surface in the vicinity of the former underground storage tank and dispenser areas. Soil gas samples were also positive in five of the six borings completed in January 1998. Overexcavation of hydrocarbon-impacted soil was discussed. However, it now appears that overexcavation may not be economically feasible for the site.

At this time, a corrective action plan (CAP) should be provided to identify and evaluate all feasible alternatives for cleanup of soil caused by the unauthorized release of petroleum products. Active remediation or enhanced biodegradation may not be necessary if residual hydrocarbons in soil do not pose a risk to human health or the environment. A risk assessment can be performed and site specific cleanup levels (SSTLs) established for the site. If SSTLs are not exceeded, the case could be evaluated for closure.

The required CAP or risk assessment is due within 60 days of the date of this letter or by **September 4, 2000**. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

c: Paul King, 4020 Panama Court, Oakland, CA 94611

dream10

1220-1245

ENVIRONMENTAL
HEALTH

5/10/98 PM 4:22

EDWARD T. SIMAS
2307 PACIFIC AVE.
ALAMEDA, CA. 94552
(510) 865-9503

*Compare soil gas results w/ draft
Radon doc. for inhalation conc.
Soil gas only?*

March 23, 1998

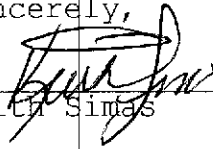
Ms. Eva Chu
Hazardous Materials Program
Department of Environmental Health
1131 Harbor Bay Pkwy. 2nd floor
Alameda, Ca. 94502-6577

Regarding: 5330 Foothill Blvd. Oakland

Dear Ms. Chu,

Please find enclosed the subsurface investigation report in accordance with a request the Alameda County Department of Environmental Health. Work was done in accordance with recommendations in P&D's workplan dated November 18, 1997. If you have any questions feel free to contact us.

Sincerely,



Keith Simas

cc: Mr. Kevin Graves, SWRCB
Mr. Jorge Del Rio



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) 227-4307
FAX (916) 227-4530

World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

3674
EC



Pete Wilson
Governor

JAN 22 1998

Ted/Keith Simas
Edward T. Simas
2307 Pacific Ave
Alameda, CA 94501

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 8910, FOR SITE ADDRESS: 5330 FOOTHILL BLVD, OAKLAND 94601

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 \$20,000. 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 Steve Marquez, our Technical Reviewer assigned to claims in your Region, at (916) 227-0746. 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.



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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.

JAN 22 1998

- "Bid Summary Sheet" to list information on bids received which **must be completed and returned.**
- "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 Deane, Manager *fd*
UST Cleanup Fund Program

Enclosures

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



DETAILED REVIEW CHECK LIST

Page 3

5330 Foothill Blvd, Oakland

Claim No: 8910	Claimant Name: Edward Serna
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COMPLIANCE DOCUMENTATION		ACTION/RESPONSE
7/88	July	USTD were removed by County not Claimant. Several NPLs issued to County from 1988 to 1993. He was holding to the contention that he was not responsible.
2/8/93		Ed T. Serna was named as an RP. And County requested a workplan for soil and SW investigation.
2/24/94		Several past and present owners named as RP. Ed Serna has taken responsibility for cleanup costs.
7/1/94		County approved workplan to advance six soil borings and analyze soil and GW for TPH, BTEX and total lead. Work was completed and report submitted to County.
11/94		County responded to report. Analytical results indicate soil contamination has not been defined. Requested workplan for additional investigation.
1/3/95		Workplan submitted to advance additional borings. Workplan approved, work performed and report submitted 1/20/95.
7/12/96		Meeting with Consultant. Extent has been adequately defined for west, northwest, and north end of property. Additional exploratory borings are required east and south to define plume in those directions. Work done and report submitted in October 1996. Workplan submitted proposing advancement of three to four of soil borings. Workplan approved by County on 10/18/96.

Continued on Reverse

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE

- Claimant in Corrective Action Compliance
- Claimant NOT in Corrective Action Compliance
- Claimant NOT in Corrective Action Compliance

Post-it* Fax Note	7671	Date	12/16/97	# of pages	2
To	Eva Chu	To	Cheryl Gordon		
Company	Alameda Health	Co.	Cleanup Fund		
Phone #		Phone #			
Fax #	(510) 337-9335	Fax #	(916) 227-4530		

LEAD AGENCY SIGNATURE
 Cheryl Gordon
 CLAIMS REVIEWER SIGNATURE

DATE
 12/16/97
 DATE

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 3674

November 24, 1997

Mr. Keith Simas
2307 Pacific Ave
Alameda, CA 94501

RE: Workplan Approval for 5330 Foothill Blvd, Oakland, CA


Dear Mr. Simas:

I have completed review of P & D Environmental's October 1996 Subsurface Investigation Work Plan and P & D's November 1997 Work Plan Addendum for the above referenced site. The proposal to advance soil borings to evaluate the extent of soil and groundwater contamination as well as to collect soil gas samples is acceptable.

Soil samples which will be collected for total organic carbon content should also be measured for bulk density, porosity, and water content.

It is our understanding that soil gas samples will only be collected from 3' depth. And that deeper soil gas samples will not be collected. Rather, a risk management plan, which will be part of the RBCA evaluation for the site, will address contaminants which may be encountered at greater depths. Please note that the risk management plan should also require that an updated risk analysis be performed in the event that construction of a building over the area of residual contamination is proposed.

Field work should commence within 45 days of the date of this letter, **or by January 14, 1998**. Please notify this office at least 72 hours prior to the start of field work. If you have any questions, I can be reached at (510) 567-6762.


eva chu
Hazardous Materials Specialist

c: Paul King, 4020 Panama Ct, Oakland, CA 94611

P & D ENVIRONMENTAL

A Division of Paul H. King, Inc.
4020 Panama Court
Oakland, CA 94611
(510) 658-6916

November 18, 1997
Letter 0067.L10

Ms. Eva Chu
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502

SUBJECT: WORK PLAN ADDENDUM
Former Service Station
5330 Foothill Blvd.
Oakland, CA

Dear Ms. Chu:

This letter is written in response to our telephone discussion on November 17, 1997 concerning the Work Plan Addendum (Work Plan 0067.W3) dated October 16, 1997 for the subject site. Following review of the Work Plan Addendum, you had requested that additional soil gas samples be collected at depths greater than three feet.

As we discussed on the telephone, additional soil gas samples will not be collected at depths greater than three feet during the shallow soil gas evaluation discussed in the work plan addendum. The reason for this is that XTRA OIL Company will prepare a site risk management plan as part of the RBCA evaluation for the site. As we discussed, the risk management plan will identify any soil at the site below a depth of three feet below grade as potentially containing petroleum hydrocarbons. The risk management plan will direct that precautions for handling petroleum-impacted soil should be used when excavating below a depth of three feet below grade at the site.

Should you have any questions, please do not hesitate to contact me at (510) 658-6916.

Sincerely,

P&D Environmental


Paul H. King
Hydrogeologist

cc: Mr. Ted Simas, XTRA OIL Company

PHK
0067.L10

EDWARD T. SIMAS
2307 PACIFIC AVE.
ALAMEDA, CA. 94552
(510)865-9503

ENVIRONMENTAL
PROTECTION
97 OCT 24 PM 3:47

October 23, 1997

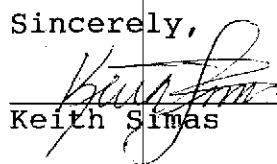
Ms. Eva Chu
Hazardous Materials Program
Department of Environmental Health
1131 Harbor Bay Pkwy. 2nd floor
Alameda, Ca. 94502-6577

Regarding: 5330 Foothill Blvd. Oakland

Dear Ms. Chu,

Please find enclosed the work plan addendum for the above referenced site. If you have any questions feel free to contact us.

Sincerely,



Keith Simas



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) 227-4307
FAX (916) 227-4530

World Wide Web
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

3604
EC



Pete Wilson
Governor

97 SEP 30 PM 3:37
ENVIRONMENTAL
PROTECTION

September 25, 1997

Ted/Keith Simas
2307 Pacific Ave
Alameda, CA 94501

**UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, CLAIM
NUMBER 8910; SITE ADDRESS: 5330 FOOTHILL BLVD, OAKLAND *Attol***

Section 2811(b)(3) of the UST Cleanup Fund Regulations requires that you remain in compliance with corrective action directives issued by the local regulatory agency. On January 15, 1997 I completed a detailed review of your claim and you were deemed out of compliance. The Alameda County EHD approved a workplan on October 18, 1996 proposing the advancement of three to four offsite soil borings. To date, the County has not received a report verifying that the workplan was ever implemented. We cannot issue a Letter of Commitment to you until you are in compliance.

You must contact the Alameda County EHD immediately to ensure eligibility to the Cleanup Fund. If I do not obtain a compliance signoff within 45 days, I will begin steps to remove your claim from the Priority List.

If you have further questions, please contact me at (916)227-4539.

Sincerely,

ORIGINAL SIGNED BY

Cheryl Gordon
Claim Review Unit
Underground Storage Tank Cleanup Fund

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



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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.

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 3674

October 18, 1996

Mr. Keith Simas
2307 Pacific Ave
Alameda, CA 94501

RE: Workplan Approval for 5330 Foothill Blvd, Oakland, CA
94601

Dear Mr. Simas:

I have completed review of P & D Environmental's October 1996 Surface Investigation Work Plan for the above referenced site. The proposal to advance three to four offsite soil borings to evaluate the depth to groundwater and the extent of petroleum hydrocarbons in soil to the east and south of the site is acceptable. Soil and groundwater samples will be analyzed for TPHg, BTEX, and MTBE. An additional "clean" soil sample will also be analyzed for Total Organic Carbon (TOC). This sample should also be analyzed for bulk density and porosity.

Past investigations have identified perched water at six to ten feet below ground surface near the former tank location. If perched water be encountered in any of these borings, a water sample should be collected for analysis. Soil samples may need to be collected from multiple layers (vadose zone, capillary fringe, change in lithology, etc) for TOC, bulk density, and porosity analyses.

Field work should commence within 45 days of the date of this letter, **or by December 6, 1996**. Please notify me at least 72 hours prior to the start of field activities.

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

eva chu
Hazardous Materials Specialist

c: Paul King, 4020 Panama Court, Oakland, CA 94611
Hue Crosby, 3015 38th Ave, Oakland, CA 94610
Marcela & Miguel Florez, 802 Sea Chase Dr, Redwood City, CA
94605
Jorge Del Rio, 732 Crespi Dr, Pacifica, CA 94044
Walter Simas, c/o Walter Youngman, Consvtr, 1981 N. Broadway,
Suite 300, Walnut Creek, CA 94596
files (dream.12)

DEPARTMENT OF ENVIRONMENTAL
HAZARDOUS MATERIALS DIVISION
80 SWAN WAY, SUITE 200
OAKLAND, CA 94621
(415) 271-4320

CERTIFIED
P 422 218 134
MAIL

HAZMAT

94 JAN 11 AM 10:55

Handwritten notes and stamps:
1/11/94
1223
1228
1-7

~~Margaret J. Simas
8700 Southwick Drive
Dublin, CA 94568~~

1223
1228
1-7

Alameda County
Health Care Services Agency
Dept of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland CA 94621

CERTIFIED
P 029 244 604
MAIL

Postage meter stamp:
POSTAGE
PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
By post meter in this envelope

Marcela & Miguel Florez
802 Sea Chase Drive
Redwood City CA 94065

3-10
3-22

Handwritten:
N^o 2.94
3-5-94

ALCO
HAZMAT
94 MAR 25 PM 12:34

P 367 604 201
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

U.S.G.P.O. 1989-234-555

Sent to	Miguel Florez
Street and No.	802 Sea Chase Dr.
P.O., State and ZIP Code	Redwood City, CA 94605
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	\$ 2.29
Postmark or Date	MAR 26 1992

SHD # 3674

PS Form 3800, June 1985

P 367 604 200
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

U.S.G.P.O. 1989-234-555

Sent to	Hue Crosby
Street and No.	3015 - 38th Av
P.O., State and ZIP Code	Oakland, CA 94610
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	\$ 2.29
Postmark or Date	MAR 26 1992

SHD # 3674

PS Form 3800, June 1985

U.S.G.P.O. 1989-234-555

Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

3. Article Addressed to: SHD # 3674 Hue Crosby 3015 - 38th Av Oakland, CA 94610 EC	4. Article Number P 367 604 200 Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> COD <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature -- Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature -- Agent X <i>[Signature]</i>	
7. Date of Delivery 3/28/92	

U.S.G.P.O. 1989-234-555

Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

3. Article Addressed to: SHD # 3674 3015 Miguel Florez 802 Sea Chase Dr. Redwood City, CA 94605	4. Article Number P 367 604 201 Type of Service: <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> COD <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature -- Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature -- Agent X <i>[Signature]</i>	
7. Date of Delivery 3/28	

PS Form 3811, Mar. 1987 U.S.G.P.O. 1989-234-555

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

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

StID 3674

July 15, 1996

Mr. Keith Simas
2307 Pacific Ave
Alameda, CA 94501

RE: Workplan for 5330 Foothill Blvd, Oakland, CA 94601

Dear Mr. Simas:

On July 12, 1996 a meeting was held at our office with your environmental consultant, Mr. Paul King, to discuss the appropriate course of action(s) needed to delineate the extent of soil contamination at the site due to the fuel release from former underground storage tanks.

It was determined investigations performed to date have adequately defined the extent of contamination west, northwest, and north of the property. However, additional exploratory soil borings will be required east and south of the property to define the plume in these directions. And, storm drain lines should be located to determine if perched water encountered in previous boring B-4, B-5, and B-9 (at approximately 6' to 10' bgs) is a result of leaking drain lines.

A workplan for this phase of the investigation is due within 45 days of the date of this letter, **or by August 29, 1996**. Data from this and previous investigations should be used to prepare a Corrective Action Plan where a risk-evaluation may be considered.

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

eva chu
Hazardous Materials Specialist

c: Paul King, 4020 Panama Court, Oakland, CA 94611
~~Rae Crosby~~ 3015 38th Ave, Oakland, CA 94610
Marcela & Miguel Florez, 802 Sea Chase Dr, Redwood City, CA
94605
Jorge Del Rio, 732 Crespi Dr, Pacifica, CA 94044
Walter Simas, c/o Walter Youngman, Consvtr, 1981 N. Boradway,
Suite 300, Walnut Creek, CA 94596
files (dream.11)

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 following services (for an fee):

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

Consult postmaster for fees

3. Article Addressed to: **EC #3674**
Marcela & Miguel Florez
802 Sea Chase Drive
Redwood City CA 94605

4a. Article Number
P 029 244 604

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt Merchandise

7. Date of Delivery

5. Signature (Addressee)
[Signature]

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

6. Signature (Agent)

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1. Show to whom delivered, date, and addressee's address.
- 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Margaret J. Simas
8700 Southwick Drive
Dublin, CA 94568

4. Article Number
P 422 218 134

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Address
X

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

6. Signature - Agent
X

7. Date of Delivery



ALAMEDA COUNTY **CC4580**
HEALTH CARE SERVICES AGENCY
 Department Of Environmental Health
 Environmental Protection Division
 1131 Harbor Bay Parkway, Suite 250
 Alameda, CA 94502-6577

SOLD - MOVE RETURN

FORWARDED

EXPIRED

~~Jue Crosby~~
~~3015 38th Ave.~~
~~Oakland CA 94618~~
 79

Return for Carrier Endorsement

ENVIRONMENTAL PROTECTION AGENCY

EV93 case

MEMORANDUM

ENVIRONMENTAL
PROTECTION

95 AUG 21 AM 9:33

TO: Gil Jensen

FROM: Jahna McGranahan

RE: People v. Barry, 194 Cal. App. 3d 158, 239 Cal. Rptr. 349 (1987)

DATE: August 15, 1995

In People v. Barry, 194 Cal. App. 3d 158, the Court of Appeal found that the State Water Resources Control Board (state board) has the discretion to decline to review regional board orders under Wat. Code Section 13320.

Section 13320 provides in pertinent part: "Within 30 days of any action or failure to act by the regional board under Chapter 5 (commencing with section 13300), . . . any aggrieved person may petition the state board to review such action or failure to act." The court, after reviewing the legislative intent and history surrounding section 13320, concluded that it permits the state board discretion whether to review regional board orders. Barry, 194 Cal. App.3d at 174.

This discretion is not limited by any administrative regulations. The state board, pursuant to 13320, adopted California Administrative Code, title 23, section 2052 which provides in pertinent part: "The state board may: (1) Refuse to review the action or failure to act if the petition fails to raise substantial issues that are appropriate for review." In denying the argument that this limits the state board's discretion of review, the court found that the state board "retains unreviewable discretion to determine what issues are "substantial" and whether they are "appropriate for review." Id. at 176.

The court ultimately holds that "the state board had unreviewable discretion to deny Barry's petition for review. Thus when the state board denied Barry's petition for review, the regional board's orders were final." Id. at 177. The avenue then available to challenge the regional board's order is by way of mandate in the superior court.

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100
(916) 657-0941
FAX: 657-0932



AUG 10 1995

CERTIFIED MAIL

J. Jay Schnack, Esq.
McShane, Schnack & Cheitlin
Suite 700
2033 N. Main Street
Walnut Creek, CA 94596-3728

Dear Mr. Schnack:

IN THE MATTER OF THE PETITION OF EDWARD SIMAS FOR REVIEW OF LETTER DATED APRIL 15, 1994 REGARDING RESPONSIBLE PARTIES AND REQUEST FOR SUBMITTAL OF A TECHNICAL REPORT PURSUANT TO WATER CODE SECTION 13267(b) BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION. OUR FILE NO. A-908.

Review of the above-referenced petition is complete. This review indicates that the petition in this matter fails to raise substantial issues that are appropriate for review by the State Water Resources Control Board (SWRCB). Accordingly, the petition is dismissed as of this date. See Title 23, California Code of Regulations, Section 2052(a)(1); People v. Barry, 194 Cal.App.3d 158, 239 Cal.Rptr. 349 (1987).

If you have any questions about this matter, please contact Ms. Karen A. O'Haire, Senior Staff Counsel, in the SWRCB's Office of the Chief Counsel at (916) 657-2088.

Sincerely,

Walt Pettit
Executive Director

cc: Mr. Steven R. Ritchie
Executive Officer
San Francisco Bay Regional
Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Interested Persons Mailing List

**INTERESTED PERSON
MAILING LIST**

Our File # A-908

J. Jay Schnack
McShane, Schnack & Cheitlin
Suite 700
2033 N. Main Street
Walnut Creek, CA 94596-3728

Edward Simas, Limited Partner
Ashland Oil Company
2307 Pacific Avenue
Alameda, CA 94501

Edward Simas
John McDougal, Receiver
2307 Pacific Avenue
Alameda, CA 94605

Walter Simas
John McDougal, Receiver
c/o Walter Youngman,
Conservator
1981 N. Broadway, Suite 300
Walnut Creek, CA 94596

John McDougal, Receiver
Ashland Oil Company
4864 American River Drive
Carmichael, CA 94596

Walter Simas, General Partner
Ashland Oil Company
c/o Walter Youngman,
Conservator
1981 N. Broadway, Suite 300
Walnut Creek, CA 94596

Miguel & Marcela Florez
802 Sea Chase Drive
Redwood City, CA 94065

Jorge & Maria Del Rio
732 Crespi Drive
Pacifica, CA 94044

Hue & Ruby Crosby
3015 38th Avenue
Oakland, CA 94610

Eva Chu
Hazardous Material Division
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94521

Gilbert A. Jensen, Esq.
Alameda County District
Attorney's Office
Alameda County Courthouse
1225 Fallon Street, Room 900
Oakland, CA 94612

Sumadhu Arigala
San Francisco Bay Regional
Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Steven R. Ritchie
Executive Officer
San Francisco Bay Regional
Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, CA 94612

Karen A. O'Haire
Senior Staff Counsel
State Water Resources
Control Board
P.O. Box 100
Sacramento, CA 95812-0100

ENVIRONMENTAL
PROTECTION
25 JUN 27 PM 3:03

EDWARD T. SIMAS
2307 PACIFIC AVE.
ALAMEDA, CA. 94552
(510)865-9503

June 20, 1995

RECEIVED

JUN 27 1995

ENVIRONMENTAL
NORTH COUNTY

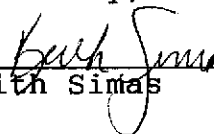
Ms. Eva Chu
Hazardous Materials Program
Department of Environmental Health
1131 Harbor Bay Pkwy. 2nd floor
Alameda, Ca. 94502-6577

Regarding: 5330 Foothill Blvd. Oakland

Dear Ms. Chu,

Please find enclosed the subsurface investigation report plan in accordance with a request the Alameda County Department of Environmental Health dated November 6, 1994. Work was done in accordance with recommendations in P&D's soil investigation workplan dated January 19, 1995. If you have any questions feel free to contact us.

Sincerely,



Keith Simas

cc: Mr. Kevin Graves, SWRCB
Mr. Jorge Del Rio

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

StID 3674

February 3, 1995

Mr. Edward Simas
2307 Pacific Ave
Alameda, CA 94501

ALAMEDA COUNTY-ENV. HEALTH DEPT.
ENVIRONMENTAL PROTECTION DIV.
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577
(510)567-6700

RE: **Workplan Approval for 5330 Foothill Blvd, Oakland 94601**

Dear Mr. Simas:

I have completed review of P & D Environmental's January 1995 Subsurface Investigation Work Plan for the above referenced site. The proposal to advance additional borings to delineate the extent of onsite soil contamination is acceptable. Boring B-9 will be advanced to groundwater where a grab sample will be collected. If borings B-7 and B-8 are advanced to groundwater, grab groundwater samples should also be collected for analysis for TPH-G and BTEX.

Data gathered from this phase of the investigation will help to determine location of groundwater monitoring wells, and additional offsite soil borings, if needed.

Field work should commence within 45 days of the date of this letter, or **by March 23, 1995**. Please notify me at least 72 hours prior to the start of field work. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

cc: Paul King, P & D Environmental, 4020 Panama Ct, Oakland
94611
files

Donald L. Edgar
Attorney at Law

ALCO
HAZMAT
94 NOV 29 PM 5:05

3674

November 22, 1994

Ms. Eva Chu
Alameda County Health Care Services Agency
80 Swan Way, Room 200
Oakland, CA 94621

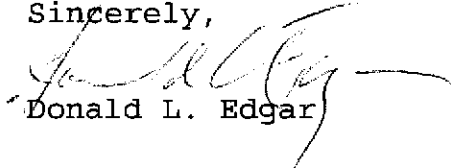
Re: Site #3674 - 5330 Foothill Blvd., Oakland

Dear Ms. Chu

I regret to advise you of the death of John McDougal.

Please remove his name (as receiver for Ashland Oil Co.) from the list of responsible parties.

Sincerely,


Donald L. Edgar

Jane 12/22/94

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

StID 3674

November 16, 1994

Mr. Edward Simas
2307 Pacific Ave
Alameda, CA 94501

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

RE: Additional Investigations at 5330 Foothill Blvd, Oakland

Dear Mr. Simas:

I have completed review of P & D Environmental's September 1994 Soil Investigation Report for the above referenced site. This report documents the advancement of six soil borings to delineate the extent of soil contamination resulting from the prior use of the former underground storage tanks. One of the borings, B4, was advanced to 50' bgs, to determine if groundwater was impacted by the fuel release.

Analytical results of samples collected indicate the extent of soil contamination has not been defined. Up to 1.5 ppm benzene was detected at 50' depth, where groundwater was still not encountered. At this time, additional investigations are required to continue to delineate the extent of soil contamination. And, depth to groundwater must be determined. At least 15' of impermeable, unimpacted soil must separate contaminated soil from groundwater before monitoring wells are not required. Investigation east of the former tank pit is also required. A workplan for this investigation should be submitted to this office within 60 days of the date of this letter, or by **January 19, 1995.**

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

eva chu
Hazardous Materials Specialist

cc: Paul King, P & D, 4020 Panama Ct, Oakland 94611
files

EDWARD T. SIMAS
2307 PACIFIC AVE.
ALAMEDA, CA. 94552
(510)865-9503

ALISTO
HAZMAT
94 OCT 14 PM 1:03

October 13, 1994

Ms. Eva Chu
Hazardous Materials Program
Department of Environmental Health
1131 Harbor Bay Pkwy. 2nd floor
Alameda, Ca. 94502-6577

Regarding: 5330 Foothill Blvd. Oakland

Dear Ms. Chu,

Please find enclosed the soil investigation report for the above location; work was performed in accordance with Alisto Engineering's workplan, approved on July 29, 1994. If you have any questions feel free to contact us.

Sincerely,



Keith Simas

525-81

cc: Mr. Kevin Graves, SWRCB
Mr. Jorge Del Rio

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 3674

July 1, 1994

Mr. Edward Simas
2307 Pacific Ave
Alameda, CA 94501

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

Re: **Workplan Approval for 5330 Foothill Blvd, Oakland 94601**

Dear Mr. Simas:

I have completed review of Alisto's June 1994 Work Plan for Soil Assessment for the above referenced site. The proposal to advance six soil borings to 20' depth to delineate the extent of soil contamination at the site is acceptable, with the following changes or additions:

1. The boring to be advanced to groundwater should be advanced to at least 50-60' depth. If groundwater is near 50' bgs, a groundwater grab sample should be collected. This boring should be continuously logged. If water is not encountered, the boring should be left opened at least 3 hours to see if water fills into the hole.
2. Soil and groundwater samples should be analyzed for TPH-G, TPH-D, BTEX, and total lead.

Field work should commence by **August 18, 1994**. Please notify this office at least 72 hours prior to the start of field work. Our office has moved to: 1131 Harbor Bay Parkway, 2nd Floor, Alameda, CA 94502. The phone lines are not connected yet, but I may be reached at (510) 271-4330. If you have any questions or comments, do not hesitate to call.


eva chu
Hazardous Materials Specialist

cc: Brady Nagle, Alisto, 1777 Oakland Blvd, Suite 200, Walnut
Creek, CA 94596
files

dream8

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

StID 3674

May 11, 1994

Mr. Edward Simas
2307 Pacific Ave
Alameda, CA 94605

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: Time Extension for Submittal of Workplan for 5330
Foothill Blvd, Oakland, CA 94601**

Dear Mr. Simas:

Per our conversation today, you requested a time extension for the submittal of a workplan to define the lateral and vertical extent of soil and groundwater contamination at the above referenced site. The extension is granted and the workplan is due to this office by June 6, 1994. It is also our understanding that you will be the lead and contact person for site characterization and remediation. Future correspondence from our office will be addressed to you.

If you have any questions or comments about the content of this letter, I can be reached at (510) 271-4530.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rafat A. Shahid', written in dark ink.

Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office
Hue Crosby, 3015 38th Ave, Oakland 94610
Miguel Florez, 802 Sea Chase Dr, Redwood City, CA 94605
Jorge del Rio, 732 Crespi Dr, Pacifica, CA 94044
Walter Simas, c/o Walter Youngman, 1981 N. Broadway, #300,
Walnut Creek, CA 94596
John McDougal, 4864 American River Dr, Carmichael, CA
94596
files

dream7

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


In Re The Property Known As :)
5330 Foothill Blvd)
Oakland, CA 94601)
Notice of Official Action)
By the San Francisco Bay)
Regional Water Quality)
Control Board)

Dear Mr. and Mrs. Florez:

The attached **Legal Designation of Responsible Party and Request for Submittal of a Technical Report pursuant to Water Code Section 13267(b)** has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this **Official Action**, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Eva Chu, do hereby certify
that I served Mr. and Mrs. Miguel Florez with a copy of the
attached **Notice of Official Action by the Regional Board** by
certified mailer # P 029 244 567.

Dated: 4/20/94 
(signature)

cc: Gil Jensen, Alameda County District Attorney's Office
files (dream5)

P 029 244 566

EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	Hue and Ruby Crosby
Street and No.	3015 38th Avenue
P.O., State and ZIP Code	Oakland CA 94610

P 029 244 567

EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	Miguel & Marcela Flores
Street and No.	802 Sea Chase Drive
P.O., State and ZIP Code	Redwood City CA 94065
Postage	\$

P 029 244 568

EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	Jorge & maria delrio
Street and No.	732 crespí drive
P.O., State and ZIP Code	pacifica ca 94044
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	

PS Form 3800, June 1991

P 386 338 153

EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	Walter Simas
Street and No.	1981 N. Broadway #300
P.O., State and ZIP Code	Walnut Creek CA 94596
Postage	

P 386 338 154

EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	John McDougal
Street and No.	4864 American River Dr.
P.O., State and ZIP Code	Carmichael CA 94596
Postage	

P 418 724 694

EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	Edward Simas
Street and No.	2307 Pacific Avenue
P.O., State and ZIP Code	Alameda CA 94501
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	

PS Form 3800, June 1991

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255

ALCO
HAZMAT

94 APR 18 PM 12:50



Miguel and Marcela Florez
802 Sea Chase Drive
Redwood City, CA 94065

April 15, 1994
File:01-0508 & 2198.17

Jorge and Maria Del Rio
732 Crespi Drive
Pacifica, CA 94044

Hue and Ruby Crosby
3015 38th Avenue
Oakland, CA 94610

Edward Simas, as an individual and beneficiary of the will of
Jean L. Simas, through John McDougal, Receiver
2307 Pacific Avenue
Alameda, CA 94605

Walter Simas, as an individual and beneficiary of the will of
Jean L. Simas, through John McDougal, Receiver
c/o Walter Youngman, Conservator
1981 N. Broadway, Suite 300
Walnut Creek, CA 94596

John McDougal, as Receiver
for Ashland Oil Company, a Limited partnership
4864 American River Drive
Carmicheal, CA 94596

Walter Simas, General Partner
of Ashland Oil Company of California, A limited Partnership
c/o Walter Youngman, Conservator
1981 N. Broadway, Suite 300
Walnut Creek, CA 94596

Edward Simas, Limited Partner
of Ashland Oil Company, a Limited Partnership
2307 Pacific Avenue
Alameda, CA 94501

**RE: Legal Designation of Responsible Party and Request for
Submittal of a Technical Report Resulting from the Alameda
County Department of Environmental Health's Pre-Enforcement
Review Panel Meeting on January 18, 1994**

Dear Mmes. Crosby, Del Rio, and Florez and Messrs. Crosby, Del Rio,
Florez, McDougal, Edward Simas, Walter Simas, and Youngman:

It has been brought to my attention by Regional Board staff that a condition of soil and groundwater pollution exists on the property located at **5330 Foothill Blvd., Oakland, CA 94601** from an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from one or more of you to fulfill your obligations per California Code of Regulations, Title 23 Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your cooperation in resolving these issues through normal correspondence.

A Pre-Enforcement Review Panel was held at the ACHD offices on January 18, 1994, attended by Mr. Sumadhu Arigala, of my staff. Pursuant to the Regional Board's authority under Section 13267 (b) of the California Water Code, you are hereby found to be a responsible party as defined by Title 23 of the California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2720. A Responsible Party is "any person who owned or operated the underground storage tank immediately before the discontinuation of its use." A responsible party also includes any owner of property from which an unauthorized release of a hazardous substance from an underground storage tank has occurred, or any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance, among others.

As a responsible party, you are required to conduct both soil and groundwater investigations to determine the extent of the environmental pollution resulting from the release. Therefore, you are requested to submit a technical report specifically addressing the following numbered items within thirty (30) days of the date of this letter:

- 1) A proposal for the removal of polluted soils, if deemed necessary, from the vicinity of the former underground storage tanks;
- 2) A proposal to define the lateral and vertical extent of pollution in soil and groundwater.

All Work should adhere to the requirements of the Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites - August 10, 1990 and Article 11 of Title 23, Waters, California Code of Regulations.

I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure on your part to submit the requested technical report, or late submittal may result in fines up to \$1000 per day of

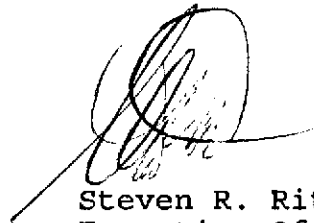
Enforcement Review Panel
Page 3 of 3

delinquency. Your response to this technical report request should be sent to the attention of Ms. Eva Chu at ACHD. Please inform Ms. Chu at least three working days in advance of all field activities.

Please be advised that this is a formal request for a technical reports pursuant to California Water Code Section 13267 (b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the ACHD.

If you have any questions regarding the contents of this letter, Please contact Ms. Chu, of ACHD, at (510) 271-4530.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Ritchie", with a long horizontal flourish extending to the left.

Steven R. Ritchie
Executive Officer

cc: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland
94621

Eva Chu, ACHD, 80 Swan Way, Suite 200, Oakland 94621

RECORDING REQUESTED BY:

(#20)

SAFECO TITLE INSURANCE COMPANY WE HEREBY CERTIFY THAT THIS IS A FULL,

TRUE AND EXACT COPY OF THE ORIGINAL DOCUMENT AS THE SAME APPEARS IN THE

OFFICE OF THE COUNTY CLERK OF

Alameda COUNTY, STATE OF CALIFORNIA, RECORDED ON 3/23/83

IN BOOK OF OFFICIAL RECORDS AT PAGE SERIAL NO. 83-029855

SAFECO TITLE INSURANCE COMPANY.

By Barbara Kelly

and when recorded mail to:

Edward T. Simas
c/o J. Jay Schnack
201-19th Street
Oakland, California 94612

Escrow No. 81507-5

Mail tax statements to:

SAME

THIS DEED IS BEING EXECUTED TO COMPLY WITH THAT CERTAIN AGREEMENT AND ORDER ISSUED BY ALAMEDA COUNTY SUPERIOR COURT, CASE NO. 503556-6. NO TAX DUE.

EXCLUDED FROM REAPPRAISAL UNDER REVENUE AND TAXATION CODE §62.

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Walter J. Simas, Margaret Jean Simas, Ashland Oil Company of California, a California limited partnership, Simas Bros., a California corporation, and Ashland Oil Company of California, a California corporation, hereby REMISE, RELEASE AND QUITCLAIM to Edward T. Simas that real property commonly known as 5330 Foothill Boulevard, City of Oakland, County of Alameda, State of California, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

ASHLAND OIL COMPANY OF CALIFORNIA, a California corporation

Walter J. Simas
Walter J. Simas

By Walter J. Simas
Walter J. Simas, President

Margaret Jean Simas
Margaret Jean Simas

By John McDougal
John McDougal, Receiver

SIMAS BROS., a California corporation

ASHLAND OIL COMPANY OF CALIFORNIA, a California limited partnership

By Walter J. Simas
Walter J. Simas, President

By Walter J. Simas
Walter J. Simas
General Partner

By John McDougal
John McDougal, Receiver

If Walter and Margaret
Simas quit claims
property and it
belongs to Ed Simas,
~~the~~ as of Feb 1983, then
prior to Feb 1983 it was
owned by Walter, Margaret
and Ed - true or not?

ALCO
HAZMAT
94 JAN 27 PM 2:09

PRINT T=AL56 L=AL56 OPER= 01/26/94 14:06:58 USERID=AL56

ASSESSOR'S OFFICE HISTORY FILE INQUIRY ASCMH00

PARCEL: 35-2378-6 5330 FOOTHILL BL OAKLAND 94601
 OWNER: FLOREZ MIGUEL & MARCELA & DELRIO JORGE & MARIA D FRACTION:
 C/O NAME: TAC: 17-001 USE CODE: 3080 M/A EFF: 05/23/91
 MAIL ADR: 802 SEA CHASE DR REDWOOD CITY CA 94065 P
 NBRHD CODE: 179030 CODE NUMBER DATE TR TAX ROLL INDATE
 LATEST DOCUMENT : 41 91 046972 02/21/91 91 91074
 LAST APPRAISABLE: 1 046972 02/21/91 49.50 91074

CROSBY L H & RUBY
 61 83 195700 10/19/83 49.50 84 84032
 MA 1414 REGENT DR SAN LEANDRO CA 94577 831019 D 84 84032
 SIMAS EDWARD T
 09 83 029855 02/23/83 0.00 83 83605
 ASHLAND OIL COMPANY OF CALIFORNIA
 02 77 247670 12/16/77 0.00 78 00471
 SIMAS BROS SOUTHERN DIVISION
 02 75 183583 12/12/75 0.00 76 00358
 SIMAS WALTER J + JEAN L
 00 000000000 00/00/00 0.00 70 00999

PF10 - COMMENT (-OPTN---PARCEL NUMBER-----PASS-
 | H 35-2378-6 |

**Alameda County Department of Environmental Health
Hazardous Materials Division**

80 Swan Way, Rm. 200, Oakland, CA 94621
Ph: 510-271-4320 FAX: 510-568-3706

Meeting Attendees

Subject Pre-Enforcement Panel Review
Date 1-18-94 ST. D 3674
Location 80 Swan Way

	<u>Name</u>	<u>Affiliation</u>	<u>Phone # / FAX #</u>
1	<u>SUM Angala</u>	<u>RWB&B</u>	<u>(510) 286 0434 / 286 1380</u>
2	<u>Tom Peacock</u>	<u>ALCO</u>	<u>271-4530 / 569-4757</u>
3	<u>Esachu</u>	<u>Alameda Co.</u>	<u>271-4530/</u>
4	<u>Edgar Howell</u>	<u>Alameda County DEN</u>	<u>271-4320 /</u>
5	<u>Miguel R. Flores</u>		<u>(415) 51081074/</u>
6	<u>Jorge del Rio</u>	<u>732 Crespi Dr. Pacifica 94044</u>	<u>(415) 359-3631/</u>
7	<u>Donald L. Edgar</u>	<u>attty for John McDougal</u>	<u>531-4120 / 531-4047</u>
8	<u>Jay Schpack</u>	<u>attty for Ted Smart</u>	<u>510 943/6111</u>
9	<u>Ted Smart</u>	<u>Xtra Oil Co</u>	<u>510 865 9503</u>
10	<u>Keith Simms</u>	<u>Xtra Oil Co</u>	<u>(510) 865 / 9503</u>
11	<u>GIL Jensen</u>	<u>ALCO D.A</u>	<u>569 5201 / 569-0305</u>
12			<u>/</u>
13		<u>Walter Youngman</u>	<u>/</u>
14		<u>(510) 930-6000</u>	<u>/</u>
15			<u>/</u>
16			<u>/</u>
17			<u>/</u>

Record of Proceedings

On January 18, 1994 a Pre-Enforcement Review Panel met in the offices of the Alameda County Health Care Services Agency under the authority of the Alameda County District Attorney to meet and confer with potential litigants, and to determine all relevant facts necessary for a finding of Responsible Parties pursuant to the California Water Code, and for the issuance of a request for information pursuant to Water Code Section 13267 (b). All persons present at this meeting are listed on the attendance sheet, attached hereto and incorporated herein. (Attachment 1) Mr. Sumadhu Arigala was present representing the San Francisco Regional Water Quality Board.

The participants presented oral representations which were followed by the opportunity to submit written positions as well as documents. This meeting and the written submittals determined the following facts which were relied upon in the issuance of the **Designation of Responsible Party and Request for Submittal of a Technical Report dated April 15, 1994** with respect to Mr. Edward Simas:

The tanks in question have not been operated since February 23, 1983.

The leaks in question occurred at a time prior to February 23, 1983 which cannot currently be determined, but which may be determined upon compliance with the terms of the Request for Submittal of a Technical Report.

The tanks were operated from January 1979 to February 23, 1983 by Jack McDougal a court ordered receiver appointed, (upon the motion of Edward Simas as Plaintiff), by the Alameda County Superior Court, on December 21, 1978, during the pendency of litigation brought by Edward Simas over his interest in the property including the ownership of the subject tanks. On that date the Court found that:

1. This is an action between parties owning or interested in the property hereinafter described;
2. Plaintiff is a party whose right to or interest in the subject property, and the proceeds thereof, is probable;
3. The subject property is in danger of being lost, removed or materially injured.

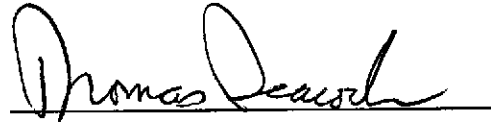
Attachment 2

In cases of underground tanks no longer in use, "the responsible party is defined as any person who owned or operated the underground storage tank immediately before the discontinuation of its use;" Article 11, Chapter 16, Title 23 Section 2720 California Code of Regulations. The receiver operated the tanks immediately before discontinuation of use as a minister of the court in the

possession of them for the sole purpose of conserving the rights of all persons having any interest in them. The only two persons having interest in them were Edward Simas and Walter Simas. Both of these parties were named as Responsible Parties in the action of the Regional Board dated April 15, 1994.

Attachment 3

Edward Simas is claimant to the State Underground Storage Tank Fund.

A handwritten signature in cursive script, appearing to read "Thomas Peacock", written over a horizontal line.

Thomas Peacock
Program Administrator
Alameda County Local Oversight
Program

Alameda County Health Care Service
Environmental Health, Hazardous

Shirley-

12/20/93

In Re The Property Known As :)
5330 Foothill Blvd)
Oakland, CA 94610)

Fu

Only send to :
Margaret Simas

others were already
notified - Thanks

WZ

Notice is hereby given that upon the request of the
Hazardous Materials Division, and the
Regional Water Quality Control Board
convene on **January 18, 1994 at 1:00 PM**
Alameda County Hazardous Materials Division
Way, Room 200, Oakland, CA 94621. This **Further Review Panel** will
re-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 Hazardous Materials Division, and the San
Francisco Bay Regional Water Quality Control Board have named and
served notice of this **Further 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. M/M Edward Simas
Xtra Oil Co.
2307 Pacific Ave
Alameda, CA 94501
2. Walter Simas
c/o Walter Youngman
1981 N. Broadway, Suite 300
Walnut Creek, CA 94596
3. Walter Youngman
Conservator for Walter J. Simas
1981 N. Broadway, Suite 300
Walnut Creek, CA 94596
4. Jorge Del Rio
802 Sea Chase Drive
Redwood City, CA 94605

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350
6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605
7. John McDougal
4864 American River Drive
Carmichael, CA 94596
8. ~~Margaret J. Sinas~~
8700 Southwick Dr
Dublin, CA 94568

Dated:

12/20/93


(signature)

dream3

P 422 218 134



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	
Margaret J. Simas	
Street and No.	
8700 Southwick Drive	
P.O., State and ZIP Code	
Dublin, CA 94568	
EC	
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	

PS Form 3800, June 1991

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350

6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605

7. John McDougal *receiver of trust*
4864 American River Drive
Carmichael, CA 94596

Dated:

12/15/93

[Signature]
(signature)

dream3

P 422 218 125 EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to		Marcela e Miguel Flores
Street and No.		802 Sea Chase Drive
P.O., State and ZIP Code		Redwood City, Ca 94065
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		

PS Form 3800, June 1991

+

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


In Re The Property Known As :

5330 Foothill Blvd
Oakland, CA 94610

) Proof of Service of
) Notice of
) Pre-Enforcement
) Review Panel
)

I Eva Chu, do hereby certify
that I served Mary Ann Aguirre
with a copy of the attached **Notice of Pre-Enforcement Review**
Panel on December 15, 1993 by certified
mailer #P 422 218 124

Dated: 12/15/93


(signature)

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350
6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605
7. John McDougal
4864 American River Drive
Carmichael, CA 94596

Dated:

12/15/93



(signature)

dream3

P 422 218 124 EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to Mary Ann Aguirre	
Street and No. 1101 Sylvan Ave, Suite C-101	
P.O., State and ZIP Code Modesto, Ca 95350	
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	

PS Form 3800, June 1991

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350
6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605
7. John McDougal
4864 American River Drive
Carmichael, CA 94596

Dated:

12/15/93



(signature)

dream3

P 422 218 077



Receipt for Certified Mail E.C.

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>M/H Edward Simas</i> <i>Xing Oil Co.</i>	
Street and No. <i>2307 Pacific Ave.</i>	
P.O., State and ZIP Code <i>Alameda, Ca 94501</i>	
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	

Form 3800, June 1991

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350
6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605
7. John McDougal
4864 American River Drive
Carmichael, CA 94596

Dated:

12/15/93



(signature)

dream3

P 422 218 123 EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to	
Jorge Del Rio	
Street and No.	
802 Sea Chase Drive	
P.O., State, and ZIP Code	
Redwood City, Ca 94605	
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	

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

In Re The Property Known As :

5330 Foothill Blvd
Oakland, CA 94610

)
)
)
)
)
)
Proof of Service of
Notice of
Pre-Enforcement
Review Panel

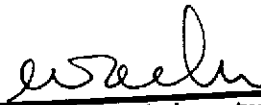
I Eva Chu, do hereby certify

that I served John McDougal
with a copy of the attached Notice of Pre-Enforcement Review

Panel on December 15, 1993 by certified

mailer # P 422 218 126

Dated: 12/15/93


(signature)

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350
6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605
7. John McDougal
4864 American River Drive
Carmichael, CA 94596

Dated:

12/15/93


(signature)

dream3

P 422 218 126 EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <u>John Mc Dougal</u>	
Street and No. <u>4864 American River Dr.</u>	
P.O., State and ZIP Code <u>Carmichael, Ca 94596</u>	
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	

PS Form 3800, June 1991

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


In Re The Property Known As :

5330 Foothill Blvd
Oakland, CA 94610

) Proof of Service of
) Notice of
) Pre-Enforcement
) Review Panel
)

I Eva Chu, do hereby certify
that I served Walter Youngman
with a copy of the attached Notice of Pre-Enforcement Review
Panel on December 15, 1993 by certified
mailer # P 422 218 104

Dated: 12/15/93


(signature)

5. Mary Ann Aguirre
Freeman & Garcia
1101 Sylvan Ave., Suite C-106
Modesto, CA 95350
6. Marcela & Miguel Flores
802 Sea Chase Dr.
Redwood City, CA 94605
7. John McDougal
4864 American River Drive
Carmichael, CA 94596

Dated:

12/15/93


(signature)

dream3

P 422 218 104 EC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <u>WALTER YOUNG JR.</u> <u>Conservator for Walter J. Simas</u>	
Street and No. <u>1981 N. Broadway, Suite 310</u>	
P.O., State and ZIP Code <u>Walnut Creek, Ca 94596</u>	
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	

PS Form 3800, June 1991

FREEMAN & GARCIA

ATTORNEYS AT LAW

SAN FRANCISCO

655 MONTGOMERY ST., SUITE 1140
SAN FRANCISCO, CA 94111-2630
TEL: (415) 834-6930
FAX: (415) 834-0119

MODESTO

1101 SYLVAN AVE., SUITE C-106
MODESTO, CA 95350-1680
TEL: (209) 491-5330
FAX: (209) 524-7061

December 3, 1993

Ms. Eva Chu
Hazardous Materials Division
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Mr. Lorenzo Perez
Hazardous Materials Specialist
City of Berkeley
Civic Center Building
2180 Milvia Street
Berkeley, CA 94704

Re: Xtra Oil Co.

**Sites: 5330 Foothill Boulevard, Oakland
1201 The Alameda, Berkeley
1399 San Pablo Avenue, Berkeley**

Dear Ms. Chu and Mr. Perez:

This letter is written to follow-up on my letter to you dated December 1, 1993, and to correct an error. On page two of that letter, I stated that Mr. L. Hue Crosby had been notified for the hearing on October 26, 1993, but had failed to appear. Mr. Crosby did, in fact, attend the hearing in October. I apologize for any confusion this may have caused.

You attention in this regard is appreciated.

Sincerely,



Tamara J. Gabel

TJG/dar

cc: Mr. Ted Simas
Gilbert Jensen, Esq.
Richard Hiatt
Steve Ritchie

\\site2

ALCO
HAZMAT
93 DEC -6 PM 1:30



ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENFORCEMENT
NATIONAL ENFORCEMENT INVESTIGATIONS CENTER (NEIC)
P.O BOX 25227 DFC, DENVER, CO 80225

FACSIMILE COVER SHEET

TO <i>Inspector Don Harris</i>	FAX NUMBER: <i>570-569-0505</i>
OFFICE: <i>Alameda Co. Ca.</i>	REGION: <i>Ca</i>
PHONE NO.: <i>510-569-9281</i>	MAIL CODE: _____
DATE: <i>10/29/93</i>	

FROM: **VERLEEN SORENSEN (303) 236-2583**
INFORMATION SERVICES SECTION

CONFIRMATION NUMBER (303) 236-3219	FAX NO. (303) 236-7573
--	-------------------------------

COMMENTS

*D & B requests
Xtra Oil 05-304-3733
Linas Edward & Carol 60-198-9668
Linas Bros. 04-640-7532
D & B is doing an update Linas, etc.
Will fax as soon as available. Please
call if I can be of further assistance.
Have a nice weekend.
Verleen*

93 NOV -3 AM 11:01

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FOR THE EXCLUSIVE USE OF SUBSCRIBER [REDACTED]

IN DATE

DUNS: 05-304-3733
XTRA OIL COMPANY (INC)

DATE PRINTED
OCT 29 1993

SUMMARY
RATING --

2307 PACIFIC AVE
AND BRANCH(ES) OR DIVISION(S)
FMLY: (04/89) BERKELEY, CA)
ALAMEDA CA 94501
TEL: 510 865-9503

SERVICE STATION
SIC NO.
55 41

STARTED 1971
PAYMENTS SEE BELOW
EMPLOYS 50-65(6 HERE)
HISTORY CLEAR
FINANCING SECURED

CHIEF EXECUTIVE: EDWARD L (TED) SIMAS, PRES

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)						
REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
09/93	Ppt	2500	1000	-0-	N30	
	Ppt	750	-0-	-0-		6-12 Mos
08/93	Ppt	100	-0-	-0-	N30	6-12 Mos
07/93	Slow 60 (005)	100 1000	-0-	-0-	N30	4-5 Mos 2-3 Mos

Satisfactory.

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

FINANCE
07/23/93

	Fiscal
	Jun 30 1988
Curr Assets	1,790,207
Curr Liabs	805,202
Current Ratio	2.22
Working Capital	985,005
Worth	809,202

From Jul 19 through Jul 23 1993 attempts to reach management were unsuccessful and messages left were unreturned. Outside sources verified address, ownership, and operations.

PUBLIC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

XTRA OIL COMPANY (INC)

OCT 29 1993

PAGE 003

FACILITIES: Owns 2,500 sq. ft. in one story concrete block building in normal condition.

LOCATION: Suburban business section on well traveled street.

BRANCHES: Operates 9 branch locations throughout the San Francisco Bay Area. Operates as Shell Service Stations.

10-29(552 /552)

00000

052 052 H

FULL DISPLAY COMPLETE

COPYRIGHT 1993 D&B INC. - PROVIDED UNDER CONTRACT
FOR THE EXCLUSIVE USE OF SUBSCRIBER [REDACTED]

REVIEW IN PROCESS. LATER REPORT WILL BE FORWARDED

THE FOLLOWING INFORMATION IS BEING PROVIDED TO YOU IMMEDIATELY IN THE INTEREST OF SPEED. DUN & BRADSTREET HAS NOT FULLY REVISED THIS REPORT SINCE 06/21/89. THEREFORE, THIS REPORT SHOULD NOT BE CONSIDERED A STATEMENT OF EXISTING FACTS. WE ARE CURRENTLY UPDATING THIS INFORMATION, AND A REVISED REPORT WILL BE SENT TO YOU SHORTLY.

Statement Date: JUN 15 1989

DUNS: 60-198-9668
SIMAS, EDWARD AND CAROL

2307 PACIFIC AVE
ALAMEDA CA 94501
TEL: 510 865 9503

DATE PRINTED
OCT 29 1993

OWNS AND LEASES
SERVICE STATION
SITES

SIC NOS.
65 14 65 19

SUMMARY
RATING ER8

STARTED 1970
PAYMENTS SEE BELOW
WORTH F \$12,112,681
GR REV \$251,000
EMPLOYS 2
HISTORY CLEAR
FINANCIAL
CONDITION GOOD

EDWARD (TED) SIMAS, PARTNER

PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
08/93	Ppt	250	-0-	-0-	N15	6-12 Mos

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

UPDATE
03/23/90 On Mar 23 1990 outside sources verified ownership and operations.

FINANCE
Our Customer Service Center Is Available To Assist You In Reviewing This Account. Please Call [REDACTED] To Speak With A Customer Service Representative.

06/21/89 Interim statement dated JUN 15 1989:

Cash	\$	306,154	Real Estate Loan	\$	102,183
Notes Rec		436,725			
Mktble Securities		900,000			

Curr Assets		1,642,879	Curr Liabs		102,183
Real Estate		9,450,000			
Investments-Other		1,121,985	NET WORTH		12,112,681

Total Assets		12,214,864	Total		12,214,864

Submitted JUN 21 1989 by Carol Simas, partner. Extent of audit, if any, not indicated.

--0--

On JUN 21 1989 Carol Simas, partner, submitted the above figures.

SIMAS, EDWARD AND CAROL

OCT 29 1993

PAGE 002

She submitted the following partial estimates dated JUN 21 1989:
Projected annual sales are \$ 251,000.

HISTORY
06/21/89

EDWARD (TED) SIMAS, PARTNER

CAROL SIMAS, PARTNER

Ownership acknowledged in statement signed by Carol Simas on
JUN 21 1989.

Business started 1970 by Edward (Ted) and Carol Simas.

E (TED) SIMAS born 1936. 1970-present active here. 1970-present
active with affiliate. 1961-71 Ashland Oil. Active in operations.

C SIMAS born 1937. 1970-present active here. 1970-present
active with affiliate. 1963-66 Ashland Oil. Active in accounting.

AFFILIATES:

The following are related through common ownership and/or
financial interest: Xtra Oil, Alameda, CA, started 1970. Operates as
service stations.

INTERCOMPANY RELATIONS:

Reported by Carol Simas, partner, to consist of occasional
service transactions.

OPERATION
06/21/89

Owens and leases service station sites.

Terms are net 30 days. Sells to affiliate. Territory :Local.

EMPLOYEES: 2 including partners.

FACILITIES: Owns 3,000 sq. ft. in one story Victorian building
in normal condition.

LOCATION: Suburban business section on well traveled street.

THE INFORMATION IN THE "PAYMENTS", "PUBLIC FILINGS" AND OTHER SECTIONS, WHEN
PRESENT, MAY NOT RELATE TO THIS BUSINESS DUE TO POSSIBLE CHANGES IN OWNERSHIP,
CONTROL, OR LEGAL STATUS SINCE THE DATA WAS COLLECTED.

10-29(8MA /031)

00000

052 247

FULL DISPLAY COMPLETE

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Our information indicates this business is no longer active at this location. If you have reason to believe this business is currently operating, please call [REDACTED] to request an investigation.

DUNS: 04-640-7532	DATE PRINTED	RATING	NQ
SIMAS BROS-SOUTHERN DIVISION (INC)	OCT 29 1993		
3495 CASTRO VALLEY	SERVICE STATION.		
CASTRO VALLEY CA 94546	SIC NO.		
TEL: NONE	55 41		

CHIEF EXECUTIVE: N HARROLD

SPECIAL EVENTS

07/19/89 On Apr 6 1981 investigation disclosed that headquarters discontinued. Mr Mc Dougall stated that the company is under receivership. There is a dispute among two stock holders as to control of the company. It has been absorbed into Ashland Oil Company of California. On Apr 16 1981 investigation at branch site disclosed that telephone had been disconnected with no new listing locally.

On Jul 19 1989 Mark Breazeal, son of Walter Simas, stated business of Simas Bros discontinued in late 1980 after a heavy court battle between the stockholders of Simas Bros. All other information was declined.

10-29(310 /69)

00000

052

FULL DISPLAY COMPLETE

Dream Ride
5330 Foothill

10/26/93

Review Panel - Pre Enforcements

- Carol Keith Simas -
- Crosby
- Tamara
- MA Aguirre Atty
- Simas

Allow parties to present reasons why RP or not
Our job is finding no result to review panel
w/in 30 days - letter

Simas:

MA Ag. No response to letter to Peacock May 1993

Simas acquired Feb 1983

Title never held by Simas / Xtra Oil

Tanks emptied

Held title for 5 months then sold to Crosby

Re-defined RP

Fed: owner in use on or after Nov 1984 -> does not apply

before Nov 1984. own UST.

->

before Feb 1983 John McDougal receiver of estate

->

operated by Walter Simas (Ed's stepbrother)

Simas Bros operated business - Walter majority shareholder

Ed - did not oper - minor shareholder

(Simas Bros) Xtra Oil -> not holder of title ever

Provide doc when Ed Simas took title. w/in 30 days.

Get info that tanks were emptied.

GILL JENSEN	ALAMEDA COUNTY	DA 569-9281
Rich Hiatt	PRC/PCB	(510) 286-4359
TED SIMAS	XTRA OIL CO	510 865-9503
Mary Ann Aquino	Xtra Oil / Simas Counsel	(209) 491-5330
Tamara J. Gabel	Xtra Oil / (w/ Aquino)	(209) 491-5330
Judy Crosby		(510) 351-3964
Luby Crosby		(510) 351-3964
Keith Simas	XTRA OIL	(510) 865-9503
CAROL SIMAS	XTRA OIL CO	(510) 865-9503
Esachw	Alameda Co.	(500) 271-4530
Ed Howell	" "	(510) 271-4320
Mona Seavoch	" "	271-4530
George Young	" "	271-4320
HEDI HALL	U.S. EPA	(415) 744-2077
Kristi Holmes	PRC / EPA contractor	(415) 543-4880
Van. Ross Lyon	PRC / EPA conf.	(415) 543-4880

Dream Ride Limos

5330 Foothill Blvd, Oakland

?

Who own USTs, operated USTs before Simas acquire property?

Feb 1983

acquired
Simas purchase property. Station boarded up and USTs emptied (letter from MA Aguirre)

OCT
1983

Crosby purchase property from Simas
USTs were not used. pumps were 'closed' (?)

June
1988

Sold lot to Mr. Clark - when in escrow, Mr Clark had the tanks removed. At this time it was discovered the USTs had leaked. Crosby + Clark paid for UST removal. Soil w/ 627 ppm TPHG; 6.0 ppm in water
No analysis for BTEX

April 1989

Crosby ~~ceased~~ payment to Simas ~~and~~ Mr Simas did not foreclose or respond. Crosby assumed lot reverted back to Simas
Pit was again sampled w/ 260 ppm TPHG (no analysis for BTEX)

Feb 1991

Lot was sold by Simas to m/m Jorge del Rio and Florez

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

In Re The Property Known As :

5330 Foothill Blvd
Oakland, CA 94610

)
)
)

Proof of Service of
Notice of
Pre-Enforcement
Review Panel

I, Eva Chu , do hereby certify
that I served Mary Ann Aguirre
with a copy of the attached Notice of Pre-Enforcement Review
Panel on October 12, 1993 by certified
mailer # P 422 218 039

Dated: 10/13/93



(signature)

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

In Re The Property Known As :)
5330 Foothill Blvd)
Oakland, CA 94610)

Notice of
Pre-Enforcement
Review Panel

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on **October 26, 1993 at 9:00 AM** in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **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 Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

- | | |
|--|---|
| 1. Hue Crosby
3015 38th Ave
Oakland, CA 94610 | 2. Marcela & Miguel Flores
802 Sea Chase Drive
Redwood City, CA 94605 |
| 3. Jorge Del Rio
802 Sea Chase Drive
Redwood City, CA 94605 | 4. Edward Simas
Xtra Oil Co.
2307 Pacific Ave
Alameda, CA 94501 |
| 5. Mary Ann Aguirre
Normoyle & Newman
1700 Standiford Ave., Suite A-340
Modesto, CA 95350 | |

Dated: 10/12/93



(signature)

P 422 218 039



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

EC

Sent to	Mary Ann Aguirre
Street and No	1700 Standiford
P.O., State and ZIP Code	Suite A-340 Modesto CA 95350
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	

PS Form 3800, June 1991

P 422 218 043



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

EC

Sent to	
Hue Crosby	
Street and No.	
3015 38th Ave.	
P.O., State and ZIP Code	
Oakland CA 94610	
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	

PS Form 3800, June 1991

P 422 218 044



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

EC

Sent to	
Marcela & Miguel F	
Street and No.	
Flores	
802 Sea Chase Drive	
P.O., State and ZIP Code	
Redwood City CA 94605	
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	

PS Form 3800, June 1991

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

In Re The Property Known As :

5330 Foothill Blvd
Oakland, CA 94610

) Proof of Service of
) Notice of
) Pre-Enforcement
) Review Panel
)

I Eva Chu, do hereby certify
that I served Jorge Del Rio
with a copy of the attached Notice of Pre-Enforcement Review
Panel on October 4, 1993 by certified
mailer # P 422 218 045

Dated: 10/4/93


(signature)

P 422 218 045



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

EC

Sent to	
Jorge Del Rio	
Street and No.	
802 Sea Chase Dr.	
P.O., State and ZIP Code	
Redwood City CA 94605	
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	

PS Form 3800, June 1991

P 422 218 046



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

EC

Sent to Edward Simas	
Street and No. 2307 Pacific Avenue	
P.O., State and ZIP Code Alameda CA 94501	
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	

PS Form 3800, June 1991

10-13-93

Eva,

This was
remailed. I didn't
make any copies of
the new cert. #. for
R. Hiett or H. Jensen nor
the green file. Let me
know if you do need copies.

P 418 724 679



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

EC

Sent to	
Edward Simas	
Street and No.	
Xtra Oil Company	
P.O., State and ZIP Code	
Alameda CA 94501	
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	

PS Form 3800, June 1991

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 next to the article number.

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

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: EC

Edward Simas
Xtra Oil CO.
2307 Pacific Avenue
Alameda CA 94501

4a. Article Number

P 422 218 046

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

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

6. Signature (Agent)

PS Form 3811, October 1990

U.S. GPO: 1990-273-881

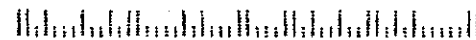
DOMESTIC RETURN RECEIPT

Norma -
Re-do envelop and
city is Alameda
94501

SN

Post Office Forwards to: _____
 Forwarding Order Expired _____
 REGISTERED-NO FUTURE NOTICE NUMBER
 Rate # NO2 Initials _____

Edward Simas
Xtra Oil Co.
2307 Pacific Avenue



LAW OFFICES OF
NORMOYLE & NEWMAN

A PROFESSIONAL LAW CORPORATION

1700 STANDIFORD AVENUE - SUITE A-340
MODESTO, CALIFORNIA 95350
TELEPHONE (209) 521-9521 TELECOPIER (209) 521-4968

MICHAEL C. NORMOYLE
RUSSELL A. NEWMAN
WYLIE P. CASHMAN
MARY ANN AGUIRRE
MICHAEL L. ABBOTT
JOHN T. RESSO

PATRICK M. McGRATH
DAVID O. ROMANO, P.E.
Land Use Analysts

(209) 491-5330

June 11, 1993

Ms. Eve Chu
Hazardous Material Division
Alameda County Health Care Services Agency
Dept. of Environmental Health
State Water Resources Control Board
80 Swan Way, Room 200
Oakland, California 94621

Re: 5330 Foothill Blvd., Oakland, California 94610

Dear Ms. Chu:

In response to your recent request, enclosed please find a copy of my letter to Mr. Thomas Peacock. Please do not hesitate to contact me if you have any questions regarding the attached letter.

Sincerely,

NORMOYLE & NEWMAN



Mary Ann Aguirre

MAA/kll
Enclosure
cc: Ted Simas (U.S. Mail)

maryann\cr\chu

LAW OFFICES OF
NORMOYLE & NEWMAN

A PROFESSIONAL LAW CORPORATION

1700 STANDIFORD AVENUE - SUITE A-340
MODESTO, CALIFORNIA 95350
TELEPHONE (209) 521-9521 TELECOPIER (209) 521-4968

MICHAEL C. NORMOYLE
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MICHAEL L. ABBOTT
JOHN T. RESSO

PATRICK M. McGRATH
DAVID O. ROMANO, P.E.
Land Use Analysts

March 12, 1993

SP: D 3679

Thomas F. Peacock, Supervising HMS
Hazardous Material Division
Alameda County Health Care Services Agency
Dept. of Environmental Health
State Water Resources Control Board
80 Swan Way, Room 200
Oakland, California 94621

RE: 5330 Foothill Blvd., Oakland, California 94610

Dear Mr. Peacock:

I appreciated the opportunity to talk to you Wednesday afternoon regarding the above-referenced site (the "Site"). As we discussed, I have very recently been retained to represent Mr. Ted Simas and Xtra Oil Company in connection with this matter.

Due to my very recent involvement with this Site, our office needs an opportunity to become familiar with the facts concerning the Site and to analyze the legal questions raised in connection with this matter. Accordingly, as we agreed I will contact you on March 26, 1993 to further discuss this Site.

Thank you for your courtesy in this matter and I look forward to talking to you on March 26th.

Sincerely,



Mary Ann Aguirre

MAA:vlf
cc: Mr. Ted Simas
Xtra Oil Company (via facsimile)
maa\cr\peacock.312



Xtra Oil Company

2307 Pacific Avenue, Alameda, CA 94501
Tel. (510) 865-9503, Fax (510) 865-1889

March 8, 1993

ST 10 3674

ALAMEDA COUNTY HEALTH CARE SERVICES
Department of Environmental Health
80 Swan Way Room 200
Oakland, CA 94621

Attention: Thomas F. Peacock
Supervising HMS

Regarding: 5330 Foothill Blvd.
Oakland, California

Dear Mr. Peacock,

We are in receipt of your letters of 2/18/93, regarding the property at 5330 Foothill Blvd., Oakland.

We acquired this property in February 1983 and sold it in August 1983. We never opened or operated the station during our brief ownership.

We have no knowledge as to what has transpired on this property and will need additional time to seek counsel.

Our counsel will be contacting you by the end of this month.

Very truly yours,


Edward T. Simas

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

February 18, 1993
STID 3674

Xtra Oil Co.
ATTN: Edward T. Simas
2307 Pacific Ave.
Alameda, CA 94501

Re: 5330 Foothill Blvd., Oakland, CA 94610

Dear Edward Simas:

This office has reviewed reports of the underground storage tank removals performed at the above referenced site on June 1, 1988 and subsequent soil analysis. The following comments are to be considered:

It is clear that the elevated volatile hydrocarbon concentrations (as high as 627 ppm TPHg) in soil at the above site requires a soil and groundwater investigation.

I have enclosed the document, Appendix A, Workplan for Initial Subsurface Investigation, a guidance document published by the Regional Water Quality Control Board (RWQCB).

Appendix A is to be used in conjunction with the RWQCB's Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, the State Water Resources Control Board Leaking Underground Fuel Tank (LUFT) Field Manual, and Article II of Title 23, Calif. Code of Regulations when developing the scope of the Preliminary Site Assessment (PSA) work plan.

Please be advised this office is working in conjunction with the RWQCB to oversee the remediation of hydrocarbon contaminated sites such as these. The RWQCB is the agency entrusted to protect the waters of the state.

Please submit a workplan as described in the above documents to this office within thirty (30) days of this letter.

You should consider this a formal request for technical reports pursuant to the California Water Code Section 13267 (b). All workplans, analytical results or reports should be sent to our office and to that of the RWQCB to the attention of Mr. Rich Hiatt. Their address is 2101 Webster St., Fourth Floor, Oakland CA 94612. Be aware that failure to submit the requested documents may subject you to civil liabilities.

5330 Foothill Blvd., Oakland, CA 94610

STID 3674

February 18, 1993

Page 2 of 2

If you have any questions please call this office at (510) 271-4530.

Sincerely,



Thomas F. Peacock, Supervising HMS
Hazardous Material Division

cc: R. Hiett, RWQCB

Hue Crosby, 3015 - 38th Ave., Oakland, CA 94610

Marcela & Miguel Florez, 802 Sea Chase Dr., Redwood City,
CA 94605

M. & Jorge Del Rio, 802 Sea Chase Dr., Redwood City,
CA 94605

Gil Jensen, Alameda County District Attorney's Office
enclosures

80110105

ST 10 36 74

L.HUE CROSBY
1414 REGENT DRIVE
SAN LEANDRO, CA. 94577
1 - 21 - 93

ALAMEDA COUNTY,
HEALTH CARE SERVICE AGENCY:

Dear Mr. Peacock,
Re. 5330 Foothill blvd, Oakland, Calif. 94601. 610

In response to your letter of December 28, 1992, I came to your office to present my point of view. As it happen you were on vacation. so I am writing to present my side of the story.

I contracted to purchase the parcel known as 5330 Foothill blvd on Oct.18,1983,not knowing that there was a problem with the tanks. In fact the pumps had been closed for some time and I had no intention of operating them. At the time I owned the building next door and was operating a night club there.I was buying the lot to provide parking for my patrons. I sold the club in 1988, and decided that I had no use for the lot,,So I contracted to sell it to Me. Clark. While the contract was in escrow, Mr. Clark had the tanks removed. In the process he found that there was a leak in the tanks. He operated a car detail business on the lot but made no further payments.

On April , 8,1989, I ceased payment and left the lot for foreclosure. Mr. Simas refuse to foreclose or even respond. I have never made another payment and presumed that the property had reverted back to h im. On Feb. 4,1991 the lot was sold to Mr. and Mrs . Jorge Del Rio. Mr. Simas collected the money as we were out of it. Mr. Clark and I paid to have the tanks removed but I am not in a position to pay for the contamination of the soil or other cost that may occur.

In my openion the sole responsibility for the clean up belongs to Simas Brothers, MR EDWARD T. SIMAS - EXTRA OIL COMPANY.

I am inclosing papers that may be helpful.

Thank you, L. Hue Crosby
L. HUE CROSBY

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

December 28, 1992
STID # 3674

Hue Crosby
3015 - 38th Ave.
Oakland, CA 94610

Re: 5330 Foothill Blvd., Oakland, CA 94610

FINAL NOTICE OF VIOLATION

Dear Mr. Crosby:

You were sent a letter regarding requirements for conducting a Preliminary Site Investigation subsequent to underground fuel tank removals at the above site. You were notified in letters dated June 19, 1989 by Larry Seto, November 20, 1990 by Larry Seto, and April 24, 1992 by Paul Smith and Britt Johnson. You were also given an extension on submitting the plan until August 1992. To date, this office has not received any contact regarding these items or this site.

Please respond within 30 days and provide the information requested as required by Title 23, Div. 3, Chap. 16, Art. 11, 2722 of the California Administrative code.

Please contact this office should you have any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas Peacock".

Thomas Peacock
Supervising Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney Office
Lester Feldman, RWQCB
Miguel Florez, 802 Sea Chase Dr., Redwood City, CA 94605
Enclosure

~~ENCLOSURE~~ EBT

COP ST ~~3674~~ 3674
DREAM RIDE 5330 FOOTHILL OAKLAND

5/27/92

LONG TELEPHONE CONVERSATION RE
THE PSA PROCESS + HOW TO SELECT
AS TECHNICAL CONSULTANT

9:45 - 10:15 AM

ALSO GAVE HIM A EXTENSION TO
8/1/92 TO SUBMIT PSA

BRIT JOHNSON

Dream Ride Limousine Service, 5330 Foothill Blvd., Oakland, 94610
- LOP 3674

TP

4/24/92 letter requesting a PSA was sent to the joint owners
Miguel Florez and Hue Crosby.

5/27/92, Miguel Florez called to discuss PSA and how to select a
consultant. Asked for and given an extension to 8/1/92 to submit
PSA.

TP 627, *[signature]*

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

Certified Mail # P 118 918 688[®]

STID# 3674

April 24, 19922

Hue Crosby
3015 - 38th Ave.
Oakland, CA 94610.

Miguel Florez
802 Sea Chase Dr.
Redwood City, CA 94605

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

RE: **Dream Ride Limousine Service, 5330 Foothill Blvd, Oakland,
CA 94610**

Dear Sirs:

The case file for the above referenced site has recently been reviewed by Britt Johnson, Hazardous Materials Specialist of our staff. An underground gasoline storage tank was removed from this site in June 1988. On several occasions this office has requested a Workplan to assess any groundwater contamination which might have been caused by the operation of the former underground storage tanks at this site.

On June 19, 1989 and November 20, 1990 Larry Seto of the Department indicated in writing that your May 19, 1989 workplan, prepared by Polymatrix was unacceptable.

High concentrations of Total Petroleum Hydrocarbons as gasoline (TPH-g), were found at this site beneath the tank when the tank was removed in June 1988. In the soil up to 627 parts per million (ppm) was found and in the groundwater up to 6.0 ppm was found. High concentrations of TPH-g, were again found in the soils sampled on or about April 22, 1989. On both occasions the soil was not analyzed for the presence of Benzene, Toluene, Xylenes, or Ethylbenzene, as required by the San Francisco Bay Regional Water Quality Control Board (RWQCB) Guidelines.

Guidelines established by the RWQCB require that a groundwater investigation and monitoring program be established whenever any detectable groundwater contamination and/or soil hydrocarbon contamination reaching or exceeding 100 parts per million (ppm) is detected. This investigation must also define the lateral and vertical extent of both the soil and groundwater contamination.

The investigation shall be in the form of a **Preliminary Site**

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

Certified Mail # P 118 918 689

STID# 3674

April 24, 1992

Hue Crosby
3015 - 38th Ave.
Oakland, CA 94610.

Miguel Florez
802 Sea Chase Dr.
Redwood City, CA 94605

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

RE: **Dream Ride Limousine Service, 5330 Foothill Blvd, Oakland,
CA 94610**

Dear Sirs:

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Guidelines established by the RWQCB require that a groundwater investigation and monitoring program be established whenever any detectable groundwater contamination and/or soil hydrocarbon contamination reaching or exceeding 100 parts per million (ppm) is detected. This investigation must also define the lateral and vertical extent of both the soil and groundwater contamination.

The investigation shall be in the form of a **Preliminary Site**

Assessment, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tank Sites.

In order to proceed with a site investigation, you should obtain the professional services of a reputable environmental consultant. All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer. Please include a statement of qualifications for each lead professional involved with this project.

This Department will oversee the assessment and remediation of your site. Submit all reports and direct all questions to this Department. Copies of reports should be sent to the RWQCB at 2101 Webster Street, Suite 500, Oakland, CA 94612. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, 5997 Parkside Drive, Pleasanton (510) 484-2600.

The PSA proposal is due within 45 days of the date of this letter, **or by June 1, 1992.** Once your workplan is approved, field work must commence within 60 days. A report must be submitted within 45 days after completion of this work is complete. Subsequent reports are to be submitted **quarterly** until this is recommended for "sign off" by this Department and approved by the RWQCB. Quarterly reports are due the first day of the second month of each subsequent quarter (i.e., May 1, August 1, November 1, and February 1).

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

- Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- Status of groundwater contamination characterization.
- Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps

Crosby & Florez
April 24, 1992
Page 3 of 3

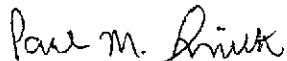
for each target component, geologic cross sections, etc.

- Recommendations or plans for additional investigative work or remediation.

Please be advised that this a formal request for technical reports pursuant to California Water Code Section 13267 (b). Failure to respond or a late response could result in the referral of this case to the RWQCB for enforcement. The RWQCB can impose civil penalties of up to a \$1,000 per day. Any extensions of stated deadlines, or modifications of the required tasks, must be confirmed in writing by this Department.

If you have any questions, please contact Britt Johnson, Hazardous Materials Specialist, at 510-271-4320.

Sincerely,



Paul Smith
Senior Hazardous Materials Specialist

cc: Edgar Howell, Chief Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, Cal-EPA, DTSC

Attachment

P 118 918 688

65

AC



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to	
Street and No.	
P. O., State and ZIP Code	
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	

SENDING: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will be your name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1. Show to whom delivered, date, and addressee's address. (Extra charge)
- 2. Restricted Delivery (Extra charge)

3. Article Addressed to: Hue Crosby 3015 - 38th Avenue Oakland, CA 94610		4. Article Number P 118 918 688	
		Type of Service: <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	
5. Signature - Address X		Always obtain signature of addressee or agent and DATE DELIVERED.	
6. Signature - Agent X <i>[Signature]</i>		8. Addressee's Address (ONLY if requested and fee paid)	
7. Date of Delivery 4/30/92			

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

Certified Mail # P 118 918 688

STID# 3674

April 24, 19922

Hue Crosby
3015 - 38th Ave.
Oakland, CA 94610.

Miguel Florez
802 Sea Chase Dr.
Redwood City, CA 94605

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

RE: **Dream Ride Limousine Service, 5330 Foothill Blvd, Oakland,
CA 94610**

Dear Sirs:

The case file for the above referenced site has recently been reviewed by Britt Johnson, Hazardous Materials Specialist of our staff. An underground gasoline storage tank was removed from this site in June 1988. On several occasions this office has requested a Workplan to assess any groundwater contamination which might have been caused by the operation of the former underground storage tanks at this site.

On June 19, 1989 and November 20, 1990 Larry Seto of the Department indicated in writing that your May 19, 1989 workplan, prepared by Polymatrix was unacceptable.

High concentrations of Total Petroleum Hydrocarbons as gasoline (TPH-g), were found at this site beneath the tank when the tank was removed in June 1988. In the soil up to 627 parts per million (ppm) was found and in the groundwater up to 6.0 ppm was found. High concentrations of TPH-g, were again found in the soils sampled on or about April 22, 1989. On both occasions the soil was not analyzed for the presence of Benzene, Toluene, Xylenes, or Ethylbenzene, as required by the San Francisco Bay Regional Water Quality Control Board (RWQCB) Guidelines.

Guidelines established by the RWQCB require that a groundwater investigation and monitoring program be established whenever any detectable groundwater contamination and/or soil hydrocarbon contamination reaching or exceeding 100 parts per million (ppm) is detected. This investigation must also define the lateral and vertical extent of both the soil and groundwater contamination.

The investigation shall be in the form of a **Preliminary Site**

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

Certified Mail # P 118 918 689

STID# 3674

April 24, 19922

Hue Crosby
3015 - 38th Ave.
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DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
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(510) 271-4320

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The investigation shall be in the form of a **Preliminary Site**

Assessment, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tank Sites.

In order to proceed with a site investigation, you should obtain the professional services of a reputable environmental consultant. All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer. Please include a statement of qualifications for each lead professional involved with this project.

This Department will oversee the assessment and remediation of your site. Submit all reports and direct all questions to this Department. Copies of reports should be sent to the RWQCB at 2101 Webster Street, Suite 500, Oakland, CA 94612. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, 5997 Parkside Drive, Pleasanton (510) 484-2600.

The PSA proposal is due within 45 days of the date of this letter, **or by June 1, 1992**. Once your workplan is approved, field work must commence within 60 days. A report must be submitted within 45 days after completion of this work is complete. Subsequent reports are to be submitted **quarterly** until this is recommended for "sign off" by this Department and approved by the RWQCB. Quarterly reports are due the first day of the second month of each subsequent quarter (i.e., May 1, August 1, November 1, and February 1).

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

- Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- Status of groundwater contamination characterization.
- Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps

Crosby & Florez
April 24, 1992
Page 3 of 3

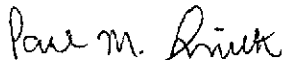
for each target component, geologic cross sections, etc.

- Recommendations or plans for additional investigative work or remediation.

Please be advised that this a formal request for technical reports pursuant to California Water Code Section 13267 (b). Failure to respond or a late response could result in the referral of this case to the RWQCB for enforcement. The RWQCB can impose civil penalties of up to a \$1,000 per day. Any extensions of stated deadlines, or modifications of the required tasks, must be confirmed in writing by this Department.

If you have any questions, please contact Britt Johnson, Hazardous Materials Specialist, at 510-271-4320.

Sincerely,



Paul Smith
Senior Hazardous Materials Specialist

cc: Edgar Howell, Chief Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, Cal-EPA, DTSC

Attachment

P 118 918 689 **BT**



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sender	
Street and No.	
P.O., State and ZIP Code	
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	

NOTE: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

- 1. Show to whom delivered, date, and addressee's address. (Extra charge)
- 2. Restricted Delivery (Extra charge)

3. Article Addressed to:

Miguel Florez
802 Sea Chase Drive
Redwood City, CA 94605

4. Article Number
P 118 918 689

- Type of Service:
- Registered
 - Certified
 - Express Mail
 - Insured
 - COD
 - Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
Miguel Florez

6. Signature - Agent
X

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

7. Date of Delivery

INSTRUCTIONS
FOUNDERS TITLE COMPANY **SELLER'S COPY**

1218 Valencia Street, San Francisco, CA 94110
 Phone No (415) 282-0114
 Property Address 5330 FOOTHILL BLVD.
 OAKLAND, CA

Escrow Officer Shirley Hamilton
 Escrow No. 264-346-2-SH
 Date 02/04/91

The undersigned hand you herewith: See attached paragraph 1

You are authorized to deliver or record all of said documents and disburse all funds deposited in this escrow for my account, in accordance with the instructions herein, and the statement included herein, when you can cause to be issued a policy of Title Insurance in the amount of \$ 45,000.00 insuring property described in your report under the above number to be vested as instructed by buyer.
 Obtain Note and 1st Deed of Trust from buyer to seller for \$ 4,500.00 naming Payee and Beneficiary as
 L. HUE CROSBY and RUBY CROSBY, husband and wife

said Note shall be payable \$ 400.00 or more per month including interest at 12.000 % per annum.
 Interest to start: CLOSE OF ESCROW The first payment shall be due 30 DAYS FR COE
 Due in full: 1 YEAR FROM COE

See attached paragraph 2

Unless otherwise instructed in writing concerning the type of policy to be issued, you are to issue a Standard Form CLTA Policy to Seller showing said Deed of Trust subject to the exceptions in your Preliminary Report which are to be shown in Buyer's Title Insurance Policy.

As of 02/15/91 est. prorate on the basis of a 30 day month: Taxes (Based on the most recent tax bill available); Assessments;
 Fire Insurance premiums (if acceptable to buyer); Interest on existing loan; Mortgage insurance; Rents; Homeowners Assoc. Dues.
 Credit existing loan trust funds, if any, to seller.

SELLER'S STATEMENT

CHARGES CREDITS

	CHARGES	CREDITS
1 Sales Price		45,000.00
2 Loan to FLOREZ		
3 Loan Payoff to EDWARD T. SIMAS (\$37,833.37)	4,500.00	
4 Current Balance	30,408.49	
5 Interest, 04/01/89 to 02/21/91, 691 days @ \$9.9972-day (est.)	6,908.07	
6 Late Charge	418.37	
7 ADD'T. LATE FEE @\$24.61 X 4 MOS.	98.44	
8 Both Install 90-91 Taxes	954.16	
9 Delinquent taxes	1,131.17	
0 Prorata R.E. Taxes, 02/15/91 to 07/01/91, 136 days @ \$2.4896-day (est.)		338.59
1 Reconveyance Fee	75.00	
2 Notary Fee	20.00	
3 Drawing Fees	75.00	
4 County Transfer Tax	49.50	
5 City Transfer Tax	213.75	
6 Recording Fees	20.00	
7 Due to Seller (est.)	466.64	
8		
9 TOTALS	45,338.59	45,338.59
0		
1		
2		
3		
4		
5		
6		
7		
8		
9		
0		
1		

J.M.D.

Buyer: 508-1074

These instructions shall remain in full force and effect until rescinded in writing. See reverse hereof for additional escrow provisions, which are incorporated herein and hereby approved. The undersigned certifies that there are no encumbrances or liens affecting said property other than as shown on the above mentioned report. The undersigned agree to pay any balance for fees, costs or shortage due in connection with these instructions.

It is agreed and understood that this document and agreement shall be the whole and only agreement between the parties hereto with regard to the instructions and the obligations of the title company named herein, in connection with this escrow, and shall supersede and cancel any prior instructions. You are specifically directed to follow these instructions only, and you shall have no responsibility to follow the terms of any prior agreements entered into between the parties hereto. In the event any dispute is brought before a court of law, the terms of these instructions shall govern.

Instructions for Transferor

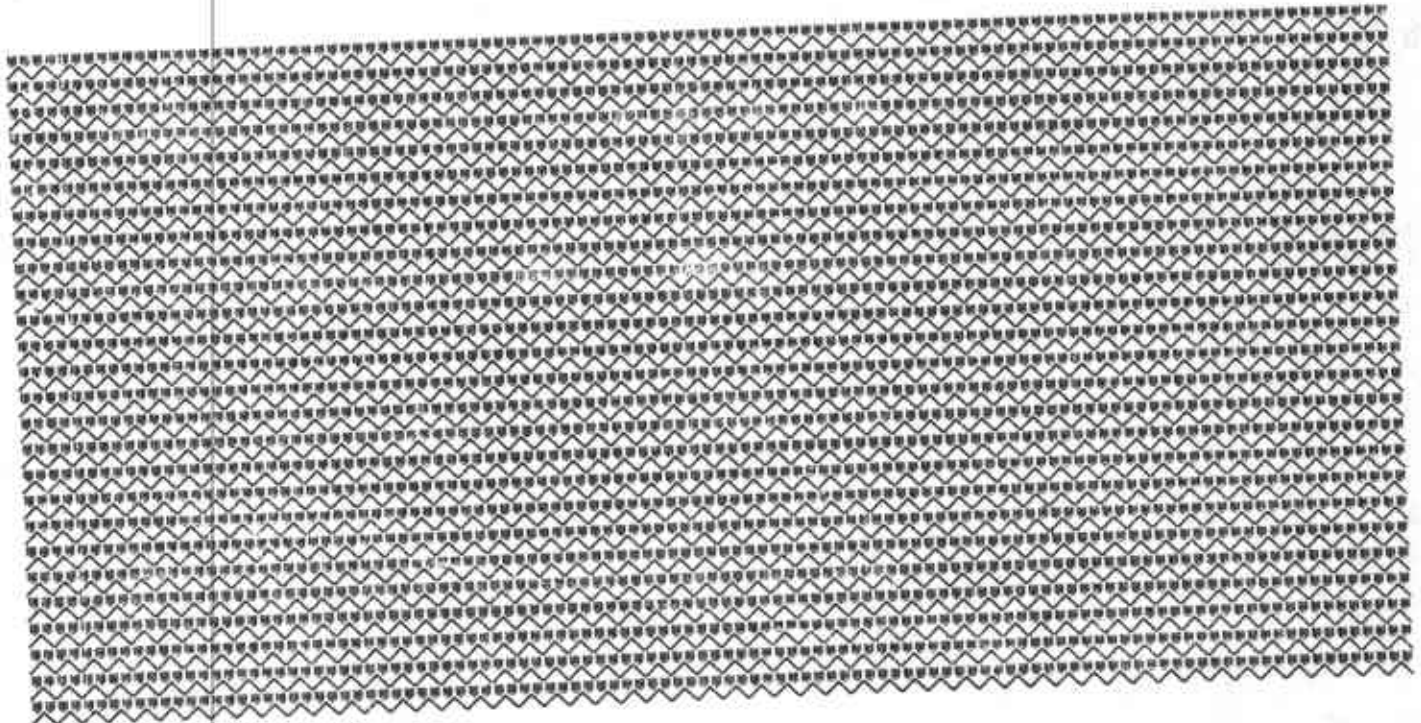
Generally, persons responsible for closing a real estate transaction must report the real estate proceeds to the Internal Revenue Service and must furnish this statement to you. If the real estate transferred was your main home, file FORM 2119, Sale of Your Home, with your income tax return even if you sold at a loss or you did not replace your home. If the real estate transferred was not your main home, report the transaction in the applicable parts of FORM 4797, Sales of Business Property, FORM 6252, Installment Sale Income, and/or SCHEDULE D (FORM 1040), Capital Gains and Losses.

Box 1 - Shows the date of closing.

Box 2 - Shows the gross proceeds from a real estate transaction. Gross proceeds include cash and notes payable to you and notes assumed by the transferee (buyer). It does not include the value of other property or services you received or are to receive. See Box 4.

Box 3 - Shows the address of the property transferred or a legal description of the property.

Box 4 - If marked, shows that you received or will receive services or property (other than cash or notes) as part of the consideration for the property transferred. The value of any services or property (other than cash or notes) is not included in Box 2.



CORRECTED (if checked)

FILER'S name, street address, city, state, and ZIP code FOUNDERS TITLE COMPANY 1218 VALENCIA STREET SAN FRANCISCO CA 94110		OMB No. 1545-0097 1991	Proceeds From Real Estate Transactions
FILER'S Federal identification number 94-1692173	TRANSFEROR'S identification number 427-22-1954	1 Date of closing 02/21/91	2 Gross proceeds \$ 45,000.00
TRANSFEROR'S name S HUE CROSLY Street address (including apt. no.) 1414 REGENT DR City, state, and ZIP code SAN LEANDRO CA 94577		3 Address or legal description 264-346-2 5330 FOOTHILL BLVD OAKLAND CA 94601	Copy B For Transferor This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this form is required to be reported and the IRS determines that it has not been reported.
Account number (optional) 1003117		4 Transferor received or will receive property or services as part of the consideration (if checked) <input type="checkbox"/>	

Department of the Treasury - Internal Revenue Service

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mail #P 062 128 321

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

November 20, 1990

Mr. C. Hue Crosby
Dream Ride Limousine
5330 Foothill Blvd.
Oakland, CA 94610

RE: 5330 Foothill Blvd., Oakland, CA

Dear Mr. Crosby:

A letter dated June 19, 1990, was addressed to you requesting a modified work plan for the above site. The workplan you submitted dated May 19, 1989, prepared by Polymatrix, was unacceptable. As of this date, we have not received your modified plan. Please submit this plan within thirty (30) days of the receipt of this letter.

If you have any questions, please contact me at 271-4320.

Sincerely,

Larry Seto, Senior
Hazardous Materials Specialist

LS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency

RWQCB

Charlene Williams, DOHS

Abdo Allen Company

Rafat A. Shahid, Assistant Agency Director, Environmental Health
Files

P 062 128 321

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, June 1983

Sent to Dream Ride Limo	
Street and No. 5330 Foothill Blvd	
City and ZIP Code Oakland 94610	
Postage	5
Certified Fee	
Special Delivery Fee	
Priority Mail Fee	
Return Receipt (basic)	
Return Receipt (with address)	
Return Receipt (with signature)	
Return Receipt (with signature and address)	
Return Receipt (with signature and address and postage and fees)	5
Postmark or Date	

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
 2. Restricted Delivery (Extra charge)

3. Article Addressed to: MR. C. Hue Crosby Dream Ride Limousine 5330 Foothill Blvd. Oakland CA 94610	4. Article Number P062 128 321
5. Signature Address X <i>Charles Crosby</i>	Type of Service: <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 X P.S.	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery 11-28-90	8. Addressee's Address (ONLY if requested and fee paid)

October 31, 1990

TO: L. HUE AND RUBY CROSBY, Sellers:

The undersigned buyers of real property commonly known as 5330 Foothill Boulevard, Oakland, California acknowledge that they have been informed by the sellers that such real property has possible soil contamination problems. Buyers agree that they release the sellers from any claim they may have in this regard.

Jorge del Rio

Maria del Rio

Ruby Crosby

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mail # P833 981 451

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

June 19, 1989

Mr. L. Hue Crosby
Dream Ride Limousine Service
5330 Foothill Blvd.
Oakland, CA 94610

RE: 5330 Foothill Blvd., Oakland, CA

Dear Mr. Crosby:

We have received and reviewed your site investigative and remediation plan dated May 19, 1989 by your consultant, Polymatrix. This plan is unacceptable. Your plan must address all the items in our letter dated October 31, 1988. In addition, prior approval from this office is required before anymore work is done at this site.

Please submit your revised investigative/remediation plan to our office within thirty (30) days of the receipt of this letter.

If you have any questions, please contact Larry Seto, Senior Hazardous Materials Specialist, at 271-4320.

Sincerely,

Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:LS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency

RWQCB

Doug Krause, DOHS

Fred David, Polymatrix

Abdo Allen, Contractor

Larry Seto, Alameda County Hazardous Materials
Files

Bernard Rose, Attorney

P 833 981 451

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, June 1985

Sent to <i>Mr. L. Hue Crosby</i>	
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	

SENDER: Complete items 1 and 2 when additional services are desired. See complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Mr. L. Hue Crosby Dream Ride Limousine 5330 Foothill Blvd. Oakland, CA 94610</i>	4. Article Number <i>P 833 981 451</i>
5. Signature - Addressee <i>[Signature]</i>	Type of Service: <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 <i>X</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery <i>6-21-89</i>	8. Addressee's Address (ONLY if requested and fee paid)

Bernard Rose

Spinetta

Randall & O'Dea
1800 Harrison
Suite 1771
Oak 94612
836-3555

4-20-89

Larry Blaser of Alameda County P.A., Bernard Rose, attorney for Mr. Hue Crosby, owner of Dream Ride Limousine Services and Camy Selt met for a meeting in the D.A. office. Mr. Rose showed us letters he wrote to contractors requesting a bid for an investigation plan. He said Mr. Hue Crosby brought the property from Mr. Simas of Sims Brothers Gas ^{inc 1984}. He was enjoined at the time U.G.T. were on the property, but not to worry. Mr. Crosby never used the tanks, and only used the property to park limousines. He will cooperate in the clean-up, and will attempt to get the previous owner Mr. Simas to get involved. Mr. Crosby has signed an agreement with Harding Lawson Associates to proceed with the site investigation. Mr. Rose said a Mr. Mike Thompson, Senior Engineer of Harding Lawson will forward their work plan within the next week to him. He will then send me a copy.

5/17/89

Fred Davis of Poly Mater's Ass. at 582-1641 said he will send me a remediation plan.

∴ It would seem in review of the RP identification criteria, the current owners of the property should have been named as RPs, in addition to Simas Bros., as the owner/operator of the USTs immediately before the discontinuation of their use.

(I understand that there are several properties in the county which have had the same thing occur: contaminated sites [former gas stations] were sold to unsuspecting buyers, or turned over to the current property owners when the Simas lease was terminated.) Clearly, as owners of the site when the contamination was first documented, the Crosbys were also correctly named as RPs, but, also clearly, others should also be sharing this burden.

I advised the Crosbys to do three things:

- 1) Retain an attorney to unravel the title / responsibility issues
- 2) Call you the week of your return
- 3) Follow-up our meeting and your pending phone conversation with a letter describing their intended course of action (i.e., getting an attorney, etc.)

LAW OFFICES

SPINETTA, RANDICK & O'DEA

1800 HARRISON, SUITE 1771
OAKLAND, CALIFORNIA 94612

PETER L. SPINETTA
ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
KIM H. BOLLINGER
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, Ph.D.
REBECCA T. DIXON

TELEPHONE
(415) 836-3555

FAX (415) 834-4748

April 12, 1989

Lawrence C. Blazer
Deputy District Attorney
Alameda County District Attorney's Office
Consumer and Environmental Protection Division
24405 Amador Street
Hayward, CA 94544

Re: Citation Hearing Scheduled for
April 20, 1989,
Regarding Property Located at
5330 Foothill Blvd, Oakland

Dear Mr. Blazer:

This firm represents Mr. Hue Crosby, the present owner of property located at 5330 Foothill Blvd., Oakland. On March 27, 1989, I received a copy of a Notice of Citation Hearing regarding alleged violations of various provisions of the Health and Safety Code governing the Underground Storage of hazardous substances.

For the following reason, it is requested that the hearing be canceled and taken off calendar:

When Mr. Crosby first approached our firm, he already had in hand one estimate from Gettler - Ryan environmental consultants for a site investigation to evaluate the extent of contamination and recommend remedial measures. The estimate seemed high to me based on the limited studies that had been done at the site to date so I recommended that a couple additional estimates be obtained. I then wrote a letter to Ms. Mary Jo Meyers of the Alameda County Environmental Health Department apprising her of the fact that additional bids were being sought and requesting time to get and evaluate them (a copy of that letter is enclosed). Subsequently, estimates were requested from Wahler Associates and Applied GeoSystems. Copies of my letters to those organizations are also enclosed. The bids were eventually received and just as we were finalizing our evaluation and selection from among them, the citation notice reached me.

Lawrence C. Blazer
April 12, 1989
Page 2

Mr. Crosby has chosen the consultant he wishes to do the work, a contract is being signed and deposit made and work is scheduled to begin promptly.

It is clear that what happened here is a simple breakdown in communication. Getting and evaluating the additional bids took a longer than originally estimated and no one thought to let Ms. Meyers know that a little extra time was needed. However, the reasonableness of desiring additional bids on work projected to cost anywhere from \$10,000 to \$40,000 would appear beyond reproach. This, together with the fact that the project is once again on track and progressing apace seems to obviate the need for a citation hearing.

I would appreciate hearing from your office at your earliest convenience with word as to whether you do or do not concur in my analysis of the situation and are willing to grant my request that the hearing be canceled.

Your patience and cooperation in this matter is appreciated.

Very Truly Yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:vlk
Enclosures
cc: Ms. Mary Jo Meyers

4/19/89

I called 534-3774 and asked for
Hue Crosby. A gentleman answered the
phone and said to call back at 10:00.
I asked him to have Crosby call me
and he got nasty. I told him Crosby
had a D.A. hearing tomorrow at 1:30 PM
and she should attend.

Mike Thompson
see entry at Harding
Cameron

LAW OFFICES

SPINETTA, RANDICK & O'DEA

1800 HARRISON, SUITE 1771
OAKLAND, CALIFORNIA 94612

PETER L. SPINETTA
ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
KIM H. BOLLINGER
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, Ph.D.
REBECCA T. DIXON

TELEPHONE
(415) 836-3555
FAX (415) 834-4748

April 12, 1989

Ms. Mary Jo Meyers
Alameda County Environmental
Health Department
80 Swan Way, Room 200
Oakland, CA 94621

Re: Citation Hearing Scheduled for
April 20, 1989,
Regarding Property Located at
5330 Foothill Blvd., Oakland

Dear Ms. Meyers:

Enclosed is a letter I wrote to Mr. Lawrence Blazer of the District Attorney's Office, Consumer and Environmental Protection Division. I hope, based on the information presented in the letter, if you should be contacted by Mr. Blazer, you will see fit to agree with my analysis and, if asked, concur in my request to cancel the citation hearing.

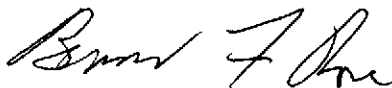
As I stated in the letter to Mr. Blazer, the problem quite apparently revolves around a breakdown in communication for which I apologize.

I am happy to report, however, that work should begin very shortly on the project and I will attempt to keep you fully informed as to the progress thereon.

If you have any questions or would like to discuss the situation further, please do not hesitate to call.

Very Truly Yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:vlk
Enclosures

ALAMEDA COUNTY
DEPT. OF ENVIRONMENTAL HEALTH
HAZARDOUS

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY
~~XXXXXXXXXXXXXXXXXXXX~~ Agency Director



Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

March 6, 1989

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
(415) 271-4320

Dream Ride Limousine Service
5330 Foothill Blvd.
Oakland, CA 94610
Attn: L. Hue Crosby

533-1648, 534-3374 ← Sept 1988

FINAL NOTICE OF VIOLATION

Dear Mr. Crosby:

On July 28, 1988 and October 6, 1988, notices of violation were sent to you by our office, requesting information to be submitted concerning the above site. As of yet, we have not received any reply from you or a consultant, about the site.

You are hereby informed that this case has been referred to the Alameda County District Attorney's office for review.

If you have any questions regarding the above, please contact Mary Jo Meyers-Barnes, Hazardous Materials Specialist, at (415) 271-4320.

Sincerely,

Rafat A. Shahid, Chief
Hazardous Materials Division

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency

RWQCB

Mike D. Thompson, Project Engineer, Harding Lawson Associates
Mary Jo Meyers-Barnes, Hazardous Materials Specialist
Files

LAW OFFICES

SPINETTA, RANDICK & O'DEA

1800 HARRISON, SUITE 1771
OAKLAND, CALIFORNIA 94612

TELEPHONE
(415) 836-3555
FAX (415) 834-4748

PETER L. SPINETTA
ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
KIM H. BOLLINGER
ANN M. HANSEN
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, Ph.D.
REBECCA T. DIXON

January 20, 1989

Fox # 651-8647

Mr. Bill Howell
Applied GeoSystems
43255 Mission Boulevard
Fremont, CA 94539

RE: Invitation to Bid on Site Investigation
and Remediation Project - Gasoline Station

Dear Mr. Howell:

Pursuant to an order issued by the Alameda County Environmental Health Department, a site evaluation and potential remediation is to be undertaken at the following location:

5330 Foothill Blvd.
Oakland, California

You are hereby invited to submit a bid for the performance of the initial site assessment and evaluation of potential remediation procedures should the site evaluation indicate such to be required.

Bids will be received at this office until 10:00 a.m. on February 10, 1989. Bids received after that time will not be considered. This office is acting as the agent of the owner of the property, Mr. Hue Crosby, for the purpose of soliciting bids only; actual contractual arrangements will be made with, and performance of the work will be supervised by, the owner, personally or through his designated agent for those purposes.

Enclosed are specifications for the work to be performed and all technical data available at this time.

If you have any questions concerning technical aspects of the project, the bidding specifications or bidding procedures, please do not hesitate to call.

I look forward to receiving your response to this invitation on or before the above-mentioned date.

Very truly yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:spr
Enclosures

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TELEPHONE
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FAX (415) 834-4748

February 17, 1989

Mr. Bill Lawson
Wahler Associates
1023 Corporation Way
P.O. Box 10023
Palo Alto, CA 94303

RE: Additional information pertinent to bid on
remediation work
Location: Dream Ride Limousine Service
5330 Foothill Boulevard
Oakland, California

Dear Mr. Lawson:

Enclosed is the information I promised you concerning the investigatory work already performed at the above-indicated contamination site.

I would appreciate it if you could now prepare your bid as rapidly as possible since the Alameda County Environmental Health Department is breathing down our necks and we have to offer them something substantial soon.

If you have any questions or wish to discuss the situation further, please do not hesitate to call.

I look forward to receiving your bid in the near future.

Very truly yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:spr
Enclosure

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY
~~XXXXXXXXXX~~ Agency Director



Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

March 6, 1989

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
(415) 271-4320

Dream Ride Limousine Service
5330 Foothill Blvd.
Oakland, CA 94610
Attn: L. Hue Crosby

FINAL NOTICE OF VIOLATION

Dear Mr. Crosby:

On July 28, 1988 and October 6, 1988, notices of violation were sent to you by our office, requesting information to be submitted concerning the above site. As of yet, we have not received any reply from you or a consultant, about the site.

You are hereby informed that this case has been referred to the Alameda County District Attorney's office for review.

If you have any questions regarding the above, please contact Mary Jo Meyers-Barnes, Hazardous Materials Specialist, at (415) 271-4320.

Sincerely,

Rafat A. Shahid, Chief
Hazardous Materials Division

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency

RWQCB
Mike D. Thompson, Project Engineer, Harding Lawson Associates
Mary Jo Meyers-Barnes, Hazardous Materials Specialist.
✓ Files

LAW OFFICES

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REBECCA T. DIXON

TELEPHONE
(415) 836-3555
FAX (415) 834-4748

January 5, 1989

RECEIVED
JAN 6 1989

HAZARDOUS MATERIALS
WASTE PROGRAM

Ms. Mary Jo Meyers
Alameda County Environmental
Health Department
80 Swan Way, Room 200
Oakland, CA 94621

RE: Environmental Contamination on Property
Located at 5330 Foothill Boulevard
Oakland, California

Dear Ms. Meyers:

As you requested during our January 3, 1989, phone conversation, this letter will serve as written affirmation of the fact that Mr. Hue Crosby, the present owner of the above-indicated contaminated property which is presently the subject of a preliminary site assessment order from your department, is diligently attempting to comply with that order.

Subsequent to purchasing the property, since it was not his intent to use the underground tanks thereon, Mr. Crosby was required by the county to remove them, which he did at considerable personal expense. During the removal process, it was discovered that hydrocarbon contamination of the area around the tanks had occurred. A site assessment was ordered and Harding Lawson Associates was retained to do the work. Harding Lawson examined the site and submitted an assessment proposal which the county rejected. A second proposal, which I presume was acceptable not having heard otherwise, was prepared and submitted to the county.

Everyone is ready to proceed except for one problem. Harding Lawson requires a \$3,000.00 deposit before it will commence work on the project which it is estimated will cost approximately \$15,000.00 when completed. Mr. Crosby, however, is unable to come up with that amount having already expended his extremely limited financial resources on tank removal and initial soil tests.

The previous owner of the property, Mr. Edward Simas, has been contacted and, through counsel, has requested additional information, which was provided. I was informed that Mr. Simas owned the property for only a short time prior to selling to

Ms. Mary Jo Meyers
January 5, 1989
Page 2

Mr. Crosby and, like Mr. Crosby, did not make any use of the underground tanks. I reminded Mr. Simas' counsel that ownership alone could be sufficient grounds for attaching liability vis-a-vis government cleanup orders. I then requested the identity of Mr. Simas' predecessor in interest so that I may contact that entity also. The urgency of the situation was, however, stressed as was my belief that the best approach is immediate cooperation in addressing the problem by all potentially responsible parties (PRPs). While waiting for Mr. Simas' response, Mr. Crosby is attempting to find alternate means of financing the work himself.

You indicated that, should steps to comply with the county's demands not be taken soon, you would be compelled to turn the matter over to the District Attorney. In light of the above, which, I believe, manifests due diligence under the circumstances on the part of Mr. Crosby, I respectfully request that the county afford us additional time to address the matter before taking such action. Although I assure you that we will pursue the matter with all haste, as you undoubtedly are aware, such negotiations do take time and I, therefore, request a 60-day extension before any additional action against my client is contemplated.

To assist me in impressing the severity of the situation on the other PRPs, I would appreciate a letter evidencing the concern of your department and that of the fire department, which you mentioned during our conversation, over this situation and your intention to involve the DA, should the PRPs not be able to resolve the matter between themselves. I also would appreciate some indication that the county is amenable to the requested time extension.

If you have any questions or wish to discuss the problem further, please do not hesitate to call.

Your patience and cooperation in this matter are greatly appreciated.

Very truly yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:spr

LAW OFFICES

SPINETTA, RANDICK & O'DEA

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REBECCA T. DIXON

TELEPHONE
(415) 836-3555

FAX (415) 834-4748

December 14, 1988

Mr. Edward T. Simas
Extra Oil Company
2200 Durant Avenue
Berkeley, CA 94704

RE: Environmental Contamination on Property at
5330 Foothill Boulevard, Oakland, California

Dear Mr. Simas:

This firm has been retained by Mr. Hue Crosby, the present owner of the above-indicated property, to assist him in ascertaining the potentially responsible parties (PRPs) liable for the remediation of environmental contamination at the site. As the former owner of the property, you are such a party.

Mr. Crosby purchased the property from you in 1983. Prior to the purchase you operated a service station on the property. As part of that business, several underground storage tanks were installed at some time in the past. Upon sale of the property to Mr. Crosby, use of the tanks was discontinued as Mr. Crosby did not continue the service station business. Recently, pursuant to state underground tank regulations, Mr. Crosby was ordered to remove the abandoned underground tanks. Mr. Crosby complied with the order. In the process, it was discovered that the soil and perhaps the groundwater on the property was contaminated with petroleum hydrocarbons.

The Alameda Department of Environmental Health immediately ordered a cleanup of the contamination. Under both state and federal law, all owners and operators, past and present, which, of course, includes you, of a contaminated site are liable for the cost of remediation ordered by a governmental entity. The same laws allow PRPs to seek indemnification from other PRPs whose responsibility for the problem can be shown to be greater than the party actually responding to the government's demands. There is no doubt in this case that your responsibility for the contamination far exceeds Mr. Crosby's in that only you, and not he, operated a services station on the site.

At this point, Mr. Crosby has taken the first steps toward compliance with the county's cleanup order. However, Mr. Crosby has no insurance on the property that would cover the

Mr. Edward T. Simas
December 14, 1988
Page 2

cost of continuing the work and the cost, although not yet great, has become prohibitive for him. It is for this reason that I am writing you.

If Mr. Crosby cannot foot the bill personally for the cleanup, which at this time he cannot do, the government will take over the property, contract out the work and then sue the PRPs. Clearly, cooperation among the PRPs in attacking the problem is preferable to governmental involvement. The government's approach is virtually always the most expensive one. In addition, delay, in and of itself, on the part of the PRPs can lead to much higher cleanup costs and correspondingly greater liability when the government comes to call. Your obvious liability in this matter under the applicable laws suggests that an immediate proactive response would be of substantial benefit to you in this situation.

I suggest that you contact an environmental attorney to verify what I have stated above and to obtain advice on how to proceed from here. For instance, it is quite possible that insurance you carried on the property when running the service station business could be invoked to cover the cost of the cleanup.

Since the Alameda County Department of Environmental Health is pressing for action on the cleanup, I would appreciate your response to this letter at your convenience, but, in no event, later than January 13, 1989. If I have not heard from you by then, I will assume that you do not wish to cooperate and I will be forced to advise Mr. Crosby accordingly as to future courses of action.

If you have any questions or wish to discuss the matter further before seeking the advice of counsel, please do not hesitate to call. I look forward to hearing from you in the near future.

Very truly yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:spr

cc: Hue Crosby

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

October 31, 1988

Telephone Number: (415) 271-4320

Dream Ride Limousine Service
1414 Region Drive
San Leandro, CA 94577
Attn: Mr. Crosby

Dear Mr. Crosby:

Our department has reviewed the proposal concerning site assessment of your site, Dream Ride Limousine Service, located at 5339 Foothill Blvd., Oakland CA, submitted October 24, 1988, by Harding Lawson Associates. The proposed investigative work is not adequate to define the extent of soil and groundwater contamination, therefore, we request the proposal to include the following additional information before any work is done at the site.

1. Submit additional \$600.00 Deposit For Health Agency Cost as per request
2. All soil and water samples taken must be analyzed for the following:
 - a. Total petroleum hydrocarbons - both, gasoline and diesel (low & high boilers - DOHS method)
 - b. BTX&E (8240)
3. Proposed completion dates for sampling/analysis, and remedial action plan/site mitigation.
4. Detailed personnel protection and safety plan, specific for the site.
5. The name of the certified laboratory that will be doing the analysis.
6. Names of trained person(s) who will be taking the samples.
7. Locations where soil boring and ground water well will occur - site plan, and why these locations were chosen.
8. Name of licensed hazardous waste hauler to be used.
9. Approved disposal site where hazardous waste will be taken.
10. Samples must be taken for analysis during soil boring every five feet.
11. Copies of soil boring log, signed by certified geologist or engineer.

Dream Ride Limousine Service
Page 2 of 2
October 31, 1988

Additionally, our office has as of yet not received the following documents, as was specified on the original closure plan:

1. TSD to Generator copies of wastes shipped and received, (underground fuel tanks)
2. Attachment A of closure plan summarizing laboratory results

Please be aware that, the above information is requested by Alameda County Department of Environmental Health, Hazardous Materials Program, for the Oakland site and does not include any additional information that may be required by other agencies.

Please resubmit your proposal for the Dream Ride Limousine site within 15 (15) days on or before ^{December 2, 1988} ~~November 18, 1988~~. After written approval by our department, site assessment proceedings may begin.

If you have any questions regarding the above, please contact Mary Jo Meyers-Barnes, Hazardous Materials Specialist, at (415) 271-4320.

Sincerely,

Rafat A. Shahid
Rafat A. Shahid, Chief
Hazardous Materials Division

cc: Mike D. Thompson, Project Engineer, Harding Lawson Associates
RWQCB
Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Mary Jo Meyers-Barnes, Hazardous Materials Specialist
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, CA 94621

October 6, 1988

Telephone Number: (415)271-4320

Certified Mail # P 691 211 067

Dream Ride Limousine Service
5330 Foothill Blvd.
Oakland, CA 94610
ATTN: L. Hue Crosby

SECOND NOTICE OF VIOLATION

Dear Mr. Crosby:

On July 28, 1988, a letter was sent to you by our office, requesting the following information to be submitted by August 30, 1988. As of yet, we have not received any reply from you or a consultant, about the site.

We have received the report of analytical results from the soil sampling that was performed at you facility during the removal of the tank on June 29 & 30, 1988. The soil samples were analyzed for total petroleum hydrocarbones (TPH) and were found to contain up to 627 parts per million TPH, and the ground waste sample contained 257 parts per million TPH. In accordance with Section 2610 of Title 23, California Code of Regulations, you are requested to submit documentation within fifteen (15) days, verifying the extent of contamination at the site.

- A. Please complete and submit the form titled "Underground Storage Tank Unauthorized Release (Leak) /Contamination Site Report". A copy is enclosed for your convenience.
- B. You will need to obtain professional services from a reputable engineering/consulting firm.

The responsibility of your consultant will be to establish the extent of contamination and provide professional judgement/recommendations, based on scientific data of the necessary remedial actions needed. A plan and time schedule for investigation should be submitted to this agency within thirty (30) days.

The following is a summary of the steps your consultant should take to evaluate the problem.

1. Preliminary Assessment
 - results of initial work done
 - proposal for the delineation of the site's contamination

Dream Ride Limousine Service
Oakland, CA 94610
Mr. L. Hue Crosby
Page 2 of 2
October 6, 1988

- site history

2. Site Investigation

- site geology and hydrogeology
- definition of lateral and vertical extent of contamination including soil and groundwater
- evaluation of mitigation alternatives

3. Final Remedial Plan

- plans for the removal of soil contaminants and recovery of fuel product and removal of dissolved constituents from the groundwater
- details and time frame for implementing the various remedial phases

C. Submit \$600.00 Deposit For Health Agency Cost

The information requested, must be submitted to this office within fifteen (15) days, on or before October 25, 1988.

Should you have any questions concerning this matter, please contact, Mary Jo Meyers-Barnes, Hazardous Materials Specialist, at 271-4320.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:MJM-B:mnc

Enclosure (1)

cc: City of Oakland Fire
RWQCB

Gil Jensen, Alameda County District Attorney, Consumer & Environmental Protection Agency

Mary Jo Meyers-Barnes
Files

P 691 211 067

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent No. <i>Dream Ride Limo</i>	
Street and No. <i>5330 Foothill Blvd.</i>	
P.O., State and ZIP Code <i>OAKLAND, CA 94610</i>	
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	

PS Form 3800, June 1985

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Room 200
Oakland, CA 94621

October 6, 1988

Telephone Number: (415) 271-4320

Certified Mail # P 691 211 067

Dream Ride Limousine Service
5330 Foothill Blvd.
Oakland, CA 94610
ATTN: L. Hue Crosby

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- A. Please complete and submit the form titled "Underground Storage Tank Unauthorized Release (Leak) /Contamination Site Report". A copy is enclosed for your convenience.
- B. You will need to obtain professional services from a reputable engineering/consulting firm.

The responsibility of your consultant will be to establish the extent of contamination and provide professional judgement/recommendations, based on scientific data of the necessary remedial actions needed. A plan and time schedule for investigation should be submitted to this agency within thirty (30) days.

The following is a summary of the steps your consultant should take to evaluate the problem.

1. Preliminary Assessment

- results of initial work done
- proposal for the delineation of the site's contamination

Dream Ride Limousine Service
Oakland, CA 94610
Mr. L. Hue Crosby
Page 2 of 2
October 6, 1988

- site history

2. Site Investigation

- site geology and hydrogeology
- definition of lateral and vertical extent of contamination including soil and groundwater
- evaluation of mitigation alternatives

3. Final Remedial Plan

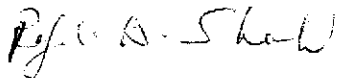
- plans for the removal of soil contaminants and recovery of fuel product and removal of dissolved constituents from the groundwater
- details and time frame for implementing the various remedial phases

C. Submit \$600.00 Deposit For Health Agency Cost

The information requested, must be submitted to this office within fifteen (15) days, on or before October 25, 1988.

Should you have any questions concerning this matter, please contact, Mary Jo Meyers-Barnes, Hazardous Materials Specialist, at 271-4320.

Sincerely,



Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:MJM-B:mnc

Enclosure (1)

cc: City of Oakland Fire

RWQCB

Gil Jensen, Alameda County District Attorney, Consumer & Environmental Protection Agency

Mary Jo Meyers-Barnes
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



July 28, 1988

Telephone Number: (415) 271-4320

Dream Ride Limousine Service
5330 Foothill Blvd.
Oakland, CA 94610
Attn: L. Hue Crosby

Dear Mr. Crosby:

We have received the report of analytical results from the soil sampling that was performed at your facility during the removal of the tank on June 29 - 30, 1988. The soil samples were analyzed for total petroleum hydrocarbons (TPH) and were found to contain up to 627 parts per million TPH, and the ground water sample contained 257 parts per million TPH. In accordance with Section 2610 of Title 23, California Code of Regulations, you are requested to submit documentation, within thirty (30) days, verifying the extent of contamination at the site.

A. Please complete and submit the form titled "Underground Storage Tank Unauthorized Release (Leak)/Contamination Site Report." This report must be filed immediately with the Health Agency. A copy is enclosed for your convenience.

B. You will need to obtain professional services from a reputable engineering/consulting firm.

The responsibility of your consultant will be to establish the extent of contamination and provide professional judgment/recommendations, based on scientific data, of the necessary remedial actions needed. A plan and time schedule for investigation should be submitted to this agency within thirty (30) days.

The following is a summary of the steps your consultant should take to evaluate the problem.

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 - proposal for the delineation of the site's contamination
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2. Site Investigation
 - site geology and hydrogeology
 - definition of lateral and vertical extent of contamination including soil and groundwater
 - evaluation of mitigation alternatives

Dream Ride Limousine Service
July 28, 1988
Page 2 of 2

3. Final Remedial Plan

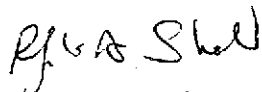
- plans for the removal of soil contaminants and recovery of fuel product and removal of dissolved constituents from the groundwater.
- details and time frame for implementing the various remedial phases

C. Submit \$600.00 deposit for Health Agency costs.

The information requested must be submitted to this office within thirty (30) days, on or before August 30, 1988.

Should you have any questions concerning this matter, please contact Ms. Mary Jo Meyers-Barnes, Hazardous Materials Specialist at 271-4320.

Sincerely,



Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:MJM-B

Enclosure

Abdo S. Allen Co.

DEMOLITION SPECIALISTS

718 Douglas Avenue
Oakland, California 94603
Phone: 569-2070

May 23, 1988

TANK CLOSURE PLAN - 5330 FOOTHILL BLVD, OAKLAND.

18. SITE SAFETY PLAN

The entire lot containing the buried tanks is presently fenced with secure chain link fencing. The sub contractor employed to remove, rinse, and transport the tanks is equipped with protective clothing and approved breathing devices for all personnel. SCBA units will be on the job site should an emergency occur.

* required explosion proof combustible gas meter on site to verify tank inertness

Abdo S. Allen
Owner

Abdo S. Allen

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 HAZARDOUS MATERIALS DIVISION
 470 - 27TH ST., RM. 322
 OAKLAND, CA 94612
 PHONE NO. 415/874-7237

DRAFT

Project # 4505636
 Fee Paid \$ 600.00
 Date 3-23-88

ACCEPTED
[Signature]

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 the Department are to assure compliance with State and local laws. The project proposed herein is now reviewed for issuance of any required building permits for construction. One copy of these accepted plans must be available to all contractors and craftsmen involved with the removal.

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

- _____ Removal of Tank and Piping
- _____ Sampling
- _____ Neutralization

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

THESE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS.

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

1. Business Name Dream Ride Limousine Service
 Business Owner J. L. Williams
2. Site Address 5330 Foothill Blvd.
 City Oakland Zip 94610 Phone 236-2007
3. Mailing Address same
 City _____ Zip _____ Phone _____
4. Land Owner L. Hue Crosby
 Address 3015 38th Avenue City, State Oakland, Ca. Zip 94610
5. EPA I.D. No. CAX00008026894143
6. Contractor Abdo S. Allen Company
 Address 718 Douglas Avenue
 City Oakland Phone 569-2070
 License Type CA-21
7. Other (Specify) _____
 Address _____
 City _____ Phone _____

DRAFT

8. Contact Person for Investigation

Name Abdo S. Allen Title Contractor
Phone 569-2070

9. Total No. of Tanks at facility 3

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

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name H & H Ship Service Co. EPA I.D. No. CAD004771168
Address 220 China Basin
City San Francisco State Ca. Zip 94107

b) Rinsate Transporter

Name H & H Ship Service Co. EPA I.D. No. _____
Address _____
City _____ State _____ Zip _____

c) Tank Transporter

Name H & H Ship Service Co. EPA I.D. No. _____
Address _____
City _____ State _____ Zip _____

d) Contaminated Soil Transporter

Name H & H Ship Service Co. EPA I.D. No. _____
Address _____
City _____ State _____ Zip _____

12. Sample Collector

Name Guy Worthington
Company Blaine Technical Services, Inc. TMA Richard
Address P.O. Box 5745 2030 Waight Ave
City San Jose State Ca Zip 95150 Phone (408) 723-3974

DRAFT

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
5,000	empty	soil & gr. H ₂ O if present	1-2' below full end of opposite end of tank
5,000	empty		
5,000	empty		

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

If yes, describe. unknown

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

If yes, describe. Dry Ice 1.5 lbs/100 gallons
∴ 5,000 gallon tank requires 75 lbs dry ice

16. Laboratories

Name Sequoia Analytical Labs.
Address 2549 Middlefield Rd.
City Redwood City State Ca Zip 94063
State Certification No. 145

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

17: Chemical Methods to be used for Analyzing Samples

DRAFT

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
<i>gasoline</i> BTX, TPH (<i>low</i> <i>boiled</i>) <i>diesel</i> TPH (<i>high</i> <i>boiled</i>)	3510 3550	DOHS 8020 (soil) or 8015 (soil) 602 (water) DOHS

18. Site Safety Plan submitted? Yes [] No []

19. Workman's Compensation: Yes [] No []

Copy of Certificate enclosed? Yes [] No []

Name of Insurer State Compensation Insurance Fund Policy #800638

20. Plot Plan submitted? Yes [] No []

21. Deposit enclosed? Yes [] No []

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

[Handwritten mark]

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

5. Triple rinse means that:

- a) final rinse must contain less than 100 ppm of Gasoline (EPA method 8020 for soil, or EPA method 602 for water) or Diesel (EPA method 418.1) Other methods for halogenated volatile organics (EPA method 8010 for soil, EPA method 601 for water) may be required. The composition of the final rinse must demonstrated by an original or facsimile report from a laboratory certified for the above analyses.
- b) tank interior is shown to be free from deposits or residues upon a visual examination of tank interior.
- c) tank should be labelled as "tripled rinsed; laboratory certified analysis available upon request" with the name and address of the contractor.

If all the above requirements cannot be met, the tank must be transported as a hazardous waste.

6. Any cutting into tanks requires local fire department approval.

DRAFT

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

Signature of Contractor

Name (please type) Abdo S. Allen

Signature Abdo S. Allen

Date March 23, 1988

Signature of Site Owner or Operator

Name (please type) Dream Ride Limo Service

Signature J. J. Williams

Date March 23, 1988

NOTES:

1. Any changes in this document must be approved by this Department.
2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.
3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.
4. A copy of your approved plan must be sent to the landowner.

DRAFT

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A

SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)

DRAFT

INSTRUCTIONS

2. SITE ADDRESS

Address at which closure or modification is taking place.

5. EPA I.D. NO.

This number may be obtained from the State Department of Health Services, 916/324-1781.

6. CONTRACTOR

Prime contractor for the project.

7. OTHER

List professional consultants here.

12. SAMPLE COLLECTOR

Persons who are collecting samples.

13. SAMPLING INFORMATION

Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

16. LABORATORIES

Laboratories used for chemical and geotechnical analyses.

17. CHEMICAL METHODS:

All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

Sample Preparation Method Number - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

Analysis Method Number - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

NOTE:

Method Numbers are available from certified laboratories.

18. SITE SAFETY PLAN

A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

DRAFT

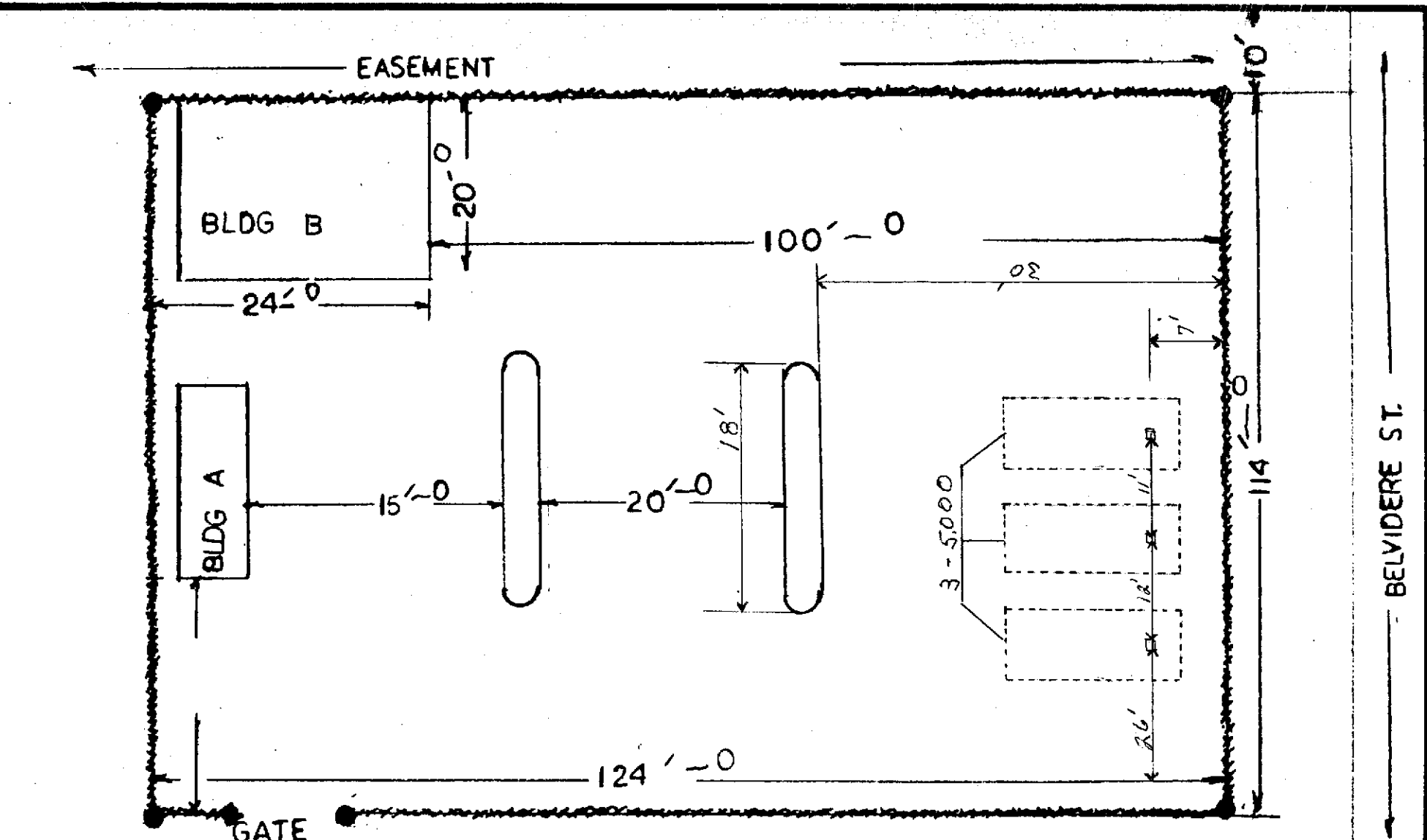
19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

The plan should consists of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale
- b) North Arrow
- c) Property Line
- d) Location of all Structures
- e) Location of all relevant existing equipment including tanks and piping to be removed
- f) Streets
- g) Underground conduits, sewers, water lines, utilities
- h) Existing wells (drinking, monitoring, etc.)
- i) Depth to ground water
- j) All existing tanks in addition to the ones being pulled

1/88



5330 FOOTHILL BLVD

TOTAL AREA 11,400 SQ. FT.		
DATE	DRAWN BY	APPROVED BY
SCALE	REVISED	
NOT TO SCALE		
		DRAWING NUMBER

**STATE
COMPENSATION
INSURANCE
FUND**

P.O. BOX 807, SAN FRANCISCO, CALIFORNIA 94101-0807

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

MAY 16, 1988

POLICY NUMBER: 0800638 - 88
CERTIFICATE EXPIRES: 9-7-88

┌
COUNTY OF ALAMEDA DEPT. OF ENVIRONMENTAL HEALTH
ATTN: MARY MEYERS
470 27TH STREET ROOM 322
OAKLAND
CA. 94612

JOB: 5330 FOOTHILL BLVD.
OAKLAND

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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 ten days' advance written notice to the employer.

We will also give you TEN 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.


PRESIDENT

EMPLOYER

┌
ABDO S. ALLEN COMPANY
718 DOUGLAS AVENUE
OAKLAND
CA. 94603

RECEIVED
MAY 19 1988

HAZARDOUS WASTE
WASTE PRODUCTION