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November 4, 2008

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**VIA REGISTERED MAIL -
 RETURN RECEIPT REQUESTED**

To: See Attached Service List

Re: Notice of Intent to File Citizen Suit Under Section 7002 of the Solid Waste Disposal Act, as Amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6972, et seq. ("RCRA"); Notice of Imminent and Substantial Endangerment Petroleum Hydrocarbon Contamination—9201 San Leandro Street, Oakland, California

This letter serves as the 60-day Notice for violations of RCRA, 42 U.S.C. §§ 6972(a)(1)(A) and (b)(1)(A) and 40 C.F.R. Part 254; and the 90-day Notice of alleged Imminent and Substantial Endangerment, as defined pursuant to 42 U.S.C. §§ 6972(a)(2)(B) and (b)(2)(B) and 40 C.F.R. Part 254.

The property at issue is located at 9201 San Leandro Street in Oakland, California 94603 (the "Property"). Petroleum hydrocarbon contamination of the soil and groundwater exists above protective levels at the Property and is currently being discharged at the Property. Accordingly, on behalf of PCC Flow Technologies, Inc. and PCC Flow Technologies Holdings, Inc. (collectively, "PCC Flow"), a Delaware corporation, the undersigned counsel hereby gives notice that PCC Flow intends to (1) commence an action under section 7002(a)(1)(A) of RCRA not less than 60 days from the date of this notice and (2) commence an action under section 7002(a)(1)(B) of RCRA not less than 90 days from the date of this notice against 9201 San Leandro LLC. The commencement of this action will probably be effected by way of filing a counterclaim in the U.S. District Court for the Northern District of California.

The persons or parties alleged to be in violation of the RCRA requirements set forth herein are 9201 San Leandro LLC and/or H. Mark Vignoles, current owners of the Property; 9201 San Leandro LLC and Vignoles and Service West, Inc., current operators of the Property; and other former and current officers and/or employees of 9201 San Leandro LLC and/or Service West, Inc., whose identities are currently unknown to PCC Flow (collectively, the "9201 Defendants").

Oregon
 Washington
 California
 Utah
 Idaho



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Sixty-Day Notice (42 U.S.C. § 6972 (a)(1)(A), (b))

Section 7002 of the Solid Waste Disposal Act, as amended by RCRA, 42 U.S.C. § 6972(b), requires that at least 60 days before filing a citizen suit in federal district court under section 7002(a)(1)(A), notice be given to the Environmental Protection Agency (“EPA”), the state in which the endangerment occurred and any person alleged to be in violation of any permit, standard, regulation, condition, requirement, prohibition or order. Specifically, this letter serves as a 60-day notice that the 9201 Defendants are in violation of various requirements, regulations and conditions effective pursuant to RCRA found in 40 C.F.R. Parts 260, *et seq.* regarding site closure, maintenance, notice and record-keeping requirements. In particular, pursuant to the 9201 Defendants’ notice dated August 14, 2008, they admit:

Upon confirmation of the release or releases of petroleum hydrocarbons from the UST system or systems located or formerly located at the subject property, [there was a] failure to conduct timely and effective investigations of the releases, the release site, and the surrounding areas possibly affected by the releases in order to determine the full extent and location of soils contaminated by the releases and the presence and concentrations of dissolved product contamination in the groundwater, 40 C.F.R. § 280.65(a); 23 C.C.R. §§ 2652, (e), 2654

The 9201 Defendants, site owners and operators have known of such releases since the year 2000 and have not timely investigated it.

Ninety-Day Notice (42 U.S.C. § 6972 (a)(1)(B), (b))

Further, 42 U.S.C. § 7002(b) requires that at least 90 days before filing a citizen suit in federal district court under section 7002(a)(1)(B), notice be given to EPA, the state in which the endangerment occurred and any person alleged to have contributed or to be contributing to the past or present handling, storage, treatment, transportation or disposal of any solid or hazardous waste.

This letter serves as a 90-day notice that the 9201 Defendants, current owners, operators of the Property and dischargers therefrom have contributed to and are contributing to petroleum hydrocarbon contamination in the soil and groundwater at the Property that allegedly has resulted in an imminent and substantial endangerment to health or the environment at or near the Property.



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Any communication, whether written, oral, electronic or other regarding this Notice should be directed to the attention of the undersigned at Stoel Rives LLP, 900 SW Fifth Avenue, Suite 2600, Portland, Oregon 97204; telephone 503-224-3380; facsimile 503-220-2480; sjkaplan@stoel.com.

Very truly yours,

Scott J. Kaplan

SJK:dmv

SERVICE LIST

November 3, 2008

Notice of Intent to File Citizen Suit Under Section 7002 of the Solid Waste Disposal Act, as Amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6972, *et seq.* ("RCRA"); Notice of Imminent and Substantial Endangerment Petroleum Hydrocarbon Contamination—9201 San Leandro Street, Oakland, California

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