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August 14, 2008

SENT REGISTERED MAIL
RETURN RECEIPT REQUESTED

To: See Attached Service List

Re: 60-Day Notice of Violations of Resource Conservation and Recovery Act Requirements
90-Day Notice of Imminent and Substantial Endangerment
Petroleum Hydrocarbon Contamination at 9201 San Leandro Street, Oakland, California

This letter is to serve as notification of: (1) violations of standards, regulations, or requirements which have become effective pursuant to the Resource Conservation and Recovery Act ("RCRA") at the real property located at 9201 San Leandro Street in Oakland, California; and (2) the past or present handling, storage, treatment, or disposal of solid and/or hazardous waste at the subject property which may present an imminent and substantial endangerment to health or the environment. This notice is provided pursuant to 42 U.S.C. § 6972(b)(1)(A), 42 U.S.C. §6972(b)(2)(A), and 40 C.F.R. Part 254.

This notice is provided by, and on behalf of: 9201 San Leandro, LLC. H. Mark Vignoles is the President of 9201 San Leandro, LLC and his address and phone number are: 9201 San Leandro, LLC, 9201 San Leandro Street, Oakland, California, 94603; (510) 729-0414. 9201 San Leandro, LLC and Mr. Vignoles are represented by this law firm and any communication, whether written, oral, electronic, or otherwise regarding this notice should be directed to the attention of the undersigned at: Barg Coffin Lewis & Trapp, LLC, 350 California Street, 22nd Floor, San Francisco, California, 94104; (415) 228-5400; maz@bcltlaw.com.

The persons alleged to be in violation of the RCRA requirements described herein, and who have contributed or are contributing to the past or present handling, storage, treatment, or disposal of solid and/or hazardous waste which may present an imminent and substantial endangerment, are: Paco Pumps, Inc.; PCC Flow Technologies Holdings, Inc.; Precision Castparts Corp.; John Lilla, former Vice-President of Paco Pumps, Inc.; and other former officers and/or employees of Paco Pumps, Inc. and former or current officers and/or employees of PCC Flow Technologies Holdings, Inc. or Precision Castparts Corp. whose identities are currently unknown to 9201 San Leandro, LLC.

The violations of RCRA requirements, and the past or present handling storage, treatment, or disposal of solid and/or hazardous waste which may present an imminent and substantial endangerment, that are the subjects of this notice have occurred, and are continuing to occur at 9201 San Leandro Street in Oakland, California, a property formerly owned and

operated by Paco Pumps, Inc. In 1994, PCC Flow Technologies Holdings, Inc. acquired the stock of and is the successor to Paco Pumps, Inc. PCC Flow Technologies Holdings, Inc. is a wholly-owned subsidiary of Precision Castparts.

Violations of RCRA Requirements

The specific RCRA requirements alleged to have been violated include, but may not be limited to, the RCRA regulations applicable to owners and operators of underground storage tank ("UST") systems for release investigation, corrective action, UST system closure, and records retention codified at 40 C.F.R. §§ 280.65-280.66, 280.71-280.72 and 280.74 (*see also* 23 C.C.R. §§ 2652, 2654, 2672, 2721-2722, and 2725-2727). More specifically, the acts or omissions alleged to constitute the violations of RCRA regulations include, but may not be limited to:

- Upon confirmation of the release or releases of petroleum hydrocarbons from the UST system or systems located or formerly located at the subject property, (1) 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; and (2) failure to submit the collected information regarding such investigations to the Alameda County Department of Environmental Health ("Alameda County"), which is the local oversight program agency responsible for the abatement, and oversight of the abatement, of unauthorized releases of petroleum hydrocarbons at the subject property in accordance with the RCRA regulations cited in this notice and California law, 40 C.F.R. § 280.65(b); 23 C.C.R. § 2652(d). *See* California Health & Safety Code § 25297.1
- Upon confirmation of the release or releases of petroleum hydrocarbons from the UST system or systems located or formerly located at the subject property, (1) failure to submit a corrective action plan for responding to contaminated soils and groundwater at the subject property, as required by Alameda County, that provides for adequate protection of human health and the environment, 40 C.F.R. § 280.66(a); 23 C.C.R. §§ 2722(c), 2725(b)-(c); and (2) failure to implement a corrective action plan that provides for adequate protection of human health and the environment, and to monitor, evaluate, and report the results of implementing the plan, 40 C.F.R. § 280.66(c); 23 C.C.R. §§ 2721(b), 2726(b), 2727(b).
- Failure to give notice to Alameda County at least 30 days before beginning permanent closure of the UST system or systems located or formerly located at the subject property, 40 C.F.R. § 280.71(a); and failure to document that proper disposal of a UST, or any part thereof, had been completed, 23 C.C.R. § 2672(b)(3).

- Failure to measure for a release of petroleum hydrocarbons where contamination is most likely to be present before permanent closure of the UST system or systems located or formerly located at the subject property, 40 C.F.R. § 280.72(a); 23 C.C.R. § 2672(d).
- Failure to maintain records that are capable of demonstrating compliance with the regulatory requirement for permanent closure of the UST system or systems located or formerly located at the subject property, 40 C.F.R. § 280.74.

The persons responsible for the alleged violations of the reference RCRA regulations include, but may not be limited to: Paco Pumps, Inc.; PCC Flow Technologies Holdings, Inc.; Precision Castparts Corp.; and John Lilla. The violations alleged in the first two bulleted paragraphs above (related to investigations of the releases and corrective action) commenced no later than October 16, 1992 and are continuing as of the effective date of this notice. The violations alleged in the third, fourth and fifth bulleted paragraphs above (related to closure of UST systems) commenced 30 days before closure of the UST system or systems located or formerly located on the subject property began or on the effective date of the referenced RCRA regulations, which were published in the Federal Register on September 23, 1988, whichever date is later, and are continuing as of the date of this notice.

Imminent and Substantial Endangerment

The EPA regulations at 40 C.F.R. Part 254, entitled Prior Notice of Citizen Suits, do not apply to RCRA citizen suits alleging an imminent and substantial endangerment brought under 42 U.S.C. § 6972(a)(1)(B).¹ Nevertheless, without waiving its right to object to the applicability of the referenced regulations, as set forth below, 9201 San Leandro, LLC is providing notice of the alleged imminent and substantial endangerment in accordance with the regulations, to the extent practicable.

The imminent and substantial endangerment does not constitute a violation of a specific permit, standard, regulation, condition, requirement, or order which has become effective under RCRA. The activities which have resulted in the imminent and substantial endangerment are the past or present handling, storage, disposal, or creation of solid and/or hazardous waste at the real property located at 9201 San Leandro Street in Oakland, California. More specifically, the solid and/or hazardous waste that may present an imminent and substantial endangerment consists of abandoned gasoline or other petroleum products, which leaked or were released into the environment from the UST system or systems at the subject property, and the soil and groundwater contaminated with such abandoned gasoline or other petroleum products.

The subject solid and/or hazardous waste has resulted in a plume of groundwater containing gasoline and gasoline constituents, including petroleum hydrocarbons, benzene,

¹ The RCRA citizen suit notice regulations were promulgated before, and have not be amended since, RCRA was amended to add the provision codified at 42 U.S.C. §6972(a)(1)(B).

toluene, and other hazardous substances, which has contaminated the groundwater at the subject property. Monitoring data demonstrate that the concentrations of petroleum hydrocarbons, benzene, toluene, and other hazardous substances in the groundwater at the subject property exceed applicable drinking water maximum contaminant levels and/or action levels established under federal and/or California law.

The persons who have contributed or are contributing to the past or present handling, storage, disposal, or creation of solid and/or hazardous waste which may present an imminent and substantial endangerment include, but may not be limited to, Paco Pumps, Inc.; PCC Flow Technologies Holdings, Inc.; Precision Castparts, Corp.; and John Lilla. The activities of these persons which resulted in the imminent and substantial endangerment commenced on an unknown date but no later than October 16, 1992, and are continuing as of the date of this notice.

Notice of Intent to File RCRA Citizen Suit

NOTICE IS HEREBY GIVEN, pursuant to 42 U.S.C. § 6972(b)(1)(A) and 42 U.S.C. § 6972(b)(2)(A), that if EPA or the State of California fail to take necessary and appropriate action: (1) within 60 days against the persons responsible for violating the RCRA regulations which are the subject of this notice; and (2) within 90 days against the persons who have contributed or are contributing to the imminent and substantial endangerment which is the subject of this notice, 9201 San Leandro, LLC will commence a civil action on its own behalf against such persons pursuant to 42 U.S.C. § 6972(a)(1)(A) and 42 U.S.C. § 6972(a)(1)(B). 9201 San Leandro, LLC will seek a judgment requiring the responsible parties to cease violating the RCRA regulations which are the subject of this notice, to abate the imminent and substantial endangerment by removing the solid and/or hazardous waste and cleaning up the soil and groundwater contaminated with abandoned gasoline or other petroleum products, and to pay appropriate civil penalties under 42 U.S.C. § 6928. 9201 San Leandro, LLC will also seek recovery of any expenses it incurs to investigate or remove such solid and/or hazardous waste as well as costs of said suit, including reasonable attorney and expert witness fees.

As noted above, this law firm represents 9201 San Leandro, LLC and Mr. Vignoles. Please contact me if you have any questions concerning this notice.

Very truly yours,



Marc A. Zeppetello

MAZ/fmc

Attachment A: Service List

August 14, 2008

60-Day Notice of Violations of Resource Conservation and Recovery Act Requirements
90-Day Notice of Imminent and Substantial Endangerment
Petroleum Hydrocarbon Contamination at 9201 San Leandro Street, Oakland, California

Service List

Stephen L. Johnson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW [1101-A]
Washington, DC 20460

Wayne Natri
Administrator, Region 9
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Mark Leary
Executive Director
California Integrated Waste Management Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95812-2815

Bruce H. Wolfe
Executive Officer, San Francisco Bay Region
California Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

David J. Kears
Agency Director
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

CT Corporation Systems
Authorized Agent, PCC Flow Technologies Holdings, Inc.
818 W Seventh Street
Los Angeles, CA 90017

Roger A. Cooke
Registered Agent
Vice President, Regulatory and Legal Affairs
Precision Castparts Corp.
4650 SW Macadam Avenue, Suite 300
Portland, OR 97239-4262

John Lilla
38 Pleasant Drive
The Woodlands, TX 77382

Scott Jonathan Kaplan, Esq.
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Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
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