

**FAX COVER SHEET****To:** Steven Plunkett**From:** Bryan Campbell**Company:** ACHCSA**Date:** 8/8/06**Fax:** 510-337-9335**Page:** 2**Phone:** 510-383-1767**CC:****Re:** Former Mobil Station 04-FGN: Well Completion Report Release for the ACPWA **Urgent** **For Review** **Per Your Request** * **Please Reply** **For Your Information****• Comments:**

Attached is the Well Completion Report Release Request form for the Alameda County Public Works Agency (ACPWA) for the following site:

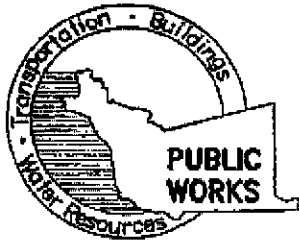
Former Mobil Station 04-FGN: 14994 East 14th Street, San Leandro, CA.

This request for a ACPWA file review is made in order to pinpoint locations of nearby domestic wells. The information is necessary for the thorough completion of a sensitive receptor survey.

Please fill out the section designated for the regulatory agency and fax it back to me at:

(925) 602-4720

Please contact me if you have any questions at (925) 602-4710 ext. 24. Thank you.



**COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
WATER RESOURCES SECTION**
399 Elmhurst Street, Hayward, CA 94544-1395
James Yoo PH: (510) 670-6633 FAX: (510) 782-1939
FOR GENERAL DRILLING PERMIT INFO:
www.acgov.org/pwa/wells

WELL COMPLETION REPORT RELEASE AGREEMENT—AGENCY
(Government and Regulatory Agencies and their Authorized Agents)

Former Mobil Station 04-FGM

Project No/ Site Address: 14994 East 14th St City San Leandro
Township, Range, and Section: 35/2W, 6 Radius 1-mile
(Must include entire study area and a map that shows the area of interest.)

Under California Water Code Section 13752, the agency named below requests permission from Department of Water Resources to inspect or copy, or for our authorized agent named below to inspect or copy, Well Completion Reports filed pursuant to Section 13751 to (check one):

Make a study, or,

Perform an environmental cleanup study associated with an unauthorized release of a contaminant within a distance of 2 miles.

In accordance with Section 13752, information obtained from these reports shall be kept confidential and shall not be disseminated, published, or made available for inspection by the public without written authorization from the owner(s) of the well(s). The information shall be used only for the purpose of conducting the study. Copies obtained shall be stamped **CONFIDENTIAL** and shall be kept in a restricted file accessible only to agency staff or the authorized agent.

Bryan Campbell / ETIC
Authorized Agent

2285 Moreno Ave
Address

Pleasant Hill, CA 94523
City, State, and Zip Code

[Signature]
Signature

Program Manager
Title

Telephone () 925-602-4710 ext 24

Fax () 925-602-4720

8/8/06
Date

bcampbell@eticeng.com
E-mail

Steven Plunkett, ACHCSA
Government or Regulatory Agency

1131 Harbor Bay Pkwy, 2nd Fl
Address

Alameda, CA 94502
City, State, and Zip Code

[Signature]
Signature

Haz Mat Specialist
Title

Telephone () 510-383-1767

Fax () 510-337-9335

8/8/06
Date

Steven.Plunkett@acgov.org
E-mail

**FAX COVER SHEET****To:** Steven Plunkett**From:** Bryan Campbell**Company:** ACHCSA**Date:** 8/7/06**Fax:** 510-337-9335**Page:** 2**Phone:** 510-383-1767**CC:****Re:** Former Mobil Station 04-FGN: Well Completion Report Release

Urgent For Review Per Your Request * Please Reply For Your Information

● Comments:

Attached is the DWR Well Completion Report Release Request form for the following site:

Former Mobil Station 04-FGN: 14994 East 14th Street, San Leandro, CA.

This request for a DWR file review is made in order to pinpoint locations of nearby domestic wells. The information is necessary for the thorough completion of a sensitive receptor survey.

Please fill out the section designated for the regulatory agency and fax it back to me at:

(925) 602-4720

Please contact me if you have any questions at (925) 602-4710 ext. 24. Thank you.

Alameda County
AUG 07 2006
Environmental Health

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

CENTRAL DISTRICT
3251 S Street
Sacramento, CA 95816
(916) 227-7632
(916) 227-7600(Fax)

NORTHERN DISTRICT
2440 Main Street
Red Bluff, CA 96080
(530) 529-7300
(530) 529-7322 (Fax)

SAN JOAQUIN DISTRICT
3374 E. Shields Ave Ste A7
Fresno, CA 93726
(559) 230-3300
(559) 230-3301 (Fax)

SOUTHERN DISTRICT
770 Fairmont Avenue
Glendale, CA 91203
(818) 500-1645 ext. 233
(818) 543-4804 (Fax)

**WELL COMPLETION REPORT RELEASE REQUEST AND CONFIDENTIALITY AGREEMENT
REGULATORY-RELATED ENVIRONMENTAL CLEANUP STUDY**

Well Completion Reports associated with wells located within two miles of an area affected or potentially affected by a known unauthorized release of a contaminant will be made available upon request to any person performing an environmental cleanup study associated with the unauthorized release, if the study is conducted pursuant to a regulatory agency order (Water Code Section 13752).

Requests must be made on the form below, signed and submitted to the appropriate DWR District Office. Please provide the township, range, and section of the property where the study is to be conducted. Attach a map or a sketch with a north arrow, and provide as much identifying information requested below as possible; additional paper may be attached if necessary.

By signing below, the requester acknowledges and agrees that, in compliance with Section 13752, the information obtained from these reports will be kept confidential and will not be disseminated, published, or made available for inspection by the public. Copies obtained must be stamped **CONFIDENTIAL** and kept in a restricted file accessible only to authorized personnel. These reports must not be used for any purpose other than for the purpose of conducting the environmental cleanup study.

Project Name: Former Mobil 04-FGN County: Alameda
Street Address: 14994 East 14th Street City: San Leandro
Township, Range, and Section: 3S/2W, 6 Radius: 2000 feet
(Include entire study area and a map that shows the area of interest.) (maximum 2 miles)

ETIC Engineering
Requester's Company

ACHCSA
Regulatory Agency Name

Bryan Campbell
Requester's Name (please print)

Steven Plunkett
Agency Contact Name (please print)

2285 Morello Ave
Address

1131 Harbor Bay Parkway, 2nd Fl
Address

Pleasant Hill, CA 94523
City, State, and Zip Code

Alameda, CA 94502
City, State, and Zip Code

Signature: [Signature]

Signature: [Signature]

Title: Program Manager

Title: Haz Mat Specialist

Telephone: (915) 602-4710 ext 24

Telephone: (510) 383-1767

FAX: (915) 602-4720

FAX: (510) 337-9335

Date: 8/7/06

Date: 8/8/06

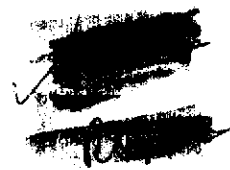
E-mail: bcampbell@eticeng.com

E-mail: Steven.Plunkett@acgov.org

ExxonMobil
Refining & Supply Company
Global Remediation

4096 Piedmont Avenue #194
Oakland, CA 94611
510.547.8196
510.547.8706 FAX
jennifer.c.sedlachek@exxonmobil.com

Jennifer C. Sedlachek
Project Manager



Alameda County

MAR 22 2005

ExxonMobil
Refining & Supply

March 22, 2005

Environmental Health

Mr. Amir Gholami
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway
Alameda, California 94501

Subject: Former Mobil Station 04-FGN, 14994 East 14th Street, San Leandro, California

Dear Mr. Gholami:

ExxonMobil Oil Corporation is submitting this letter to inform the Alameda County Health Care Services Agency that no further groundwater monitoring and sampling at the site is planned. As a result, ETIC Engineering, Inc. will not submit reports of groundwater monitoring beginning with the first quarter of 2005.

A Formal Case Closure Request, dated November 23, 1998, was previously submitted by Alton Geoscience to your agency for the site. The report recommended that the site be granted case closure with no further action. A review of the case file at your agency was conducted by ETIC Engineering, Inc., on August 5, 2004, and no response by your agency to that report was found. Approximately six years of groundwater monitoring have been conducted since the closure request was issued and hydrocarbon concentrations appear to show a stable or decreasing trend.

I would like to discuss case closure of this site with you.

If you have any questions or comments, please contact me at 510.547.8196.

Sincerely,

Jennifer C. Sedlachek
Project Manager

c: Ms. Jana Gluckman (property owner)
Ms. Christa Marting - ETIC Engineering, Inc.

Found in 1310 14th St. CAC RO 0000 18

ExxonMobil
Refining & Supply Company
Global Remediation
4096 Piedmont Avenue #194
Oakland, CA 94611
(510) 547-8196 Telephone
(510) 547-8706 Facsimile
jennifer.c.sedlachek@exxonmobil.com

RO 422

Jennifer C. Sedlachek
Project Manager
Global Remediation – U.S. Retail

ExxonMobil
Refining & Supply

September 20, 2004

Alameda County
SEP 22 2004
Environmental Health

Mr. Amir Gholami
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway
Alameda, California 94501

Subject: Change in ExxonMobil Project Manager for Alameda Co. Health Care Services Agency Site

Dear Mr. Gholami:

I am writing to inform you that I am replacing Mr. Gene Ortega as the ExxonMobil point of contact for the following ExxonMobil site that you oversee:


Former Mobil Station 04-FGN, 14994 East 14th Street, San Leandro, CA

Please update your records to reflect this change. Correspondence regarding this site should be sent to me at the following address:

Ms. Jennifer C. Sedlachek
ExxonMobil Refining and Supply Company
4096 Piedmont Avenue #194
Oakland, CA 94611

I look forward to working with you in the management of this site. If you have any questions, please contact me at 510.547.8196.

Sincerely,



Jennifer C. Sedlachek
Project Manager

c: Mr. Gene Ortega - ExxonMobil Refining and Supply Company
Ms. Christa Marting - ETIC Engineering, Inc.

**ExxonMobil
Refining & Supply Company**

Global Remediation

2300 Clayton Road, Suite 1250

Concord, CA 94520

(925) 246-8747 Telephone

(925) 246-8798 Facsimile

gene.n.ortega@exxonmobil.com

Gene N. Ortega

Project Manager

Global Remediation – U.S. Retail

PO. 422

ExxonMobil
Refining & Supply

June 30, 2003

Mr. Scott Seery
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway
Alameda, California 94501

Alameda County

JUN 30 2003

Environmental Health

Subject: Notification of Consultant Change for
Former Mobil Station 04-FGN, 14994 East 14th Street, San Leandro, California

Dear Mr. Seery:

ExxonMobil Refining and Supply Company has recently transferred the consultant responsibilities for the above-referenced site from TRC to ETIC Engineering, Inc. Please update your records to reflect this change.

Copies of all correspondence should now be sent to:

Mr. Joseph Muehleck
ETIC Engineering, Inc.
2285 Morello Avenue
Pleasant Hill, CA 94523

If you have any questions or require any further information, please contact me at (925) 246-8747 or Mr. Joseph Muehleck of ETIC Engineering, Inc. at (925) 602-4710 ext. 14.

Sincerely,



Gene N. Ortega
Project Manager

c: Ms. Jana Gluckman (property owner)
Mr. Steven Ritchie – Regional Water Quality Control Board, San Francisco Bay Region
Mr. Joseph Muehleck – ETIC Engineering, Inc.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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

October 30, 2002

RO 422

Mr. Gene Ortega
ExxonMobil Refining & Supply Company
2300 Clayton Road, Ste. 1250
Concord, CA 94520

RE: Mobil Station 04-FGN, 14994 East 14th Street, San Leandro - Request for Total Fuel Oxygenate Analyses

Dear Mr. Ortega:

The case file for the referenced site was recently reviewed, up to and including the September 2002 TRC 3rd quarter 2002 progress report. This review was primarily conducted to identify the current suite of target compounds sought in water samples collected from the various wells within the network. Our review revealed that a number of potential fuel oxygenates may not have been sought historically from samples collected from these wells. Although we realize that MtBE does not appear to be an issue at this site, a full evaluation for fuel oxygenates is nevertheless necessary at this time.

Please direct your consultant to analyze all samples collected during the next scheduled sampling event for the presence of total fuel oxygenates (**MtBE, TAME, EtBE, DiPE, and TBA**) and **lead scavengers (EDB and 1,2-DCA / EDC)** using EPA Method 8260. Such expanded analyses may be required to continue depending upon what is found.

Please contact me at (510) 567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Michael Bakaldin, San Leandro Hazardous Materials Program
Jonathan Scheiner, TRC, 5052 Commercial Circle, Concord, CA 94520-1248

May 30, 2001

Mr. Scott Seery
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway
Room 250
Alameda, CA 94502

JUN 4 0 2001

Subject: 14964 – 14972 E 14th. Street, San Leandro, CA

Dear Mr. Seery:

Please note that we are no longer the property owner of the subject property. The property was sold to Ms. Jana Gluckman, 1995 N. 1st. Street, Suite 200, San Jose, CA 95112, on January 8, 1999. Please correct your records accordingly.

We will forward a copy of the Quarterly Progress Report by TRC dated 2-26-01 to the current owner. Please forward any future communications to Ms. Jana Gluckman.

Should you have any questions, feel free to contact us at (408) 227-2999.

Sincerely,

Fuk K. Sit
20775 Scofield Drive
Cupertino, CA 95014

Cc. Ms. Jana Gluckman w/attachment.
TRC, 5052 Commercial Circle, Concord, CA 94520

Sit01

Mobil Business Resources Corporation

ENVIRONMENTAL
PROTECTION

Remediation Engineering
2063 Main Street, Suite 501
Oakley, California 94561
925-625-1173 phone
925-625-1187 fax

00 FEB 15 AM 8:45

February 9, 2000

Scott Seery
Alameda County Health Care Services
1131 Harbor Bay Pkwy.
Alameda, CA 94502

RE: 04-FGN; 14994 East 14th Street, San Leandro, California

Dear Mr. Seery:

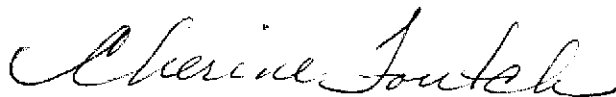
Please be advised that as of February 14, 2000, I will no longer be involved with the above referenced project. All correspondence, invoices and notices are to be sent to my replacement, Brad Ledesma. He may be contacted at:

ExxonMobil Corporation
Remediation Services
3700 W. 190th Street, TPT 2
Torrance, CA 90509-2929
(310) 212-1814
(310) 212-1890 Fax

Please note that as of February 29, 2000 this office will be closed, and mail will be forwarded to Brad Ledesma for 30 days. Afterward, all mail will be returned by the post office.

Thank you for your cooperation.

Sincerely,



Cherine Foutch, P.E.
Project Engineer
ExxonMobil Remediation Services

Mobil
14994 E. 14th St.
San Leandro

1-6-2000

Memo to file:

I agreed today to allow Alton GeoSciences destroy wells MW-4A, -5A, -6, and -7A. These wells were, in a couple of cases, in need of repairs. However, as this case is winding down to final case closure, it appeared reasonable to allow them to be decommissioned at this point.

In addition, Alton recently (12/99) resampled all the wells, and will be submitting the report for this work shortly.

SAS

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

May 5, 1999

STID 4452

Ms. Cherine Foutch
Mobil Oil Corporation
2063 Main Street, Ste. 501
Oakley, CA 94561

RE: (Former) Mobil Station, 14994 E. 14th Street, San Leandro

LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS

Dear Ms. Foutch:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION

Re: 14994 E. 14th Street, San Leandro

May 5, 1999

Page 2 of 2

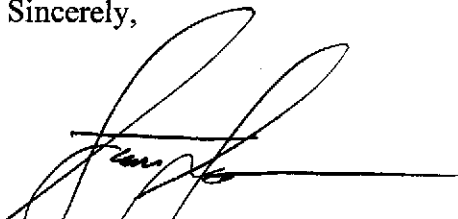
In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6783 should you have any questions about the content of this letter.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

Attachments

cc: Chuck Headlee, RWQCB
Mike Bakaldin, San Leandro Hazardous Materials Program

SAMPLE LETTER (2): LIST OF LANDOWNERS FORM

Name of local agency
Street address
City

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (*Site Name and Address*)

(Note: Fill out item 1 if there are multiple site landowners. If you are the sole site landowner, skip item 1 and fill out item 2.)

1. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:

2. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that I am the sole landowner for the above site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

SAMPLE LETTER 3: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY

Name of local agency
Street address
City

SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY
FOR *(Site Name and Address)*

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

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

Sincerely,

Signature of primary responsible party

Name of primary responsible party

cc: Names and addresses of all record fee title owners



ENVIRONMENTAL
PROTECTION
MAR 26 AM 9:28

March 19, 1999

Alameda County Health Care Services Agency
Division of Environmental Protection
1131 Harbor Bay Parkway, Room 250
Alameda, California 94502-6577

Alton Project No. 41-0114-60

ATTN: Mr. SCOTT SEERY

SITE: FORMER MOBIL STATION 04-FGN
14994 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA

RE: STATUS OF CLOSURE REQUEST

Dear Mr. Seery:

On behalf of Mobil Business Resources Corporation, we are inquiring as to the status of the Case Closure Request, dated November 23, 1998, for the above-referenced site. Please be aware that no further action will be conducted at this site until we have received a response regarding the closure request.

If you should have any questions, please call me at (510) 606-9150 ext. 108.

Sincerely,

ALTON GEOSCIENCE

Jacob Madden
Project Manager

cc: Cherine Foutch, Mobil Business Resources Corporation

May 12, 1997

Mr. Scott O. Seery
Alameda County Health Care Services Agency
Division of Environmental Protection
1131 Harbor Bay Parkway, Room 250
Alameda, California 94502-6577

Alton Project No. 41-0114-50

SITE: FORMER MOBIL STATION 04-FGN
14994 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA

RE: NOTIFICATION OF REDUCED SAMPLING

Dear Mr. Seery:

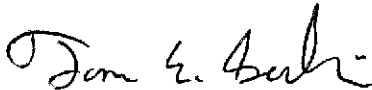
This letter is to confirm our phone conversation on May 12, 1997. As per your authorization, monitoring and sampling will be reduced at the subject site following the 1997 second quarter monitoring and sampling event as shown on the attached revised monitoring and sampling schedule.

The decision to reduce sampling was based on the abundance of monitoring and sampling data previously collected since 1994 at the site indicating a long term trend towards asymptotic levels of petroleum hydrocarbons at the site.

If you have any questions, please call me at (510) 606-9150.

Sincerely,

ALTON GEOSCIENCE



Tom Seeliger
Geologist

cc: Cherine Foutch, Mobil Oil
Steve Pao, Mobil Oil

April 21, 1997

Alameda County
Health Care Services Agency
1131 Harbor Bay Parkway, Room 250
Alameda, California 94502

Alton Project No. 41-0114

ATTN: MR. SCOTT SEERY

SITE: FORMER MOBIL STATION 04-FGN
14994 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA

RE: NEW ENVIRONMENTAL CONSULTANT

Dear Mr. Seery:

Alton Geoscience will now be acting as the primary environmental consultant on behalf of Mobil Oil Corporation for activities pertaining to former Mobil Station 04-FGN located at 14994 East 14th Street, San Leandro, California. Please direct any future correspondence to Tom Seeliger at Alton Geoscience.

If you have any questions or comments regarding this site, please call me at (510) 606-9150, ext. 104.

Sincerely,

Tom Seeliger 

Tom Seeliger
Project Geologist

cc: Ms. Cherine Foutch, Mobil Oil Corporation
Mr. Steven Ritchie, Regional Water Quality Control Board, San Francisco Bay Region
Mr. Bertram Kubo
Mr. Fuk K. Sit and Ms. Ying C. Sit

MONITORING WELL SAMPLING SCHEDULE
Former Mobil Station 04-FGN

Well Number	Third Quarter 1997	Fourth Quarter 1997	First Quarter 1998	Second Quarter 1998
MW-1A	X		X	
MW-2A	X		X	
MW-3A	X		X	
MW-4A				
MW-5A			X	
MW-6A			X	
MW-7A	X		X	
NOTES: X = well scheduled for sampling				

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

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

CC4580

August 23, 1996

Ms. Cherine Foutch
Mobil Oil Corporation
2063 Main Street, Ste. 501
Oakley, CA 94561

Mr. Phil Briggs
Chevron U.S.A. Products Company
P.O. Box 5004
San Ramon, CA 94583-0804

Mr. Edward Ralston
Unocal Corporation
2000 Crow Canyon Place, Ste. 400
San Ramon, CA 94583

Ms. Diana Pagano
6912 Broadway Terrace
Oakland, CA 94611

RE: ENVIRONMENTAL INVESTIGATIONS - EAST 14TH STREET / 150TH
AVENUE / HESPERIAN BOULEVARD, SAN LEANDRO

Dear Ms. Foutch, Ms. Pagano, and Messrs. Briggs and Ralston:

This letter is sent in the wake of today's meeting during which was discussed the history of the multiple environmental investigations occurring in the subject area, underground storage tank compliance and construction status of particular sites, and risk-based corrective action (RBCA) elements and concepts, among other related topics. Determining an approach to affecting an appropriate corrective action within the framework of the RBCA process, whether tackled individually on a site-by-site basis, or regionally as a collective effort between the parties, was debated. A copy of today's attendance sheet is attached for your information and to facilitate future contact.

This office requested the "involved" parties, the names of which appear above, to reach a consensus **within 60 days** as to how the RBCA process will be completed. A written response and discussion are expected. Your response should include, among other possible elements: 1) an indication what, if any, data gaps there may be; 2) potential receptor locations that were identified; 3) a schedule for acquiring additional data where needed; and, 4) whether this RBCA evaluation will be performed individually, collectively, or some combination of both, and how such responsibility will apportioned.

Foutch, Pagano, Briggs and Ralston
RE: E.14th / 150th / Hesperian plume
August 23, 1996
Page 2 of 2

This office appreciates your continued cooperation in this process. Please call me at 510/567-6783 if I can be of any assistance in the interim.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

attachment

c: Mee Ling Tung, Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department
Frank P. Conrad, Esq., LeBoeuf, Lamb, Greene & MacRae
260 Franklin St., Boston, MA 02110
Ken Simas, Alisto Engineering Group
1575 Treat Blvd., Ste. 201, Walnut Creek, CA 94598
Dennis Miller, Miller Engineering
170-F Alamo Plaza, Ste. 309, Alamo, CA 94507
Bruce Hageman, Hageman-Aguiar, Inc.
3732 Mt. Diablo Blvd., Ste. 372
Lafayette, CA 94549
Bob Kezerian, Kaprealian Engineering
2401 Stanwell Drive, Ste. 400, Concord, CA 94520

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Alameda County CC4580
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

July 31, 1996

Ms. Cherine Foutch
Mobil Oil Corporation
2063 Main Street, Ste. 501
Oakley, CA 94561

Ms. Tammy Hodge
Chevron U.S.A. Products Company
P.O. Box 5004
San Ramon, CA 94583-0804

Mr. Edward Ralston
Unocal Corporation
2000 Crow Canyon Place, Ste. 400
San Ramon, CA 94583

Mr. Frank P. Conrad, Esq.
LeBoeuf, Lamb, Greene & MacRae
260 Franklin Street
Boston, MA 02110

RE: ENVIRONMENTAL INVESTIGATIONS - EAST 14TH STREET / 150TH
AVENUE / HESPERIAN BOULEVARD, SAN LEANDRO

Dear Ms. Foutch, Ms. Hodge, and Messrs. Ralston and Conrad:

A meeting has been scheduled for **Friday, August 23, 1996 at 9:30 AM** in the offices of the Alameda County Department of Environmental Health (ACDEH), Environmental Protection Division to discuss the current status of the environmental investigations at the subject locations and future corrective action requirements.

This meeting will focus on *technical* issues, including the cursory evaluation of risk-based corrective action (RBCA) elements associated with these projects. You are strongly encouraged, therefore, to have your technical consultants attend this meeting with you.

Please call me at 510/567-6783 should you have any questions regarding meeting scope or need directions to the ACDEH offices.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Foutch, Hodge, Ralston, and Conrad
RE: E.14th / 150th / Hesperian plume
July 31, 1996
page 2 of 2

cc: Mee Ling Tung, Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

February 23, 1996

DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

(510) 567-6777

STID 4452

Ms. Cherine Foutch
Mobil Oil Corporation
2063 Main Street, Ste. 501
Oakley, CA 94561

RE: (FORMER) MOBIL SERVICE STATION 04-FGN, 14994 EAST 14TH
STREET, SAN LEANDRO

Dear Ms. Foutch:

I have considered your February 6, 1996 request for both a reduction in sampling frequency for wells associated with the investigation of the referenced site, and acceptance of your plan for "passive bioremediation" as a means for corrective action.

In response to this request, as well as to a February 1, 1996 request from Mr. Deno Milano of Alton Geoscience for elimination of TPH-D analysis for sampled ground water, I contacted Mr. Milano and discussed these issues collectively. I agreed to eliminate TPH-D from the target suite, as well as reduce sampling frequencies for wells MW-5A and -6A to a semiannual schedule (1st and 3rd quarters). Elimination of TOG analysis was granted last month.

Although passive bioremediation may ultimately prove to be the corrective action of choice for this site, this office is still awaiting Unocal's access to the Shadrall property (former Liquor Barn site) in order to sample the wells already in place there. Pending receipt of these results, which we anticipate (as we have for the last two years running) to occur early this Spring, a meeting will be scheduled with all involved parties (i.e., Mobil, Unocal, Chevron, Shadrall, etc.) to discuss the scope and apportionment of any corrective action for this intersection in general. Therefore, we will reserve acceptance of your corrective action proposal until that time.

Please call me at 510/567-6783 should you have any questions.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Ms: Cherine Foutch
RE: 14994 E. 14th St., San Leandro
February 23, 1996
Page 2 of 2

cc: Jun Makishima, Acting Director
a Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Hazardous Materials Program
Bob Boust, Unocal
Kenneth Kan, Chevron
Lori Freedman, Davis, Malm & D'Agostine
One Boston Place, Boston, MA 02108-4470
Deno Milano, Alton Geoscience

LELAND W. BRUNER
ANNE BRUNER NASH

LAW OFFICES OF
BRUNER & NASH
PROFESSIONAL CORPORATION
BEST BUILDING, 1330 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA 94577-4751
TELEPHONE: (510) 483-1444
FAX: (510) 483-0118

A. W. BRUNER (1901-1962)

June 9, 1995

Mr. Larry Kramer
1909 El Camino Real
Redwood City, CA 94063

Dear Mr. Kramer:

14900 East 14th Street
San Leandro, CA

I am advised that Mobil Oil Corporation drilled a monitoring well without discussing the location of same with either you or Mrs. Silva as was required by their agreement with us.

I am formally protesting to Mr. Ken Simas of Alista as well as Scott O. Seery, Senior Hazardous Materials Specialist of the Alameda County Environmental Protection Agency.

Please let us know what we can do to remedy this situation. We specifically insisted and required the contract give us prior notice and some input as to the location of the hole.

Very truly yours,

BRUNER & NASH


Leland W. Bruner

LWB/tm

cc: Mrs. Laura H. Silva
Mr. Ken C. Simas
Mr. Scott O. Seery

ALAMEDA COUNTY

HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

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

CC4580

June 2, 1995

Cherine Foutch
Mobil Oil Corporation
2063 Main Street, Ste. 501
Oakley, CA 94561

Edward Ralston
Unocal Corporation
P.O. Box 5155
San Ramon, CA 94583

Kenneth Kan
Chevron U.S.A. Products Company
P.O. Box 5004
San Ramon, CA 94583-0804

RE: ENVIRONMENTAL INVESTIGATIONS - E.14TH STREET / 150TH AVE. /
HESPERIAN BLVD., SAN LEANDRO

Dear Ms. Foutch and Messrs. Ralston and Kan:

This letter is intended as a reminder to have your environmental consultants coordinate future sampling and monitoring events at your sites located at or proximal to the E.14th Street / 150th Avenue / Hesperian Boulevard intersection in San Leandro. As you have been informed in the past, once the current soil and water investigation has been completed at the former Mobil site (14994 E.14th St.), a meeting will be called to discuss how best to evaluate and initiate a collective corrective action plan (CAP) for the areas affected by the (apparent) commingling plumes at this intersection. Coordinated sampling and monitoring will assure that collected data are comparable, enhancing our ability to affect the best approach in development of the CAP.

Please call me at 510/567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Ms. Foutch, Messrs. Ralston and Kan
RE: 150th/E.14th/Hesperian, San Leandro
June 2, 1995
Page 2 of 2

cc: Rafat A. Shahid, Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department
Lori Freedman, Davis, Malm & D'Agostine
One Boston Place, Boston, MA 02108-4470

LELAND W. BRUNER
ANNE BRUNER NASH

LAW OFFICES OF
BRUNER & NASH
PROFESSIONAL CORPORATION

BEST BUILDING, 1330 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA 94577-4751
TELEPHONE: (510) 483-1444
FAX: (510) 483-0118

A. W. BRUNER (1901-1962)

ENVIRONMENTAL
PROTECTION

95 MAR 21 PM 1:53

March 20, 1995

Mr. Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502-6577

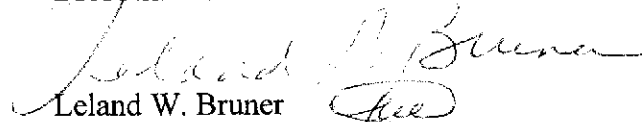
Dear Mr. Seery:

Environmental Investigation at (former) Mobil Station
14994 East 14th Street, San Leandro - Site Access Permission

Enclosed is a group of correspondence which will explain Mrs. Silva's position.

Very truly yours,

BRUNER & NASH


Leland W. Bruner

LWB/tm
Enc.

LAW OFFICES OF
BRUNER & NASH
PROFESSIONAL CORPORATION

BEST BUILDING, 1330 EAST 14TH STREET
SAN LEANDRO, CALIFORNIA 94577-4751
TELEPHONE: (510) 483-1444
FAX: (510) 483-0118

A. W. BRUNER (1901-1962)

LELAND W. BRUNER
ANNE BRUNER NASH

ENVIRONMENTAL
PROTECTION

95 MAR 21 PM 1:53

March 20, 1995

Mr. Ken C. Simas
Project Geologist
Alisto Engineering Group
1777 Oakland Boulevard, Suite 200
Walnut Creek, CA 94596

Dear Mr. Simas:

Enclosed is your recent letter to Mrs. Silva along with my letter of October 26, 1994, which I sent at the direction of your representative. Apparently, you have never seen it. We stand ready to cooperate upon your acceptance of our terms.

Sincerely,

BRUNER & NASH

Leland W. Bruner

LWB/tm
Enc.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

March 13, 1995

Alameda County CC4580
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

Ms. Laura H. Silva
14875 Bancroft Avenue
San Leandro, CA 94578

RE: ENVIRONMENTAL INVESTIGATION AT (FORMER) MOBIL STATION,
14994 E. 14TH STREET, SAN LEANDRO - SITE ACCESS PERMISSION

Dear Ms. Silva:

As you are aware, the referenced former Mobil station site has been the subject of an environmental investigation mandated by both this office and the California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB). The subject investigation is a requirement of both the California Underground Storage Tank Regulations (Title 23, Division 3, Chapter 16, California Code of Regulations) and the Porter-Cologne Water Quality Control Act ("Water Code") when a release from an underground storage tank (UST) has impacted, or threatens to impact, ground water resources of the state. A release of this sort has occurred at this site.

Mobil Oil Company, one of several responsible parties in this case, is in the process of fulfilling a basic requirement to determine the extent of the fuel release associated with this site. The initial phase of the investigation was completed during February 1994, the result of which has indicated more work is needed to define the limits of contamination. The approved scope of work includes the installation of three (3) new wells.

One of the new wells is slated to be constructed on the property located at 14875 Bancroft Avenue (ASN 77E-1593-15) which Alameda County Assessor's Office records indicate is owned by you. This office has been informed that Mobil Oil Company's agent, Alisto Engineering Group, has twice requested access to your property, the most recent of which was February 14, 1995, in order to carry out the next phase of the investigation, and that such access has not been granted.

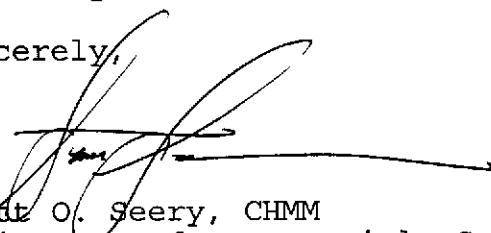
Please be informed that the subject investigation has been mandated by both state and county agencies under authority of California law and regulation. Mobil Oil Company is attempting to comply with provisions of Title 23 and the California Water Code. Access to potentially-affected property in the course of such investigations is common and necessary.

Ms. Laura H. Silva
RE: 14994 E.14th St., San Leandro
March 13, 1995
Page 2 of 2

We encourage you to enter into a fair and reasonable contract with Mobil Oil Company to facilitate the requisite investigation. Please be advised, however, that should access not be allowed, provisions of the California Water Code provide authority to the RWQCB to issue an Executive Order directing you to perform the pending work at your cost.

Please call me at 510/567-6783 should you have questions regarding the content of this letter.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department
Steve Pao, Mobil Oil Company
Ken Simas, Alisto Engineering Group

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120
(916) 227-4360
(916) 227-4530 (FAX)

4452
(SOS)



MAR 10 1995

Mr. Bert Kubo
5772 Sellers Avenue
Oakley, CA 94561

Dear Mr. Kubo:

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF REMOVAL FROM PRIORITY LIST: CLAIM NUMBER 008259; FOR SITE ADDRESS: 14994 EAST 14th STREET, SAN LEANDRO, CA 94578

On January 17, 1995, a "Notice of Intended Removal From Priority List" (copy enclosed) was sent to you. The Notice informed you that your claim is not eligible for reimbursement from the Underground Storage Tank Cleanup Fund, and stated the reason(s) for that determination. The Notice also informed you that if you did not agree with the determination, you could request a review within thirty (30) calendar days of the date of the Notice.

Since the Fund has not received a request for review within the time specified, I have determined that your claim is not eligible for participation in the Underground Storage Tank Cleanup Fund and will be removed from the Priority List.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Deaner", is written over a horizontal line.

Dave Deaner, Manager
Underground Storage Tank Cleanup Fund

Enclosure

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

Mr. Tom Peacock
Alameda County
Environmental Health Department
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502-6577

Mobil Oil
14994 E. 14th Street
San Leandro

3/8/95

memo to file:

Ken Simas (Aristo) informed me today that the SW1 field work has still not been performed. He said that, although the 6/23/94 SW1 work plan had been approved July 7, 1994, access to an adjoining parcel to the north has not been received. I articulated my surprise that the work hadn't been performed and that I had not been apprised of the delay.

I asked that info re: The adjoining property owner be submitted ASAP. and that I would attempt to intervene in the site access matter.

SDS



ALISTO ENGINEERING GROUP

ENVIRONMENTAL
PROTECTION

95 MAR 21 PM 1:53

February 14, 1995

Silva Family
14875 Bancroft Avenue
San Leandro, California 94578

10-190-02-001

Subject: Access Permission for Property Located at
14875 Bancroft Avenue
San Leandro, California

Dear Silva Family:

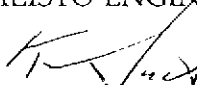
On behalf of Mobil Oil Corporation, the following follow-up letter is regarding access permission for the property located at the above referenced address (the "Premises"). Permission to the Premises is requested concerning an environmental investigation currently being performed at the former Mobil Oil Station 04-FGN, 14994 East 14th Street, San Leandro, California.

An access permission letter, dated October 19, 1994, which included a copy of the proposed scope of work, was sent to Mr. James D. Silva at the Premises. On October 21, 1994, Mr. Lee Bruner, an attorney for the Silva's, contacted Alisto Engineering Group in regards to the letter. However, the status of access permission to the Premises is not known.

A copy of the access permission letter and proposed scope of work is enclosed for your review. If you have any questions need additional information, please call.

Sincerely,

ALISTO ENGINEERING GROUP


Ken C. Simas
Project Geologist

Enclosure

cc: Steve Pao, Mobil Oil Corporation



ALISTO ENGINEERING GROUP

Post-It™ brand fax transmittal memo 7671 # of pages 1	
To <i>Scott Seary</i>	From <i>Ken Simas</i>
Co. <i>ACBMS</i>	Co. <i>ALISTO Eng.</i>
Dept.	Phone # <i>510/295-1650</i>
Fax # <i>510/337-9335</i>	Fax # <i>510/295-1823</i>

February 14, 1995

Silva Family
14875 Bancroft Avenue
San Leandro, California 94578

10-190-02-001

Subject: Access Permission for Property Located at
14875 Bancroft Avenue
San Leandro, California

Dear Silva Family:

On behalf of Mobil Oil Corporation, the following follow-up letter is regarding access permission for the property located at the above referenced address (the "Premises"). Permission to the Premises is requested concerning an environmental investigation currently being performed at the former Mobil Oil Station 04-FGN, 14994 East 14th Street, San Leandro, California.

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A copy of the access permission letter and proposed scope of work is enclosed for your review. If you have any questions need additional information, please call.

Sincerely,

ALISTO ENGINEERING GROUP

Ken C. Simas
Project Geologist

Enclosure

cc: Steve Pao, Mobil Oil Corporation

~~635-7675~~

Laura H. Silva
14875 Bancroft Ave.
S. Leandro
ASN 775-1593-15

1777 OAKLAND BOULEVARD, SUITE 200 • WALNUT CREEK, CA 94596 • (510) 295-1650 • FAX (510) 295-1823
CONTRACTORS LICENSE NO. A-652544

Mobil Oil Corporation

2063 MAIN ST., SUITE 501
OAKLEY, CALIFORNIA 94561

CONFIDENTIAL
3-9 PM 2:05

February 6, 1995

Mr. Scott Seery
Alameda County
Health Care Services Agency
1131 Harbor Bay Parkway, Room 250
Alameda, CA 4502-6577

RE: Former Mobil Station 04-FGN
14994 East 14th Street
San Leandro, CA

Dear Mr. Seery:

Enclosed for your review and consideration is one copy of the *Quarterly Progress Report, Fourth Quarter 1995*, dated January 29, 1996. The groundwater gradient and contaminate levels are consistent with previous monitoring events.

Upon reviewing the history of investigations performed at this site, this location is considered low-risk, according to the recent guidelines distributed by the San Francisco Regional Water Quality Control Board.

- The tanks and pump island have been removed from the site, and the site is no longer a service station.
- Soil contamination discovered in a PG&E trench was over-excavated.
- Residual adsorbed-phase hydrocarbons in the unsaturated zone are minimal and limited in extent; concentrations of TPH-g and TPH-d are below 5 mg/kg in samples followed at 5 feet below grade.
- Petroleum hydrocarbons in soil samples collected in the capillary fringe are indicative of dissolved-phased impact in groundwater.
- Groundwater is at 12 feet below ground surface.
- Dissolved-phase contamination in groundwater as a result of Mobil's operations is defined and limited in extent.
- Benzene concentrations at the site range from "ND" to 31 ug/l (ppb).
- The plume concentrations have been consistent over the past two years of monitoring and sampling.
- No drinking water supply wells or surface water receptors are known to exist within 250 feet of this site. It is unlikely that any wells or surface water would be impacted by Mobil's former operations at this location.

- No exposure route for this contamination exists, thus, no significant risk to human health exists.
- As this site has no potential to impact surface waters, wetlands, or other sensitive receptors, this site poses little or no risk to the environment.

Considering the above conditions for this site, passive bioremediation is appropriate for this site. Little seasonal fluctuation has occurred at this site over the past two years of monitoring, therefore; semi-annual monitoring for this site will further demonstrate site and plume stability. We respectfully request that monitoring and sampling requirements be reduced from quarterly to semi-annually.

Should you have any questions or comments about this site, please call me at (510) 625-1173. I look forward to your timely response. Thank you for your anticipated cooperation.

Sincerely,



Cherine Foutch
Project Engineer

Enclosure

cc: Steven Ritchie, RWQCB - San Francisco Bay Region
Mr. Fuk K. Sit
Brady Nagle, Alisto Engineering Group
Deno Milano, Alton Geoscience (w/o enclosure)

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS

2014 T STREET, SUITE 130

P. O. BOX 944212

SACRAMENTO, CALIFORNIA 94244-2120

(916)227-4427

(916)227-4530 (FAX)

HAZMAT
05 JUN 20 11 4:47

JAN 17 1995

Mr. Bert Kubo
5772 Sellers Avenue
Oakley, CA 94561

Dear Mr. Kubo:

**UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF INTENDED
REMOVAL FROM PRIORITY LIST: CLAIM NUMBER 008259; FOR SITE ADDRESS: 14994 East
14th Street, San Leandro, CA 94578**

This is to notify you that during the detailed review of your application, it has been determined that your claim for the 14994 East 14th Street, San Leandro, CA 94578 site is not eligible for reimbursement from the Underground Storage Tank Cleanup Fund. It is being proposed, therefore, that your claim be removed from the Priority List based on the following:

You indicated that you paid \$12,000 in cleanup costs at the subject site. You stated in a conversation with Cheryl Gordon of my staff, that the \$12,000 was deducted from the sale price of the property to C&H Development Co. in 1987 and not in actual corrective action costs as they were incurred. You stated that you do not have any corrective action invoices from any contractors/consultants for any cleanup costs associated with the \$12,000 you paid. In a copy of an Agreement and Release that you submitted to our office for review in this matter, it states, "Under the Purchase Agreement, Kubo agreed to be responsible for future testing and remediation under certain circumstances. As security for Kubo's agreement to be responsible for future testing and remediation under certain circumstances, C&H demanded from Kubo and Kubo granted to C&H a security interest in the form of a lien secured by a second deed of trust against another property owned by Kubo located at 15595 Washington Ave., San Lorenzo, California." The agreement also states..."Now, therefore, for and in consideration of a valid draft payable to C&H Development Co. and its attorney of record, Donald L. Edgar, in the gross sum of Twelve Thousand and No/100 Dollars (\$12,000.00) and the expungement and removal of any and all liens, deeds of trust, mortgages or other encumbrances held by C&H Development Co. on that certain property located at 15595 Washington Ave., San Lorenzo, California, the undersigned agree as follows:..."

After review of the Agreement and Release, it is my determination that the \$12,000 referenced in the Agreement and Release submitted by you was not for corrective action costs, but used as security by C&H Development Co. It clearly states that the \$12,000 was for removal of any liens on the property at 15595 Washington Avenue in San Lorenzo, California. I cannot construe from this mention that the referenced \$12,000 was for corrective action costs associated with the site at 14994 East 14th Street in San Leandro.

Section 2812.2 (b) of the Petroleum Underground Storage Tank Cleanup Fund Regulations states in part, "Only corrective action and third party compensation claim costs incurred by or on behalf of a claimant shall be reimbursable from the Fund." Section 2812.2 (d) states, "Where a claim is made for corrective action costs, in addition to any unreasonable or unnecessary costs, the following types of costs are ineligible for reimbursement from the Fund: (1) Attorney fees or other legal costs; (6) The cost of environmental audits or pre-purchase agreements unless performed as part of corrective action; (14) Any other cost not directly related to corrective action and including but not limited to costs associated with completing and filing of claims and appeals."

In addition, it is the policy of the UST Cleanup Fund to reimburse eligible corrective action costs that can be substantiated with contractor/consultant invoices and copies of cancelled checks for payment of such invoices. You have stated in conversations with my staff that you do not have any such documentation for the \$12,000.


If you do not agree with this decision, you may request a review within thirty (30) calendar days of the date of this Notice. Please send any request for review to:

Mr. Dave Deaner, Manager Claim No. 008259
State Water Resources Control Board
Underground Storage Tank Cleanup Fund
P. O. Box 944212
Sacramento, CA 94244-2120

If you fail to correct the condition which is the basis for this proposed removal or fail to request a review within the thirty (30) calendar days from the date of this Notice, your claim will be removed from the Priority List at the expiration of said thirty (30) day period.

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

Sincerely,


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

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

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

STID 770

November 2, 1994

Mr. Kenneth Kan
Chevron U.S.A. Products Company
P.O. Box 5004
San Ramon, CA 94583-0804

ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
DIV. OF ENVIRONMENTAL PROTECTION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

RE: CHEVRON SERVICE STATION #9-2013, 15002 HESPERIAN BOULEVARD,
SAN LEANDRO

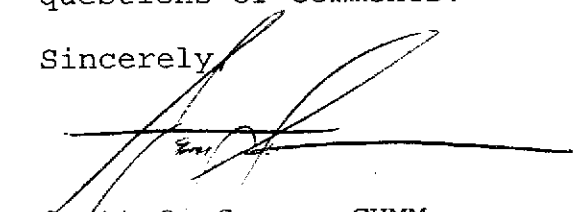
Dear Mr. Kan:

Attached please find a copy of recent correspondence with enclosure from Unocal Corporation presenting their evaluation of Chevron's previous "fingerprint" analysis of fuel compounds in water sampled from four of the Chevron wells. Chevron had concluded from their evaluation the likelihood that the plume originating from the nearby Unocal site (15008 E. 14th Street) had impacted the Chevron site. Unocal's evaluation appears to discount that conclusion.

As has been articulated in the past, once the latest phase of the investigation at the nearby former Mobil site (14994 E.14th Street) has been completed, a meeting will be scheduled to discuss appropriate corrective action.

Please contact me at 510/567-6783, or -6700, should you have any questions or comments.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Director, Environmental Services
Gil Jensen, Alameda County District Attorney's Office
Mike Bakaldin, San Leandro Fire Department
Ed Laudani, Alameda County Fire Department
Ed Ralston, Unocal Corporation
Steve Pao, Mobil Oil Company
Paul Feldman, Davis, Malm & D'Agostine
One Boston Place, Boston, MA 02108-4470

Unocal Corporation
2000 Crow Canyon Place, Suite 400
San Ramon, California 94583
Telephone (510) 867-0706
Facsimile (510) 277-2309

ALCO
HAZMAT

94 NOV -1 PM 2:22

UNOCAL 

October 24, 1994

Mr. Scott Seery
Alameda County Health Care
Services Agency
Hazardous Materials Division
1131 Harbor Bay Parkway, 2nd Floor
Alameda, California 94502

UNOCAL SERVICE STATION #3292
15008 East 14th Street
San Leandro, California

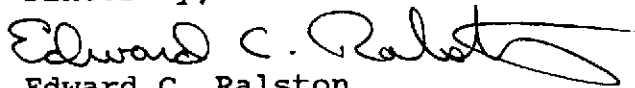
Northern Region
Corporate Environmental
Remediation & Technology

Dear Mr. Seery:

Please find enclosed a copy of Unocal's response to Chevron's evaluation of fuel compounds found in groundwater at their site. Chevron's report was evaluated by our forensic geochemist, Dr. Bob Haddad. As the report suggests, Chevron's method of fingerprinting is somewhat questionable. In addition, Chevron's identification of "coker" compounds actually implicates Chevron as the source of contamination, rather than Unocal as Chevron has previously suggested. Therefore, it is Unocal's opinion that Chevron should continue as a responsible party for the investigation and remediation of petroleum hydrocarbon contamination.

Should you have any question regarding this matter, please feel free to contact me at (510) 277-2311.

Sincerely,



Edward C. Ralston
Senior Environmental Geologist

cc: R.D. Sisk, UNOCAL
R.H. Kezerian, KEI

UNOCAL 76**RECEIVED**CERT
Brea, California

OCT 13 1994

October 5, 1994

ENV 94-500

TO: E. A. Ralston

FROM: R. I. Haddad

*R.I. Haddad***RESPONSE TO THE CHEVRON RESEARCH
AND TECHNOLOGY COMPANY ANALYTICAL
SCIENCES UNIT PROJECT SUMMARY,
PROJECT #5767**

At your request, I have reviewed the data and conclusions presented in the Chevron Research and Technology Company Analytical Sciences Unit Project Summary (Chevron project #5767, completed 5/5/94) and the associated May 10, 1994, letter by Mr. Kenneth Kau of Chevron U.S.A. Products Company.

I have several questions regarding this Summary. The first one concerns the analytical approach; it is unclear whether the method used employed a purge and trap type extraction/injection procedure. This method is necessary when dealing with samples having low boiling point ranges (e.g., gasoline). If the extraction procedure involved any type of solvent removal (e.g., solvent blow down, roto-evaporation, etc.), then it is certain that compounds with boiling points < nC8 have not been quantitatively recovered.

The concentration of BTEX compounds present in the samples will be directly related to the analytical approach. Assuming a purge and trap method was used, the lack of prominent BTEX would most likely be due to differential solubility and migration of these compounds. Comparison of internal ratios (e.g., B/T, B/X, etc.) could be used to evaluate the "degree of environmental weathering" in these samples. I am unclear whether the conclusions that "the gasoline . . . appears to be present as entrained material (microscopic bubbles, coated dust particles) rather than dissolved hydrocarbon" is based on direct observation of these microscopic bubbles in coated dust particles or is offered as a way to explain the poor reproducibility of their results. (As an aside, if purge and trap was not used, differences in the degree to which the solvent is removed for the samples prior to analysis could very likely account for the poor reproducibilities noted in the summary.) In order to further evaluate the data, I would need to have a more detailed account of the analytical approach.

My second concern regards the logic used in the Summary's conclusions. It appears clear that the conclusion was driven by a preconceived notion. The language used in the Reason for Request portion of the Request for Environmental Analysis and Chain of Custody clearly indicates this bias.

**RESPONSE TO THE CHEVRON RESEARCH
AND TECHNOLOGY COMPANY ANALYTICAL
SCIENCES UNIT PROJECT SUMMARY,
PROJECT #5767**

Page 2

The most troubling aspect of the Summary is the assumption that because (1) coker gas oil contains olefins, (2) Unocal has coker facilities, and (3) olefins may be present in these samples, then the product must belong to Unocal. Unocal gasoline delivered to the San Leandro site does come from the San Francisco Refinery (Rodeo). However, as should be obvious to those familiar with refining processes, the coker gas oil is not blended directly into finished gasoline. Rather is run through a hydrotreating unit to refine the stream. The use of the hydrogenation unit means that gasoline derived from this treatment contains no olefinic compounds. This lack of olefins in the finished gasoline from SFR is somewhat unique as most major refineries use a FCC unit (a catalytic process) to work the streams. This catalytic process produces olefins which do show up in the finished gasoline. It might be useful to evaluate Chevrons product with respect to the level of olefin concentration present. The point being that the use of coker gas oil is not the most significant source of olefins in finished gasoline. Rather, it appears that olefin content in the finished gasoline is more likely a function of whether the refinery is using a hydrogenation unit or a FCC unit to help finish the gasoline streams.

In closing, I would like to see a more detailed discussion of the analytical approach used in this study. Assuming valid results, I would then like to see the gas chromatograms to evaluate the validity of the identifications (the summary noted no GC/MS was used). This latter point is important for two reasons. First, the C9 - C12 range of gasoline gas chromatogram is quite crowded and I have not seen 1-nonene and 1-decene in any finished products or free products. Second, the presence of these olefinic compounds in what appears to be a weathered product is interesting since these compounds are usually among the most reactive compounds with respect to both biotic (microbial) and abiotic processes.

If you have any questions, please do not hesitate to contact me at (714) 577-1484.

RIH/cs

xc: B. J. Kelly
G. T. Ririe



STID 770

September 2, 1994

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

Mr. Mark Miller
Chevron U.S.A. Products Company
P.O. Box 5004
San Ramon, CA 94583-0804

RE: CHEVRON SERVICE STATION #9-2013, 15002 HESPERIAN BOULEVARD,
SAN LEANDRO - COMPREHENSIVE SITE EVALUATION AND PROPOSED
FUTURE ACTION PLAN

Dear Mr. Miller:

This letter follows our meeting of August 19, 1994 during which we discussed Chevron U.S.A. Product Company's (Chevron) proposed scope of future assessment activities at the referenced site. The basis of our discussion was the July 11, 1994 *Comprehensive Site Evaluation and Proposed Future Action Plan* composed by Weiss Associates on behalf of Chevron. Along with yourself and Mr. John Randall representing Chevron, also in attendance at this meeting was Mr. Kevin Graves of the San Francisco Bay Regional Water Quality Control (RWQCB), and Ms. Eva Chu and I, representing Alameda County. The subject site was one of four facilities discussed.

In concluding our discussion regarding this site, a reduction in future sampling/monitoring frequencies for each well was negotiated and agreed upon. Additionally, all parties agreed to the merit of incorporating off-site well "MW-1," located directly downgradient of the Chevron facility on the Shadrall Associates property, into Chevron's future schedule. The use of this sampling point is in lieu of the installation of an additional number of off-site wells, as had been previously requested by this office. A summary of sampling/ monitoring frequencies appears below:

- o Wells MW-1, -3, and -6 may be sampled/monitored on a semiannual basis; off-site well MW-1 shall be sampled/monitored at the same frequency
- o Wells MW-2, -4, -5, -7, and -8 may be sampled/monitored on an annual basis

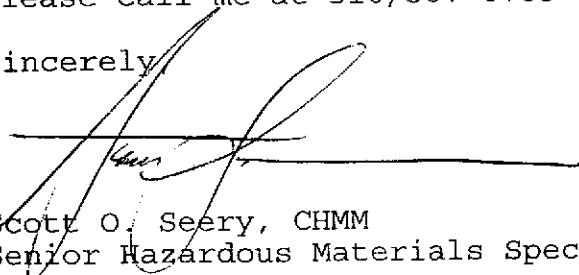
This schedule is considered effective immediately.

Mr. Mark Miller
RE: 15002 Hesperian Blvd., San Leandro
September 2, 1994
Page 2 of 2

As promised, I have since completed a more detailed review of Chevron's *Future Action Plan*, as presented in the referenced July 11, 1994 Weiss Associates proposal. I agree in principle with the concepts presented, i.e., "trigger" and "baseline" condition elements of the proposed contingency plan. However, as we additionally discussed August 19, approval of future action plans for this and all other sites in the vicinity of this intersection (150th Avenue/East 14th Street/Hesperian Boulevard) would be premature at this time. Once assessment activities at the former Mobil (14994 E. 14th Street) and Unocal (15008 E. 14th Street) stations have been completed, all parties, including affected parties, will need to participate in the joint development of a viable and comprehensive corrective action plan specifically designed to affect the remediation of the widespread ground water contamination underlying this area.

Please call me at 510/567-6783 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department
Ed Laudani, Alameda County Fire Department
Ed Ralston, Unocal Corporation
Steve Pao, Mobil Oil Corporation
Paul Feldman, Davis, Malm & D'Agostine
One Boston Place, Boston, MA 02108-4470

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

STID 2400

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

September 2, 1994

Mr. Edward Ralston
Unocal Corporation
2000 Crow Canyon Place, Suite 400
P.O. Box 5155
San Ramon, CA 94583

RE: UNOCAL STATION #3292, 15008 EAST 14TH STREET, SAN LEANDRO

Dear Mr. Ralston:

Attached to correspondence from this office dated May 17, 1994 was information from Chevron U.S.A. Products Company presenting data reportedly from the evaluation of fuel compounds in ground water sampled from several wells located at a nearby Chevron station, 15002 Hesperian Boulevard. Chevron concluded that the noted evaluation, or "finger printing," suggests that their wells have been impacted by the plume originating from the subject Unocal site.

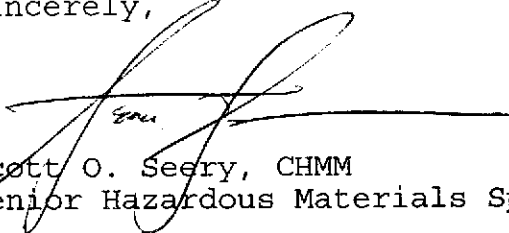
I had requested in the referenced May 17 correspondence that you have your experts consider the Chevron data and suggest how this issue may be resolved such that the multi-party investigation occurring in the area would continue in a cooperative fashion and towards a common goal. To date, I have not been advised of the results of Unocal's evaluation.

In addition, please advise me of your progress, if any, with respect to gaining access to the wells installed at the Shadrall Associates property, formerly the site of a Liquor Barn store, located across East 14th Street and consistently downgradient of the subject site. You are likely aware that ground water sampled from these three (3) wells during October 1990 exhibited noteworthy concentrations of dissolved fuel compounds, particularly that water collected from well MW-3, the well located most proximal to East 14th Street and the Unocal facility.

Please contact me at your earliest convenience. I may be reached at 510/567-6783.

Mr. Ed Ralston
RE: 15008 E. 14th Street, San Leandro
September 2, 1994
Page 2 of 2

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department
Ed Laudani, Alameda County Fire Department
Kenneth Kan, Chevron U.S.A. Products Company
Steve Pao, Mobil Oil Company
Paul Feldman, Davis, Malm & D'Agostine
One Boston Place, Boston, MA 02108-4470

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 4452

July 7, 1994

Mr. Steven Pao
Mobil Oil Company
Engineering Department
3800 West Alameda Avenue, Ste. 2000
Burbank, CA 91505-4331

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: (FORMER) KUBO'S MOBIL STATION, 14994 EAST 14TH STREET, SAN LEANDRO

Dear Mr. Pao:

Thank you for our recent receipt of the June 23, 1994 Alisto Engineering Group (AEG) *Work Plan for Additional Site Characterization*. The scope of this work plan is twofold, as condensed and summarized below:

- 1) Measure ground water levels in and collect samples for analysis from the existing wells; evaluate data; submit report
- 2) Drill eight (8) exploratory borings, three of which to be located off-site and subsequently converted into monitoring wells; analyze soil and ground water samples; destroy and replace well MW-A; evaluate data; submit report

AEG indicates the proposed scope of part 2 of this work plan may require modification as dictated by the sampling and monitoring results of part 1. The scope of this work plan is acceptable as submitted with the proviso that this office is consulted prior to implementing any changes to the part 2 scope of work. Also, please continue to coordinate sampling and monitoring work with that occurring at the neighboring Unocal and Chevron sites.

Please contact me when all field work associated with this plan is slated to begin. Although we have recently moved to new offices (1131 Harbor Bay Parkway, 2nd Floor, Alameda 94502) and our permanent phone system is still not in place, you may still reach me during the interim by calling 510/271-4320.

Sincerely,

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Mr. Steven Pao
RE: 14994 E. 14th Street, San Leandro
July 7, 1994
Page 2 of 2

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Mike Bakaldin, San Leandro Fire Department
Frederick Mahan, Esq., Mahan & Peterson
Bernard Rose, Esq., Randick & O'Dea
Ed Ralston, Unocal Corporation
Ken Kan, Chevron U.S.A.
William Shipp, Alisto Engineering Group

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

STID 2400

May 17, 1994

Mr. Edward Ralston
Unocal Corporation
2000 Crow Canyon Place, Suite 400
P.O. Box 5155
San Ramon, CA 94583

RE: UNOCAL STATION #3292, 15008 EAST 14TH STREET, SAN LEANDRO

Dear Mr. Ralston:

Attached please find a copy of recent correspondence with enclosure from Chevron U.S.A. Products Company presenting data reportedly from the evaluation of fuel compounds in ground water sampled from several wells located at a nearby Chevron station, 15002 Hesperian Boulevard. Chevron concludes that the noted evaluation, or "finger printing," suggests that their wells are impacted by the plume originating from the subject Unocal site.

Please have your experts consider these data and suggest how this new issue may be resolved such that the multi-party investigation occurring in the area continues in a cooperative fashion and towards a common goal.

Please contact me at your earliest convenience. I may be reached at 510/271-4530.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director (w/o)
Gil Jensen, Alameda County District Attorney's Office (w/o)
Mike Bakaldin, San Leandro Fire Department (w/o)
Ed Laudani, Alameda County Fire Department (w/o)
Kenneth Kan, Chevron U.S.A. Products Company (w/o)
Steve Pao, Mobil Oil Company (w/ enclosure)
Paul Feldman, Esq. (w/ enclosure)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

STID 4452

April 20, 1994

Mr. Steven Pao
Mobil Oil Company
Engineering Department
3800 West Alameda Avenue, Ste. 2000
Burbank, CA 91505-4331

RE: (FORMER) KUBO'S MOBIL STATION, 14994 EAST 14TH STREET, SAN
LEANDRO

Dear Mr. Pao:

This office is in receipt and has completed review of the April 15, 1994 Alisto Engineering Group *Preliminary Site Assessment Report*, submitted under Alisto cover dated April 18, 1994. This report documents the results of activities associated with the preliminary stage of the underground storage tank (UST) investigation which was initiated during February 1994.

The data presented in the cited Alisto report identifies that both soil and ground water underlying this site have been significantly impacted by fuel hydrocarbons (HC). Further, based on the high concentrations of HCs in shallow soil (<7' below grade) encountered in and sampled from borings B-1 and B-4, an on-site source for such HCs was revealed.

Please be advised that, pursuant to Article 11, Title 23, California Code of Regulations, a Soil and Water Investigation (SWI) will be required at this site. Once the SWI is complete, an appropriate Corrective Action Plan (CAP) must be developed and implemented. You should now begin developing a strategy for conducting the requisite SWI and CAP. You will be advised when the SWI work plan shall be submitted.

At this time, however, please adhere to the following sampling, monitoring, and reporting schedule for the next several quarters:

- 1) Wells MW-1, -2, and -3 shall be sampled, ground water elevations monitored, and technical reports submitted, quarterly. Sampling and monitoring schedules should be coordinated with the sampling and monitoring activities associated with the investigations occurring at the nearby Unocal and Chevron sites at the E.14th/150th Ave./Hesperian Blvd. intersection;

Mr. Steven Pao
RE: 14994 E.14th Street
April 20, 1994
Page 2 of 3

- 2) Ground water samples collected from each well shall be analyzed for TPH-G, TPH-D, and BTEX, only;

The referenced quarterly reports must describe the status of the investigation and include, as applicable, the following:

- o Details and results of all work performed during the reporting period: 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 (including QA/QC data), tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination and characterization
- o Professional interpretation of results: water level contour maps showing gradients, free/dissolved plume definition maps for each target compound, cross sections, etc.
- o Discussion of results and recommendations for additional work

All reports must be submitted under seal of a California-registered geologist or civil engineer with the appropriate environmental background.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond may result in the referral of this case to the appropriate authority for enforcement action.

Please feel free to call me at 510/271-4530, should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Mr. Steven Pao
RE: 14994 E.14th Street
April 20, 1994
Page 3 of 3

cc: Rafat A. Shahid, Assistant Agency Director, Env. Health
Gil Jensen, Alameda County District Attorney's Office
Mike Bakaldin, San Leandro Fire Department
Rob Weston, ACDEH
Rich Hiett, RWQCB
Frederick Mahan, Esq., Mahan & Peterson
Bernard Rose, Esq., Randick & O'Dea
Ed Ralston, Unocal
Ken Kan, Chevron
William Shipp, Alisto Engineering Group

Request for Environmental Analysis and Chain of Custody

Chevron U.S.A. Inc.

To E. A. Harvey Chevron Research Company, Environmental Analysis Lab, Room 54-1114 576 Standard Avenue, Richmond, CA 94802	(Phone: 415-620-4993)	Date 4-7-94
-------------------------------------------------------------------------------------------------------------------------------------	-----------------------	----------------

Requestor (Chevron) KENNETH KAN	Phone CTN 842-8752
------------------------------------	-----------------------

Company, Department CHEVRON U.S.A. PRODUCTS COMPANY, SAR GROUP	Charge Code 3 465R 60092013
-------------------------------------------------------------------	--------------------------------

Address 2410 CAMINO RAYON, P.O. BOX 5004, SAN RAMON, CA 94583-0804

Sampler Hector Merino	Phone 510 671-2387
--------------------------	-----------------------

Company, Address GROUNDWATER TECHNOLOGY, INC., 4057 FORT CHICAGO HWY, CONCORD, CA 94520

Sampling Location (Address) 1500 Z HESPERIAN BLVD., SAN LEANDRO, CALIFORNIA (CHEVRON STATION 9-2013)

Service Station Fuel Terminal Marine Terminal Pipeline
 Refinery Other _____

Chevron Gulf BP Cumberland Farms Other _____

Type of Analysis Desired
 Identify Product Compare Spill with Potential Sources (Send Source Samples)
 Compare Samples with Previous Analyses. Log Numbers and/or Dates: _____
 EPA Method(s) _____ (Call 415-620-4993 for Approval)
 Other _____

Reason for Request (Clearly State Problem, Site History, Draw or Enclose a Map)
 UNOCAL'S PLUME MAY HAVE OR PROBABLY REACHED THE CHEVRON SITE. DOES MW-6, MW-3, MW-2, AND MW-8 (CHEVRON ON-SITE WELLS) CONTAIN UNOCAL PRODUCT? FOR ADDITIONAL INFORMATION, REFER TO GROUNDWATER TECHNOLOGY'S Nov. 23, 1993 GROUNDWATER REPORT AND LAW ENVIRONMENTAL SITE PLAN THAT ARE ATTACHED TO THIS FORM.

Sample Name/Number	Date Sampled	Sampled by
MW-2	4-5-94	Hector Merino
MW-3	↓	↓
MW-6	↓	↓
MW-8	↓	↓

Transporter Clayton Gonzales	Date Received 4-7-94	Initials CIG
---------------------------------	-------------------------	-----------------

Laboratory Chevron Research	Date Received 4-7-94	Initials NB
--------------------------------	-------------------------	----------------

Minimum Sample: Hydrocarbon - 1 pint; Water - 1 quart; Soil - 8 ounce.

It is the shipper's responsibility to insure federal D.O.T. regulations are complied with. Consultation with a Chevron Regional Transport Specialist is MANDATORY prior to air shipment. Contact your Chevron Representative or call the Hazmat Help Line (415) 894-3481 for assistance.

When in doubt, assume the sample is flammable.

OSHA HAZARD WARNING ON REVERSE SIDE

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name former Kubo's Mobil Today's Date 2/10/94

Site Address 14994 E. 14th St.

City S. Leandro Zip 94578 Phone _____

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

Inspection Categories:

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

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

Comments:

1:00 -
 On-site to observe installation of borings/well(s) by Alisto Engineering. Chris Reinheimer was the Alisto geologist in charge of today's drilling project. Drillers were from SES, Inc. When I arrived, one of several borings, the third reportedly advanced at that point in the day, was being drilled. The boring was being continuously logged, and samples collected on-grade as each 5' core was exposed. In this particular boring, a silty loose sand^(fill?) was encountered to vary approximately 45' BG at which point a contact was made with an underlying clay unit. This clay was very odiferous, stained gray-blue, and stiff, but obviously contaminated. The gasoline odor was fairly "sharp." Capillary fringe was at ~ 8' BG. Mr. Reinheimer indicated the silty sand unit was discontinuous about the site, and appears to be fill. This "fill" is very clean.

II.A BUSINESS PLANS (Title 19)

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

II.B ACUTELY HAZ MATS

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

III. UNDERGROUND TANKS (Title 23)

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

Rev 8/88

Contact: Chris Reinheimer
 Title: Alisto geologist
 Signature: _____

Inspector: S. Seery
 Signature: _____

II, III



E. 14th



14494 E. 14th 2/10/94
 S. Leandro 09318221467-2
 BEAR 1922
 apparent well in site driveway along E. 14th
 4" slip cap, PVC

14494 E. 14th 2/10/94
 S. Leandro 09318221467-2
 BEAR 1921
 location of apparent well in driveway @ E. 14th



ALISTO ENGINEERING GROUP

CHRIS REINHEIMER
 GEOLOGIST

1777 OAKLAND BOULEVARD, SUITE 200
 WALNUT CREEK, CA 94596
 (510) 295-1650
 (510) 295-1823 FAX
 CONTRACTORS LICENSE NO. A-632544

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

JAMES KEARS, Agency Director



WALTER SHIPP, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH
and Water Resources Control Board
Division of Clean Water Programs
USF Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94612
510/771-1300

STID 4452

January 13, 1994

Mr. Steve Pao
Mobil Oil Company
Engineering Department
3800 West Alameda Avenue, Ste. 2000
Burbank, CA 91505-4331

RE: (FORMER) KUBO'S MOBIL STATION, 14994 EAST 14TH STREET, SAN
LEANDRO, ALAMEDA COUNTY

Dear Mr. Pao:

This office has completed review of the December 20, 1993 and January 12, 1994 Alisto Engineering Group (AEG) addenda to the November 19, 1993 preliminary site assessment (PSA) work plan. This amended work plan proposes to advance four soil borings, two of which will be converted to ground water monitoring wells. Two of the proposed borings will be cited in the areas of the former dispenser islands along E.14th Street and 150th Avenue.

After conversations with Mr. William Shipp of AEG, this work plan has been accepted as amended with the following clarifications:

- 1) The northwestern-most monitoring well, located closest to the former tank cluster, was relocated further to the north and closer to the tank cluster in the January 12 addenda. However, based on the distribution of soil contaminants noted during tank removal and historic ground water flow documented in the general area, it appears that this well would be better suited should it be again relocated, towards the southwest, closer to E.14th Street.
- 2) We understand that the locations of product lines will be sought during this phase of the investigation, but that no plans are in place during this phase to investigate the potential for past releases from these lines. Such will be required during the next phase of this investigation, during which the extent of both soil and ground water contamination must be assessed.
- 3) Soil samples from borings at this site should also be collected when field screening measures identify "hits" during advancement.

Mr. Steve Pao
RE: 14994 E.14th Street, San Leandro
January 13, 1994
Page 2 of 2

- 4) Well MW-1 (C&H Development - 3/88) is to be evaluated for adequate construction and viability. Should this well require development, such should be performed at this time.
- 5) All wells, new and existing (MW-1), are to surveyed to an established benchmark and converted to elevations above mean sea level (MSL). Ground water elevations are to be measured quarterly and calculated flow directions presented graphically in the initial and each subsequent quarterly report.
- 6) All wells are to be sampled and collected ground water analyzed for the suite of compounds proposed in the cited AEG work plan. Samples are to be collected and analyzed quarterly.
- 7) Reports are due quarterly until case closure.

You are encouraged to coordinate future sampling and monitoring activities with those occurring at the nearby Unocal (15008 E.14th St.) and Chevron (15002 Hesperian Blvd.) sites. As you are aware, a large ground water pollution problem occurs in the area of the 150th Avenue, E.14th Street, and Hesperian Blvd. intersection. Such coordination will assist all parties in understanding and evaluating the distribution of contaminants and ground water flow in this area, and initiating appropriate corrective action.

Please call me at 510/271-4530 should you have any questions and when field activities are scheduled to begin.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Rich Hiett, RWQCB
Mike Bakaldin, San Leandro Fire Department
Frederick Mahan, Esq., Mahan & Peterson
Bernard Rose, Esq., Randick & O'Dea
Ed Ralston, Unocal Corporation
Ken Kan, Chevron U.S.A.
William Shipp, Alisto Engineering Group

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

January 12, 1994

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

Mr. Kenneth Kan
Chevron U.S.A. Products Company
2410 Camino Ramon
P.O. Box 5004
San Ramon, CA 94583-0804

Mr. Edward Ralston
Unocal Corporation
2000 Crow Canyon Place, Suite 400
San Ramon, CA 94583

RE: UST LEAK INVESTIGATION - EAST 14TH STREET @ 150TH AVENUE
AND HESPERIAN BOULEVARD, SAN LEANDRO

Dear Messrs. Kan and Ralston:

Attached please find a copy of the November 14, 1990 Law Environmental, Inc. (LEI) Phase II Site Assessment Report, prepared for Tri Equity Properties, regarding the former Liquor Barn site, 15035 E. 14th Street, San Leandro. We understand the site is presently owned by Shadrall Associates, currently represented by Mr. Paul Feldman, Esq., of the firm of Davis, Malm & D'Agostine, under whose December 13, 1993 cover the cited LEI report was submitted to this office.

The cited LEI report documents the results of the installation of and sampling from three (3) ground water monitoring wells at the Liquor Barn site during October 1990. The analytical results indicate that shallow ground water underlying the Liquor Barn site has been impacted by fuel hydrocarbons, most significantly in the northern-most, or upgradient, well, MW-3. It is unknown if there have been subsequent sampling events.

This information is being presented to assist in planning future assessment of releases from your respective sites, and to aid in development of appropriate corrective action plans (CAP), consistent with the requirements of Article 11 of Title 23, California Code of Regulations (CCR). As we have discussed in the past, the ground water pollution problem in the area of the referenced intersection will require a cooperative effort and spirit from all involved parties to develop and affect an appropriate investigation and CAP.

Mr. Feldman informs me in his December 13 cover letter that his clients are willing to provide site access (to Chevron) for assessment activities. I imagine that this curtesy will be equally extended to Unocal for the same purpose, as well. You are each encouraged to contact, or continue contact with, Mr. Feldman to make whatever arrangements are necessary to complete your investigations. He can be reached at 617/589-3831.

Messrs. Kan and Ralston
RE: E.14th St./150th Ave./Hesperian Blvd.
January 12, 1994
Page 2 of 2

For your information, Mobil has recently submitted a preliminary site assessment (PSA) work plan for addressing the investigation at their former service station, located at 14994 East 14th Street. Once amended, the PSA work plan will be approved for implementation. Such work will hopefully answer some of the lingering questions regarding the potential presence of another contributory source to ground water pollution identified in this area.

In closing, please be reminded that all responsible parties are expected to fulfill the statutory requirement for assessment of their releases, to affect interim source and plume control, and to develop and implement appropriate corrective action pursuant to Article 11, 23CCR. Following the completion of Mobil's PSA, a meeting will be called with all parties, both responsible and affected, to discuss the final approach towards implementation and scheduling of such final corrective action. In the meanwhile, you are advised to begin coordinating your sampling and monitoring events, and, in light of the technical and cost factors associated with this investigation, to consider the joint development of future assessment activities.

Please call me at 510/271-4530 should you have any questions or comments.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director (w/o)
Gil Jensen, Alameda County District Attorney's Office (w/o)
Rich Hiett, RWQCB (w/o)
Mike Bakaldin, San Leandro Fire Department (w/o)
Edward Laudani, Alameda County Fire Department (w/o)
Steve Pao, Mobil Oil Company (w/ enclosure)
Paul Feldman, Esq.
files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

December 23, 1993

STID 4452

Mr. Steve Pao
Mobil Oil Corporation
Engineering Department
3800 West Alameda Avenue, Ste. 2000
Burbank, CA 91505-4331

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: (FORMER) KUBO'S MOBIL STATION, 14994 E.14TH STREET, SAN
LEANDRO, ALAMEDA COUNTY

Dear Mr. Pao:

This office is in receipt of the November 19, 1993 Alisto Engineering Group preliminary site assessment (PSA) work plan submitted to describe tasks associated with the investigation of soil and ground water contamination at the referenced site. A cursory review of this work plan suggested to this office that Alisto may not have been in possession of all the background information needed to present a viable work plan, one that completely addressed the need to assess the many suspected and known "hot spots" at this site.

I spoke subsequently with Mr. William Shipp of Alisto, confirming that Alisto was, in fact, not in possession of specific background information regarding the locations of underground storage tanks (UST), dispenser islands and product piping, the results of soil sample analyses following tank closure, and the location of a suspected monitoring well near the former UST cluster. Such supplementary background information was sent to Alisto under cover from this office dated December 3, 1993, a copy of which was provided you.


Alisto has since submitted an addendum to the original work plan, dated December 20, 1993. Proposed monitoring well placement appears to better reflect the former station configuration. However, the work plan, as amended, still does not adequately address the need to assess soil contamination in the areas proximal to the former dispenser islands, piping runs, or UST cluster. Hence, this work plan has not been accepted as amended.

I understand from Alisto's addendum that field work is slated to begin the week of January 3, 1994. Please be aware that the scope of the proposed work must reflect these rudimentary requirements before Mobil may proceed with this project. I encourage Mobil to again amend the work plan to reflect these requirements before the week of January 3 so that you may keep this project moving ahead in a timely fashion.

Mr. Steve Pao
RE: 14994 E.14th Street, San Leandro
December 23, 1993
Page 2 of 2

Please contact me at 510/271-4530 to discuss the issues addressed
in this letter.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Mike Bakaldin, San Leandro Fire Department
Frederick Mahan, Mahan & Peterson
601 Calif. St., Ste. 1500
San Francisco, CA 94108
Bernard Rose, Randick & O'Dea
1600 Harrison St., Ste. 2350
Oakland, CA 94612
William Shipp, Alisto Engineering Group
1777 Oakland Blvd., Ste. 200
Walnut Creek, CA 94596

DAVIS, MALM & D'AGOSTINE

A PROFESSIONAL CORPORATION

ONE BOSTON PLACE

BOSTON, MASSACHUSETTS 02108-4470

Julian J. D'Agostine
C. Michael Malm
Harold R. Davis
Frank P. Conrad
William F. Griffin, Jr.
Paul E. Levenson
Robert C. Gerrard
John G. Serino
John R. Berman
Sidney J. Wartel
Gary S. Matsko
Judith Ashton
John T. Lynch
Grover S. Parnell, Jr.
Robert J. Galvin
John D. Chambliss
Richard A. Nysten, Jr.

Carol R. Cohen
Howard P. Speicher
Paul L. Feldman
Kevin F. Long
William J. Grisct, Jr.
Peter L. Koff
Gary M. Feldman
George A. Hewett
Harold G. Clarke, Jr.
Robert J. Diettrich
J. Gavin Cockfield
Ellen Donovan McCann
Thomas S. Fitzpatrick
Robert E. Richards, Jr.
Jennifer L. Wilinsky
Lori H. Freedman

TELEPHONE: (617) 367-2500

TELECOPIER: (617) 523-6215

Writer's Direct Dial Number
(617) 589-3831

December 13, 1993

VIA FEDERAL EXPRESS

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
Alameda County Health Care Services Agency
80 Swan Way, Room 200
Oakland, California 94621

Re: Unocal/Mobil/Chevron/Phillips Stations
East 14th Street at 150th Avenue
San Leandro, California

Dear Mr. Seery:

I am writing in response to your letter to me dated November 19, 1993. As I indicated in messages that I left for you, Shadrall Associates is willing to provide access to Chevron in order for Chevron to conduct the assessment activities outlined in your letter. Shadrall Associates has a relatively simply access agreement which it would want to negotiate with Chevron. I suggest that representatives of Chevron contact me directly in order to complete such an agreement. As requested in your letter, I have enclosed a copy of an assessment report prepared by Law Environmental, Inc. dated November 14, 1990 regarding Shadrall Associates' property.

If you need further information or have any questions, please call me.

Very truly yours,


Paul L. Feldman

PLF/cm
Enclosures

cc: Kenneth Loughran (w/o encl.)
Frank P. Conrad, Esq. (w/o encl.)

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director
STID 4452



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 3, 1993

Mr. William Shipp
Alisto Engineering Group
1777 Oakland Boulevard, Suite 200
Walnut Creek, CA 94596

RE: (FORMER) KUBO'S MOBIL, 14994 EAST 14TH STREET, SAN LEANDRO

Dear Mr. Shipp:

This letter follows our telephone conversation today. As we discussed, there are several references made in the record regarding the presence of a monitoring well associated with the underground fuel storage tank cluster at this site. The record does not contain any monitoring or construction records for this alleged well, however. Hence, its actual presence has not been clearly substantiated. We further discussed that this well, if actually present, and assuming it is appropriately constructed and developed, could allow the collection of useful ground water data. Such data may dictate a need to alter the proposed scope of work, as presented in the November 19, 1993 work plan recently submitted by Alisto.

As we also discussed, please find attached to this letter documents which you may not have had the opportunity to review up to this point. One is a schematic map showing the locations of the tanks, lines, and dispenser island when the site was still a Mobil station. The other is a copy of the former owner's "plan of correction" showing the locations of soil samples collected during the 1986 tank closures and the results of laboratory analyses. This document also shows the proposed location of a monitoring well, presumably that which was referenced previously in this letter, and the area planned for overexcavation.

Please review these documents in context with your November 19 work plan, and submit any addenda you feel technically appropriate. I will await your response before I begin review of your plan. I may be reached at 510/271-4530.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

attachments

Mr. William Shipp
RE: 14994 E.14th Street, San Leandro
December 3, 1993
Page 2 of 2

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Mike Bakaldin, San Leandro Fire Department
Stan Roller, Mobil Oil Co., 3800 W. Alameda Ave., Ste. 700
Burbank, CA 91505-4311
Frederick Mahan, Mahan & Peterson, 601 Calif. St., #1500
San Francisco, CA 94108
Bernard Rose, Randick & O'Dea, 1600 Harrison St., Ste.2350
Oakland, CA 94612

Mahan & Peterson

A law partnership including a professional corporation

December 2, 1993

Mr. Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
State Water Resources Control Board
80 Swan Way, Room 200
Oakland, CA 94621

RE: 14994 East 14th Street, San Leandro 94578
Our File Number: 3102

ALCO
HAZMAT
93 NOV 33 PM 12:42

Dear Mr. Seery:

This will confirm that this office represents Fuk Kwan and Ying Sit, owners of real property at 14994 East 14th Street, San Leandro, Alameda County, California 94578 (formally Kubo's Service Station).

You have advised us that a soil and water investigation (SWI) work plan has been submitted by Mobil Oil Company in response to your letter dated June 3, 1993. Our clients will await your further advice in this matter, presuming that the requirements referred to in said letter are being met by Mobil.

You indicated that the plan submitted for Mobil by Alisto Engineering Group had been copied to our client, and we will expect to receive it in due course. Therefore, please forward any further correspondence in this matter to the undersigned.

Finally, thank you for faxing your November 19, 1993, letter regarding the Chevron investigation at 15002 Hesperian Boulevard with the attached map of the area showing the relationship to our clients' property.

Very truly yours,

MAHAN & PETERSON


Frederick Mahan

FM/mh

cc: Mrs. and Mrs. Sit

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 19, 1993

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

Mr. Paul Feldman
Davis, Malm & D'Agostine
One Boston Place
Boston, MA 02108-4470

RE: UNOCAL/MOBIL/CHEVRON/PHILLIPS STATIONS, EAST 14TH STREET @
150TH AVENUE, SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA

Dear Mr. Feldman:

This letter follows the message I left on your voice mail on Monday, November 15th. As you have previously been made aware by way of copy of the August 18, 1993 correspondence from this office, Chevron USA has been directed to expand the ongoing underground storage tank (UST) leak investigation at Chevron Station #9-2013, located at 15002 Hesperian Boulevard. This Chevron station is situated directly adjacent to and west of the property owned by your client, Shadrall Associates. Chevron's proposed plan includes the advancement of borings and wells onto your client's property ("site"). Please see the attached map which depicts the proposed locations. Technically, the approach proposed by Chevron appears appropriate for this phase of their investigation. Additional wells may be needed depending on what is found.

Although it may be somewhat early to state absolutely, nonetheless, the data collected to date seem to suggest that there may be at least two, and perhaps as many as four, commingling plumes in this area. Currently, your client's site presents a large hole in the data set. I understand from our previous conversation, and from discussions I have had with individuals involved with other investigations in the immediate area, that several monitoring wells are located at this site. This office has not had the opportunity to review any reports documenting the results of your client's investigation. Such information may prove invaluable in helping to guide the scope of the investigations occurring in the East 14th Street/Hesperian Boulevard/150th Avenue intersections.

This agency's hope is that all potential responsible parties (PRP), as well as any affected parties, will be able to work together on a unified approach for assessing the extent of the problem, and any requisite clean-up. Access to your client's site for future well installation and sampling is crucial to the success of this project. We need your client to take an active and cooperative role in meeting this goal.

Mr. Paul Feldman
RE: Unocal/Mobil/Chevron/Phillips stations
November 19, 1993
Page 2 of 2

For your information, the PRPs for the former Mobil station, located at 14994 East 14th Street, have recently been directed by the San Francisco Bay Regional Water Quality Control Board (RWQCB) to submit a Preliminary Site Assessment (PSA) work plan to this office by mid December. The Quality Tuneup facility (former Phillips station), located at 14901 East 14th Street, is preparing for the closure of three USTs. This work will be under oversight by the San Leandro Fire Department, the local permitting agency. Finally, Unocal Corporation is awaiting the results of the noted activities at these adjacent sites, in addition to your response, before committing to any definitive tasks associated with their investigation.

I would like to discuss the issues presented in this letter at your first available opportunity. I may be reached at 510/271-4530.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Mike Bakaldin, San Leandro Fire Department
Jim Ferdinand, Alameda County Fire Department
Kenneth Kan, Chevron USA, P.O. Box 5004
San Ramon, CA 94583-0804
Bernard Rose, Randick & O'Dea, 1800 Harrison, Ste. 2350
Oakland, CA 94612
Stan Roller, Mobil Oil Co., 3800 W. Alameda Ave., Ste. 700
Burbank, CA 91505-4311
Ed Ralston, Unocal Corp., 2000 Crow Canyon Place, Ste. 400
San Ramon, CA 94583

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



Fuk K. Sit
P.O. Box 160406
Cupertino, CA 95016-0406

October 29, 1993
File: 01-0989 & 2198.17

Ying C. Sit
P.O. Box 160406
Cupertino, CA 95016-0406

Bertram Kubo
5772 Sellers Avenue
Oakley, CA 94561

Stan Roller
Mobil Oil Company
3800 West Alameda Avenue, Suite 700
Burbank, CA 91505-4311

93 NOV -3 PM 2:38

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 September 29, 1993

Dear Ms. Sit and Messers Sit, Kubo, and Roller:

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 14994 East 14th Street, San Leandro, from an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from 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 have been provided conflicting reports as to the accountability of one or more of the parties to which the letter is addressed.

A Pre-Enforcement Review Panel was held at the ACHD offices on September 29, 1993, attended by Mr. Richard Hiatt 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.

Enforcement Panel Review
Page 2 of 3

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. You are also required to perform a minimum of monitoring and sampling of the wells presently located at the site, and submit summary reports documenting the results of this work.

Therefore, within 45 days of the date of this letter, you are requested to submit technical reports specifically addressing the following numbered items:

- 1) A soil and groundwater investigation workplan to define the lateral and vertical extent of pollution in soil and groundwater;
- 2) Quarterly submittal of investigation summary reports.

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 delinquency. Your response to this technical report request should be sent to the attention of Mr. Scott Seery at ACHD. Please inform Mr. Seery 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 Mr. Seery, of ACHD, at (510) 271-4530.

Sincerely,



Steven R. Ritchie
Executive Officer

Enforcement Review Panel
Page 3 of 3

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

Scott Seery, ACHD, 80 Swan Way, Suite 200, Oakland 94621

Robert Weston, ACHD

Mike Bakaldin, City of San Leandro, Civic Center, 835 E. 14th
Street, San Leandro 94577

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

In Re The Property Known As :)
)
(former) Kubo's Mobil Station)
14994 East 14th Street)
San Leandro, California)
_____)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

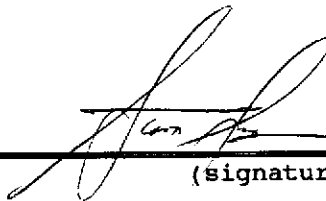
Dear Sirs:

The attached Official Notice of Request for Technical Reports 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 Scott Seery, do hereby certify that I served Bertram Kubo with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 113 815 073.

Dated: 11-3-93



(signature)

P 113 815 073



Receipt for Certified Mail S.O.S.

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

PS Form 3800, June 1991

Sent to <i>Bertram Kubo</i>	
Street and No. <i>5772 Sellers Ave</i>	
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	

SOS

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: Bertram Kubo 5772 Sellers Avenue oakley, CA 94561	4a. Article Number P 113 815 073
	4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
5. Signature (Addressee) 	7. Date of Delivery 11-5-93
6. Signature (Agent)	8. Addressee's Address (Only if requested and fee is paid)

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

In Re The Property Known As :)	Notice of Official Action
)	By the San Francisco Bay
(former) Kubo's Mobil Station)	Regional Water Quality
14994 East 14th Street)	Control Board
San Leandro, California)	
<hr/>		

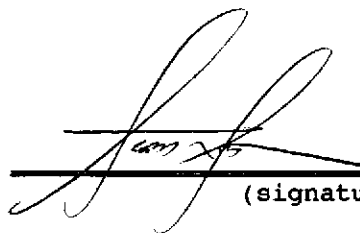
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify that I served Stan Roller with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 113 815 074.

Dated: 11-3-93



(signature)

P 113 815 074



Receipt for Certified Mail **SOS.**
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to Stan Roller	
Street and No. 3800 West Alameda # 700	
P.O., State and ZIP Code	
Postage	\$
Certified Fee	
Specia. 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	

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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Stan Roller
Mobil Oil Company
3800 West Alameda Ave, Ste 700
Burbank, CA 91505-4311

4a. Article Number
P 113 815 074

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

7. Date of Delivery
NOV 09 1993

b. Signature (Addressee)

6. Signature (Agent)

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

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

In Re The Property Known As :)
)
(former) Kubo's Mobil Station)
14994 East 14th Street)
San Leandro, California)
)
)
)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

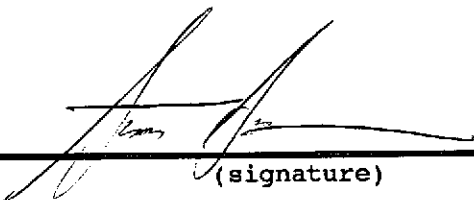
Dear Sirs:

The attached Official Notice of Request for Technical Reports 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 Scott Seery, do hereby certify that I served Ying C. Bit with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 113 815 072.

Dated: 11-3-93



(signature)

P 113 815 072



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to <i>Ying C. Sit</i>	
Street and No. <i>P.O. Box 160406</i>	
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	

SOS

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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Fuk K. Sit
P.O. Box 160406
Cupertino, CA 95016--4-6

4a. Article Number

P 113 815 071

4b. Service Type

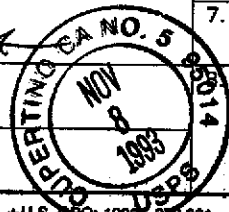
- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

Addresssee's Address (Only if requested and fee is paid)

F. K. Sit
5. Signature (Addressee)

6. Signature (Agent)



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

In Re The Property Known As :)	Notice of Official Action
)	By the San Francisco Bay
(former) Kubo's Mobil Station)	Regional Water Quality
14994 East 14th Street)	Control Board
San Leandro, California)	
<hr/>		

Dear Sirs:

The attached Official Notice of Request for Technical Reports 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 Scott Seery, do hereby certify that I served Ruk K. Sit with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 113 815 071.

Dated: 11-3-93



(signature)

P 113 815 071



Receipt for Certified Mail

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

Sent to <i>Fuk K. Sit</i>	
Street and No. <i>P.O. Box 160406</i>	
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	

PS Form 3800, June 1991

Mobil Oil Corporation

93 OCT 13 AM 8:45

3800 WEST ALAMEDA AVENUE, SUITE 700
BURBANK, CALIFORNIA 91505-4331

October 6, 1993

Mr. Scott o. Seery
Alameda County Health Care Services
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621


Re: Former Service Station
14994 E. 14th St.
San Leandro, California

Dear Mr. Seery:

Per Mr. Gil Jensen, District Attorney, and your request in our 29 September 1993 meeting, enclosed are copies of the tank test results and information related to the tank lining.

If you have any questions, please feel free to contact me at 818-953-2626.

Very truly yours,


Stephen Pao
Field Engineer II

G. G. Smith - Burbank, CA

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

In Re The Property Known As :)

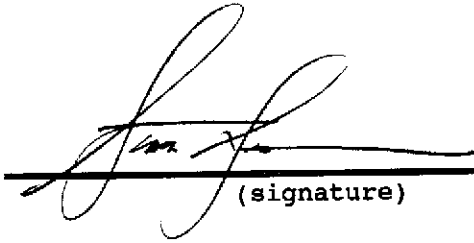
Proof of Service of

)
)
)
Notice of
Pre-Enforcement
Review Panel

(former) Kubo's Mobil Station
14994 East 14th Street
San Leandro, CA 94578

I Scott Seery, do hereby certify that I served Fuk Kwan & Ying Sit with a copy of the attached Notice of Pre-Enforcement Review Panel on September 29, 1993 by certified mailer# P 113 815 038.

Dated: Sept. 2, 1993



(signature)

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

In Re The Property Known As :) **Notice of
Pre-Enforcement
Review Panel**

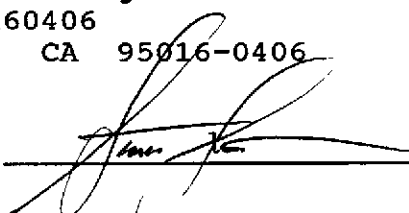
(former) Kubo's Mobil Station
14994 East 14th Street, San Leandro 94578)

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 **September 29, 1993 at 9:00 a.m.** 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. **Bertram Kubo**
5772 Sellers Avenue
Oakley, CA 94561
2. **Garret Smith**
Mobil Oil Company
3000 West Alameda, Ste. 700
Burbank, CA 91505
3. **Susan Brown**
C & H Development Company
3744 Mt. Diablo Blvd., Ste. 101
Lafayette, CA 94549
4. **Fuk Kwan and Ying Sit**
P.O. Box 160406
Cupertino, CA 95016-0406

Dated: **September 2, 1993**



P 113 815 035



Receipt for Certified Mail

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

Sent to Bertram Kubo	
Street and No. 5772 Sellers Ave	
P.O., State and ZIP Code Oakley, CA 94561	
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

1994 E. 12TH

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. Addressee's Address
 - 2. Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

**Bertram Kubo
5772 Sellers Ave
Oakley, CA 94561**

Bertram Kubo

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 113 815 035

4b. Service Type

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

7. Date of Delivery

26 9/16/93

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

Thank you for using Return Receipt Service.

P 113 815 036



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to <i>Garret Smith</i>	
Fak Kwan + Yan Sit	
Street <i>3000 W. Alameda, Ste. 700</i>	
70 Boy 160406	
P.O. Box <i>91505</i>	
Superfund, CA 95016-0406	
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	

1993 6.14.76

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.
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- The Return Receipt will show to whom the article was delivered and the date delivered.

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*Garret Smith
Mobil Oil Company
3000 West Alameda, Ste. 700
Burbank, CA 91505*

4a. Article Number

P 113 815 036

4b. Service Type

- | | |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

SEP 07 1993

5. Signature (Addressee)

GC

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

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

In Re The Property Known As :) **Notice of
Pre-Enforcement
Review Panel**

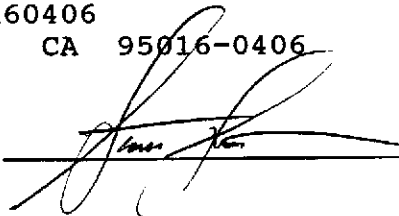
(former) Kubo's Mobil Station
14994 East 14th Street, San Leandro 94578)

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1. **Bertram Kubo**
5772 Sellers Avenue
Oakley, CA 94561
2. **Garret Smith**
Mobil Oil Company
3000 West Alameda, Ste. 700
Burbank, CA 91505
- ✓ 3. **Susan Brown**
C & H Development Company
3744 Mt. Diablo Blvd., Ste. 101
Lafayette, CA 94549
4. **Fuk Kwan and Ying Sit**
P.O. Box 160406
Cupertino, CA 95016-0406

Dated: **September 2, 1993**



P 113 815 037



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to	Susan Brown
Street and No.	C+H Development
Post Office and City	3744 Mt. Diablo Blvd.
Postage	Lafayette, CA 94549
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	

In your RETURN ADDRESS completed on the reverse side?

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

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Susan Brown
C+H Development
3744 Mt. Diablo Bl., #101
Lafayette

93 SEP 18 3 14 50 37

4a. Article Number

- 4b. Service Type
- | | |
|-----------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

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

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

P 113 815 038



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to Fuk Kwan + Ying Sit	
Street and No. P.O. Box 160406	
P.O., State and ZIP Code Cupertino, CA 95016-0406	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

- 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.
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- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

- Addressee's Address
 - Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:
Fuk Kwan + Ying Sit
P.O. Box 160406
Cupertino, CA 95016-0406

4a. Article Number
P. 113 815 038

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

7. Date of Delivery
9-17-93

5. Signature (Addressee)

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

6. Signature (Agent)

Thank you for using Return Receipt Service.

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 2350
OAKLAND, CALIFORNIA 94612

93 SEP -2 AM 11:45

ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
BERNARD F. ROSE, PH.D.
JULIE M. ROSE
WILLIAM J. TRINKLE

TELEPHONE
(510) 836-3555
TELECOPIER
(510) 834-4748

August 31, 1993

Mr. Scott Seery
Alameda County Health Services Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

RE: 14994 East 14th Street, San Leandro, CA

Dear Mr. Seery:

After our August 26, 1993 telephone conversation I reviewed our files concerning the above-referenced site and have determined the following:

1) The site was a Mobil service station since 1958 (Exhibit A). Mobil owned the tanks from prior to 1976 until it sold them to Mr. Kubo in early 1984. Mr. Kubo owned the tanks from 1984 through 1986.

2) Mr. Kubo operated the former underground storage tanks as a Mobil franchisee from 1976 through 1986. During the time period that Mr. Kubo leased the tanks from Mobil, Mobil was responsible for the repairs.

3) Mobil tested the tanks prior to their sale to Mr. Kubo. The tanks did not test tight (Exhibit B).

4) The tanks were lined in March 1984 (Exhibit C). Petrotite tested the tanks and confirmed that they were tight (Exhibit D).

5) Mr. Kubo removed the tanks in December 1986 (Exhibit E). At that time the tank bed was overexcavated to remove the contaminated soil. Mr. Kubo worked out a deal with Mobil in which Mobil paid for the costs of the soil excavation. Mobil required that Mr. Kubo sign the enclosed release for a release of any further claims relating to this prior overexcavation of the site (Exhibit F). The release specifically provides that Mr. Kubo did not release Mobil from:

any future order of any regulatory agency of competent jurisdiction to remediate hydrocarbon contamination of the site which occurred during MOBIL's lease of the premises provided it is understood MOBIL reserves all rights, defenses and claims for indemnity or otherwise

Mr. Scott Seery
August 31, 1993
Page 2

it may have against others, including BERTRAM H. KUBO,
for the expense of such remediation.

6) Exhibit G is a January 27, 1987 letter from Mobil to Peter Spinetta confirming that prior to Mr. Kubo's purchase of the tanks, Mobil had repaired the tanks, therefore indicating that the tanks leaked during the time period that Mobil owned them.

Reviewing your "Responsible Party Identification" list Mobil falls within the classification as a responsible party under definition number 5:

Any person who had or has control over an UST at the time of or following an unauthorized release of petroleum occurred.

Based on the above, I see Mobil to be a more responsible party for this site than Mr. Kubo. This site was a Mobil service station since 1958. Mobil repaired the tanks sometime prior to the date that Mr. Kubo purchased the tanks and it appears that Mobil failed to conduct any corrective action at that time. As a mere lessee of the property and operator of the tanks until 1984, Mr. Kubo's sole responsibility to Mobil was to report any problems concerning the tanks. Mr. Kubo did not have the authority to conduct any remediation of the property as he was not entitled to make any changes or alterations to the property nor did he have the authority to have the tanks repaired.

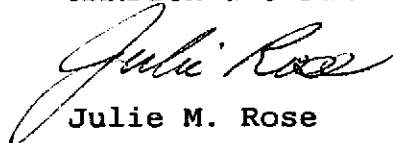
There is very little likelihood that the tanks leaked during Mr. Kubo's ownership which was between the time that they were lined in March 1984 and removed in December 1986.

It seems clear that Mobil should be named the primary responsible party for addressing this site. Mr. Kubo's responsibility is secondary, at best. In light of the foregoing, it would be appreciated if you would contact Mobil and inform the company of its responsibilities.

If you have any questions, please contact me.

Very truly yours,

RANDICK & O'DEA


Julie M. Rose

JMR:mj
cc: Bert Kubo
3537.2

San Leandro Fire Department
Division Of
Fire Prevention

Code: M
I
D

Inspection Sheet

Fire Zone I
Use Zone C1

Business Name: Mobil Service Add. 14994 East 14th St. Phone BR 6-5390
Business Owner: Tom Reeves Add. 7715 Laurel, Castro Valley Phone JE 7-9165
Emergency Contact: _____ Phone _____

Occupant and purpose for which used: Service Station - Basement
1st. Floor _____ 2nd. Floor _____ 3rd. Floor _____ 4th. Floor _____
Construction Steel
Area Sq. Ft. 300 Shutoff Locations: Elect. (e) Gas None Group _____

(a) Hazardous Contents Gasoline

(f) Floor Openings None

(b) Heating System None

(g) Flammable Liquids & Compressed Gas
100 gallons kerosene
50 gallons Sovasol cleaning solvent

(c) Inside Protection 1 - 20# dry chemical
1 - 15# CO² 2 - 5# CO²

(h) Housekeeping Good

(d) Exit Locations Front

(i) Exposures _____

(e) Electrical Shutoff inside building back
of office

(j) Trash/Ash Storage Barrel incinerator
(see remarks)

Remarks and Recommendations Dispose of barrel incinerator

Notice Issued: Verbally To Whom Mr. Tom Reeves
Previous Notice Issued: _____ Date _____ By Whom _____

Refer To:
Building Div. _____
Health Dept. _____
Elect. Div. _____
Police Dept. _____
Other: _____

Inspector W. Wilson RW
Date 9/16/58

SUMMARY OF TEST RESULTS

LOCATION: Mobil #10-123
14994 E. 14th St.
San Leandro, CA

DATE: 1/25/84
 COPIES TO: Joy Xavier

CUSTOMER: Mobil

LL-7

SYSTEM	TANK SIZE		WATER INCHES	PUMP DISCHARGE PRESSURE TEST	LEAK LOKATOR RESULTS*			COMMENTS - RECOMMENDATION
	GALLONS	DIAMETER INCHES			LEVEL INCHES	GPH	CONCLUSION	
Super	6,000	95"	0	Applied 50# held 12#/10 min	87"	-0.559	Leak	Check Test = -0.580 GPH
Unlead	6,000	95"	0	50#/10 min	87"	-0.361	Leak	Check Test = -0.387
Regular Leaded	6,000	95"	0	applied 50# held 15#/10min	89"	-0.280	Leak	Check Test = -0.322

ADDITIONAL COMMENTS: Results to J. Xavier 1/26/84 Steel tanks @ location

OTHER CHARGES: (i.e., pumpovers, overtime, parts, etc.) Replaced (1) 4 x 4 co-axial fill adapt

* - INCHES FROM TANK BOTTOM TO TEST LEVEL.
 ABSOLUTE LEAK RATE (MEASURED LEAK RATE - TEMPERATURE COMPENSATION) IN GALLONS PER HOUR
 - NFPA 329 STANDARD OF +0.05 GPH IS USED TO CERTIFY TIGHTNESS.

PRELIMINARY REP

GLASS ARMOR INSTALLATION RECORD

DATE COMPLETED March 22, 1984
 JOB ADDRESS 14994 E. 14th St.
 CITY AND STATE San Leandro, California 94578
 APPLICATING COMPANY: Southwest Tank Liners

Mail Guarantee To:

<u>Kubo's Service Center</u>	<u>COMPANY</u>
<u>14994 E. 14th St.</u>	<u>ADDRESS</u>
<u>San Leandro, California</u>	<u>CITY</u>
	<u>ATTENTION</u>

SKETCH OF GA TANK LOCATION

TANK SIZE: 3-6,000 Gallons PRODUCTS: gasoline

NOTE IF SOUTHWEST TANK LINERS IS SUMMONED TO THE SITE OF A PREVIOUSLY ARMOR COATED TANK FOR SUSPECTED LEAKAGE, AND IF SOUTHWEST TANK LINERS DETERMINES THAT THE LEAKAGE IS NOT FROM PREVIOUSLY ARMOR COATING BY THIS COMPANY, SAID OWNER, LEASEE AND/OR LEASOR OF TANK WILL PAY LABOR AND COSTS FOR SUCH INSPECTION.

Attn: Inspector Dorpinghaus, San Leandro Fire Department
 835 East 14th St., San Leandro, California 94577

On March 21, 1984 I performed an ultrasonic inspection and a visual inspection of three 8' diameter by 16' 6,000 gal underground storage tanks located at 14994 East 14th St., San Leandro.

Findings:

Visual inspection indicated an overall, excellent physical condition with a minor level of surface rust. Thickness measurements were taken on 6" and 12" centers, horizontally along the lengths of the tanks and circumferentially in a vertical plane, and across the tank ends to determine wear and/or weakened areas.

Thickness measurements:
 inches

Tank 0.275 average (0.281 max. 0.269 min.)
 Tank Ends 0.260 average (0.262 max. 0.259 min.)

All three tanks were the same.

Bridgeport Chemical Corporation
 2610 N.E. 5th Avenue
 Pompano Beach, Florida 33064

Applicator
 Mail to Bridgeport for
 authentication signature
 (use window envelope)

1. OWNER Property Tank(s)
 Name: Burt Kubo Address: 14999 East 14th San Leandro (415) 278-1420 Representative: _____ Telephone: _____

2. OPERATOR
 Name: SAME AS ABOVE Address: _____ Telephone: _____

3. REASON FOR TEST (Explain Fully)
Requested by City of San Leandro after relining of tanks. Before tanks were relined; Hunter Environmental tested tanks as leaking.

4. WHO REQUESTED TEST AND WHEN
 Name: Order placed in by Bob of Southwest Tank Lines Title: _____ Company or Affiliation: _____ Date: _____
 Address: _____ Telephone: _____

5. WHO IS PAYING FOR THIS TEST?
 Company, Agency or Individual: Mobil Person Authorizing: _____ Title: _____ Telephone: _____
 Billing Address: _____ City: _____ State: _____ Zip: _____
 Attention of: _____ Order No.: _____ Other Instructions: _____

6. TANK(S) INVOLVED	Identify by Direction	Capacity	Brand/Supplier	Grade	Approx. Age	Steel/Fiberglass
	<u>Far West</u>	<u>6,000</u>	<u>Mobil</u>	<u>Unleaded</u>	<u>10 yrs.</u>	<u>STEEL</u>
	<u>Middle</u>	<u>6,000</u>	<u>Mobil</u>	<u>Regular</u>	<u>30 yrs.</u>	<u>STEEL</u>
	<u>Far East</u>	<u>6,000</u>	<u>Mobil</u>	<u>Super Un.</u>	<u>30 yrs.</u>	<u>STEEL</u>

7. INSTALLATION DATA	Location	Cover	Fills	Vents	Siphones	Pumps
	<u>North of Station</u>	<u>Concrete + Asphalt</u>	<u>4" with Droptubes</u>	<u>2" not manifolded VAPOR is manifolded</u>	<u>NONE</u>	<u>Remote</u>
	<small>North inside driveway, Rear of station, etc.</small>	<small>Concrete, Black Top, Earth, etc.</small>	<small>Size, Titefill make, Drop tubes, Remote Fills</small>	<small>Size, Manifolded</small>	<small>Which tanks?</small>	<small>Suction, Remote Make if known</small>

8. UNDERGROUND WATER
 Depth to the Water table: unknown Is the water over the tank? Yes No

9. FILL-UP ARRANGEMENTS
 Tanks to be filled: 8:30 A.M. 3-26-84 Date Arranged by: Burt Kubo (415) 278-1420 Name: _____ Telephone: _____
 Extra product to "top off" and run TSTT. How and who to provide? Consider NO Lead.

Terminal or other contact for notice or inquiry: _____ Company: _____ Name: _____ Telephone: _____

10. CONTRACTOR, MECHANICS, any other contractor involved
Hunter Environmental, originally tested tanks
Southwest Tank Lines
Petroleum Engineering, Retest tanks, back fill, recurbace

11. OTHER INFORMATION OR REMARKS
 Additional information on any items above. Officials or others to be advised when testing is in progress or completed. Visitors or observers present during test etc.

12. TEST RESULTS
 Tests were made on the above tank systems in accordance with test procedures prescribed for **petro title** as detailed on attached test charts with results as follows:

Tank Identification	Tight	Leakage Indicated	Date Tested
<u>Far West, unleaded</u>	<u>✓</u>	<u>+.006</u>	<u>3-26-84</u>
<u>Far East, Supreme</u>	<u>✓</u>	<u>+.018</u>	<u>3-27-84</u>
<u>Middle, Regular</u>	<u>✓</u>	<u>-.030</u>	<u>3-27-84</u>

13. CERTIFICATION
 This is to certify that these tank systems were tested on the date(s) shown. Those indicated as "Tight" meet the criteria established by the National Fire Protection Association Pamphlet 329.
 Date: _____
 Sental No. of Thermal Sensor: _____
Kim K. Garloff _____

Petroleum Engineering _____
 Testing Contractor or Company. By: Kim K. Garloff Signature
205 5th St. Santa Rosa, Ca. Address

atlas hydraulic corporation

Kubo Mobil Station
14994 E. 14th St
San Leandro

December 16, 1986

San Leandro Fire Department
835 East 14th Street
San Leandro, CA

Attention: Inspector Soloman

RE: Tank Removal Closure Plan

Dear Gentlemen:

On December 22, 1986, Atlas Hydraulic Corporation will be removing three 6000 gallon underground fuel tanks and one 300 gallon underground waste oil tank at 14994 East 14th Street per the attached plot plan. The tanks will be steamcleaned on site and the rinseate will be removed by H & H Ship Service, P.O. Box 77363, China Basin, San Francisco, 94107. The cleaned tanks will then be packed with dry ice, removed and trucked to Telcoast Manufacturing, P.O. Box 1864, 1864 Turlock, CA 95381; (209) 634-9026. Telecoast will clean tanks completely and resell them as water tanks for cattle.

Please call me at 786-3393 if you have any questions regarding this work.

Sincerely yours,



Douglas D. Barrows
Project Manager

DDB/mch

ENCLOSURE

9-23-87

Main:
Please make site and
label it:
150th + E. 14th St.
San Leandro, CA. 94578
74578

RELEASE AND SETTLEMENT OF CLAIM

FOR AND IN CONSIDERATION of the payment to the undersigned, BERTRAM H. KUBO by MOBIL OIL CORPORATION ("MOBIL") of the sum of fifteen thousand two hundred seventy nine dollars and sixty five cents (\$15,279.65) for the settlement of all claims arising out of hydrocarbon contamination of the soil and water at former Mobil service station 10-123 located at 14994 East 14th Street, San Leandro, California, (the "site") and for the waiver of unknown claims, the receipt whereof is hereby acknowledged, the undersigned does hereby acquit and forever discharge MOBIL, its affiliates, their officers, servants and agents, of and from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation on account of, or in any way growing out of or resulting from the said soil and water contamination and any and all expense related thereto or arising therefrom.

The undersigned does further acquit and discharge MOBIL, its affiliates, their officers, servants and agents, of and from any claims not now known or suspected, whether existing at the time of the execution hereof or arising thereafter, and does hereby waive the provisions of Section 1542 of the Civil Code of the State of California which states:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

except as specifically indicated below.

This release does not apply to any future order of any regulatory agency of competent jurisdiction to remediate hydrocarbon contamination of the site which occurred during MOBIL's lease of the premises provided it is understood MOBIL reserves all rights, defenses and claims for indemnity or otherwise it may have against others, including BERTRAM H. KUBO, for the expense of such remediation.

It is further understood and agreed that this settlement is the compromise of a doubtful and disputed claim, and that payment is not to be construed as an admission of liability on the part of MOBIL, by whom liability is expressly denied.

BERTRAM H. KUBO acknowledges that this release and the terms of settlement were arrived at after bargaining and negotiation and understands that he is waiving all claims in any way connected with the contamination for which this release is given except as specified otherwise and further acknowledges he has been fully advised of the effect of this release by counsel of his choice.

This Agreement shall be binding upon the representatives, predecessors, successors and assigns of the undersigned.

This release contains the ENTIRE AGREEMENT between the parties hereto and the terms of this release are contractual and not a mere recital.

The undersigned has fully read this release and understands all the terms and conditions therein contained.

IN WITNESS WHEREOF, I/we have hereunto subscribed my/our hand(s) this 11th day of March, 1988.

Signed in the presence of:

Peter L. Spruilly

BERTRAM H. KUBO

By: [Signature]

Approved this 28th day of March, 1988.

Peter L. Spruilly
Attorney for Bertram H. Kubo

8944I

DAVIS, MALM & D'AGOSTINE

A PROFESSIONAL CORPORATION

ONE BOSTON PLACE

BOSTON, MASSACHUSETTS 02108-4470

Julian J. D'Agostine
C. Michael Malm
Harold R. Davis
Frank P. Conrad
William F. Griffin, Jr.
Paul E. Levenson
Robert C. Gerrard
John R. Berman
Sidney J. Wartel
Gary S. Matsko
Judith Ashton
John T. Lynch
Grover S. Parnell, Jr.
Robert J. Galvin
John D. Chambliss

Richard A. Nylan, Jr.
Carol R. Cohen
Howard P. Speicher
Paul L. Feldman
Kevin F. Long
William J. Griset, Jr.
Charles G. Rancourt
George A. Hewett
Mark E. Walsh
Robert J. Dietrich
J. Gavin Cockfield
Ellen Donovan McCann
Lata Bhopale Williams
Thomas S. Fitzpatrick
Lori H. Freedman

TELEPHONE: (617) 367-2500

TELECOPIER: (617) 523-6215

Writer's Direct Dial Number
(617) 589-8331

August 12, 1993

VIA FACSIMILE - (510) 569-4757

Mr. Scott Seery
Alameda County Environmental
Health Agency
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, California 94621

Re: Unocal/Mobil/Chevron/Phillips Stations
East 14th Street at 150th Avenue
San Leandro, California

Dear Scott:

As I mentioned to you yesterday on the telephone, this office represents Shadrall Associates which is the owner of the property south and down gradient of the above referenced gas stations. I appreciated your time in reviewing with me the status of the environmental assessment activities that are occurring in this area. As you suggested, I am writing to request that I be notified of all future reports and correspondence that involve the various potentially responsible parties and the Alameda County Environmental Health Agency with regard to this location.

Once again, thank you for your cooperation.

Very truly yours,


Paul L. Feldman

PLF/cm

cc: Kenneth Loughran

ORIGINAL COPY OF
DOCUMENT PREVIOUSLY
SENT BY FAX

Scheduled for
6/24 @ 1:30
92

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 2350
OAKLAND, CALIFORNIA 94612

TELEPHONE
(510) 836-3555

TELECOPIER
(510) 834-4748

ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
BERNARD F. ROSE, PH.D.
REBECCA T. DIXON
JULIE M. ROSE
WILLIAM J. TRINKLE

June 11, 1993

CORRECTED LETTER

Ms. Juliet Shin
Mr. Scott Seery
Alameda County Health Services Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

RE: 15595 Washington Street, San Lorenzo, CA - Shin
14994 East 14th Street, San Leandro, CA - Seery

Dear Ms. Shin and Mr. Seery:

Mr. Bert Kubo has hired this firm to assist him in addressing the contamination found at the above-referenced locations. I would like to set up an appointment to send in a copying service company to make copies of your files on these two sites.

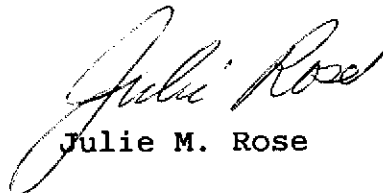
Please contact either Celeste Crawford or myself at the above number to set up a time and date for our copying service to copy the files. I understand that an hourly fee is charged by your office for overseeing the file review and copying. That fee can be billed directly to this office.

If you have any questions, please contact me.

Thank you for your assistance in this matter.

Very truly yours,

RANDICK & O'DEA


Julie M. Rose

JMR:mj

3537.2

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

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

BILLING FOR SERVICES

4452
STID# 1360

A. Site Name Kuba's Mobil Phone _____
Mahdi Mohammadian
 Site Address 14994 E. 14th, S. Leandro
 (If no address, description of area) _____
 15895 Washington, S. Leandro
 Number Street City Zip
 Prior Business Name NA Prior Owner's Name _____

B. Service Requestor Julie M. Rose, Randick & O'Dea Phone _____
 Contact Person Company Name
 Billing Address 1800 Harrison St., Ste. 2350, Oakland 94612
 Number Street City Zip

Category of Service		#Hours	x \$	/Hr	\$
..... Site Search		<u>2</u>	x \$	<u>75</u> /Hr	\$ <u>150</u>
..... <input checked="" type="checkbox"/> File Search		_____	x \$	_____/Copy	\$ _____
..... Other		_____	x \$	_____	\$ _____
TOTAL CHARGE:					\$ <u>150</u>

REMARKS: Site search - files copied by Attorney's Diversified Services, 300 - 27th St., Oakland 510/835-9176
Bill Esparza

You will receive an invoice in accordance with Article 11 of Chapter 6, Title 3 of the Ordinance Code of Alameda County

Service Requestor Bill Esparza [Signature] Date 6-24-93
 printed name signature
 HazMat Specialist Scott SEERY [Signature] Date 6-24-93
 printed name signature

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 4452

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

June 3, 1993

Mr. Bertram Kubo
5772 Sellers Avenue
Oakley, CA 94561

RE: (FORMER) KUBO'S SERVICE STATION, 14994 EAST 14TH STREET,
SAN LEANDRO, ALAMEDA COUNTY

Dear Mr. Kubo:

Our records indicate that on or around December 22, 1986, while you were the owner and operator of the subject site, three (3) motor vehicle fuel and one (1) waste oil underground storage tanks (UST) were closed by Atlas Hydraulic Corporation. Soil samples collected from below the fuel USTs during closure confirm that an unauthorized release of fuel hydrocarbons had occurred. Initial soil samples exhibited up to 1700 parts per million (ppm) of volatile hydrocarbons (gasoline). An "Unauthorized Leak/Release Report" was filed with the State Water Resources Control Board on December 30, 1986 as a result of these findings. It is currently unknown whether soil samples were collected from below product lines or dispenser islands, as would be required today.

On January 27, 1987, following overexcavation of the fuel UST pit to remove soil impacted by elevated concentrations of fuel hydrocarbons, you were advised in correspondence from this office that a ground water monitoring well was to be installed. Records recently received from C & H Development indicate this well was, in fact, installed proximal to the former UST cluster. To date, however, this office has not been in receipt of any reports documenting the results of laboratory analyses of ground water sampled from this well.

As you are aware, shallow soil contamination was discovered in September 1987 during a PG & E utility pole replacement project along 150th Avenue. The extent of this contamination was assessed through the advancement of borings and analysis of soil samples collected from these borings. The impacted area was overexcavated and resampled to confirm the effectiveness of the remediation effort. A ground water monitoring well was subsequently installed on the subject property, approximately 10 feet southwest of the noted excavation. Water samples collected from this well during March 1988 and again in January 1989 confirm that shallow ground water underlying this site has been impacted by fuel hydrocarbons. This well is located very proximal to the former "self-serve" island along 150th Avenue.

Mr. Bertram Kubo
RE: 14994 E. 14th Street, San Leandro
June 3, 1993
Page 2 of 3

Unocal Corporation has been investigating ground water contamination associated with their site, located at 15008 E. 14th Street and across 150th Avenue from the subject site, since approximately mid 1991. Calculated ground water flow direction has historically ranged from approximately southwest to southeast, or, from the subject site towards the noted Unocal station. An upgradient well, designated MW-7, was installed during May 1992 along the northwest side of 150th Avenue, directly in front of the subject site. Soil contamination was discovered in this boring at a depth above first encountered ground water. Ground water sampled from this well has exhibited between 1800 and 17,000 parts per billion (ppb) of total petroleum hydrocarbons as gasoline (TPH-G). Benzene levels have ranged from 37 to 540 ppb.

The results of investigations on and surrounding the subject site have clearly identified that a release, or releases, has (have) occurred at this site, and that the ground water contamination identified both on- and immediately off-site are likely the result of this (these) release(s). Further assessment is clearly warranted.

The San Francisco Bay Regional Water Quality Control Board (RWQCB) requires environmental investigations to be performed when unauthorized releases are discovered. Initial investigations are generally in the form of a Preliminary Site Assessment, or PSA. However, because ground water and soil contamination has already been documented at this site, the next stage of the investigation must take the form of a **Soil and Water Investigation (SWI)** pursuant to the requirements Article 11, California Code of Regulations (CCR).

At this time, you are directed to prepare and submit a work plan describing the technical scope of the requisite SWI. The SWI must be conducted in accordance with the RWQCB 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 11 of 23CCR.

The SWI work plan is due within 45 days of the date of this letter, or by July 28, 1993. Work should commence no later than 30 days following work plan approval.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond may result in the referral of this case to the appropriate agency for enforcement action.

Mr. Bertram Kubo
RE: 14994 E. 14th Street, San Leandro
June 3, 1993
Page 3 of 3

Please feel free to call me at 510/271-4530 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Env. Health
Gil Jensen, Alameda County District Attorney's Office
Rich Hiett, RWQCB
Mike Bakaldin, San Leandro Fire Department
Susan Brown, C & H Development
David Hill, Mobil Oil Company
Fuk Kwan Sit, property owner
Ed Ralston, Unocal Corporation
files

C&H Development Co.

93 MAY 27 10:11 AM '93

3744 Mt. Diablo Boulevard, Suite 301
Lafayette, California 94549
(510) 283-5010
FAX: (510) 283-4856

May 25, 1993

Mr. Scott Seery
Hazardous Materials Specialist
ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
80 Swan Way, Room 200
Oakland, California 94621

RE: 150th and East Fourteenth Streets, San Leandro
APN 077E-1606-005-08

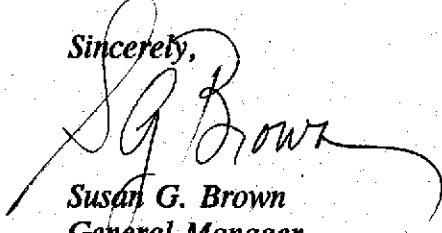
Dear Scott:

I am herewith enclosing for your review and files the materials about which we spoke. A listing of these attachments accompanies this letter. I have highlighted for your ease in reviewing, those portions of each enclosure I believe would be of greatest interest today.

A couple of miscellaneous items... First, the cover letter transmitting the "Notice of Reimbursement" is, for unknown reasons, dated November 2, 1992, however, we did not receive this until May 4, 1993 (subsequent to our conversation.) Second, the copies of the deeds from C&H to the Sits are also attached (Wang Ngok Luk was the Sits accommodator in an IRS 1031 exchange). You'll note the date of recordation was April 28, 1988.

Scott, feel free to contact me if there is any additional assistance I may provide you at this time.

Sincerely,



Susan G. Brown
General Manager

SGB:iat
Encls.

List of Enclosures To
Letter of 5/25/93

Copy of Alameda County Health Care Services letter dated 11/2/92, but received by C&H 5/4/93, transmitting "Notice of Reimbursement" (dated 4/27/93).

Copy of deed from Bertram Kubo to C&H effective 12/31/86.
Second amendment to purchase agreement.
First amendment to purchase agreement.
Assignment and assumption agreement (Basil Christopoulos to C&H).
Addendum to purchase agreement.
Purchase agreement.
Letter of 2/18/87 from Stanley Roller, Mobil Oil to Spinetta, Randick & O'Dea (Kubo's attorney)
Letter of 2/6/87 from Dan Christopoulos, C&H to Bert Kubo.
Letter of 12/15/86 from Dan Christopoulos, C&H to Bert Kubo.
Interoffice note 12/23/86 Dan Christopoulos, C&H after telephone conversation with Bert Kubo.

Copy of Notice of Completion recorded April 20, 1988.

Purchase agreement (Sits / C&H).
Counter offer to above purchase agreement dated 12/23/87.
Counter offer to above dated 12/21/87.
Counter offer to above dated 12/28/87.
Contract supplement signed by F.K. Sit 1/14/88 and transmitted between the brokers to the transaction and C&H 1/15/88.
Contract supplement fully executed 1/20/88 and transmitted by me to our broker, Rodney Griffin.
Addendum to purchase agreement executed by C&H 3/31/88.
Addendum to purchase agreement fully executed on 4/13/88.
Assignment of contract Sit to Luk (accommodator; not to be confused with Sits broker, John Luk).
Indemnity agreement.
Copies of deeds recently secured at request of Scott Seery reflecting the transfer of title from C&H to Sits on 4/28/88.

Next two enclosures are of internal chronological notes in our files recapping the sequence of events.
Letter of 12/30/86 Wasserman with Stein & Lubin (C&H attorney) to Arah Dailey regarding Kubo Amendment to contract.
2/24/87 transmittal from Subsurface Consultants to C&H.
9/24/87 letter from Ray Tuider, PG&E notifying C&H of contamination encountered during relocation of utility pole.
9/28/87 copy of handwritten notes Tak Hirahara of C&H to file relative to telephone conversation with Jim Bowers, Subsurface.
9/30/87 handwritten notes regarding the chain of title on the subject property.
10/12-15/87 handwritten notes of Hirahara to file regarding telephone conversations with Jane Keith, Mobil Oil.
10/26/87 report by Subsurface on preliminary investigation of the contamination discovered.

10/18/87 letter from Philipps/Reese, City of San Leandro notifying C&H occupancy of the property would not be allowed until all public improvements were satisfactorily completed.

10/28/87 transmittal by Subsurface to Feldman, RWQCB of 10/26 preliminary investigation.

10/30/87 Shahid, Alameda Health Care Services to Subsurface requesting the detailed plan for remediation.

11/3/87 Letter of Dan Christopoulos, C&H to attorney Spinetta placing he and his client, Kubo, on notice regarding the problem.

11/16/87 Subsurface report of ongoing investigation into the extent of the contamination.

11/20/87 Subsurface transmittal of site safety plan.

11/20/87 site safety plan prepared by Subsurface.

11/20/87 Letter S. G. Brown to Bert Kubo requesting either copies of the results from testing of water monitoring well or immediate action to perform such tests.

11/30/87 Service agreement between C&H and Riedel Environmental for remediation required.

11/30/87 Shahid letter of acceptance of remediation plan and site safety plan.

12/1/87 Manifest Nos. 87212741, 87212742, 87212743 for contaminated soils transported to Casmalia. 12/2/87 Manifest 87403278 same.

12/3/87 Letter Spinetta to Roller of Mobil regarding Kubo's obligation to provide C&H clearances assuring a "clean" site.

12/3/87 Letter Spinetta to C&H attorney, Donald Edgar rejecting our claim Kubo remediate.

12/7/87 Authorization to transport an additional load of soils to Casmalia, followed by Manifest 87212895 evidencing same.

12/9/87 Letter Edgar to Dan Christopoulos of C&H transmitting correspondence forwarded by him to Spinetta regarding the scope of the remediation and an additional request Kubo participate in the costs associated with the clean up.

12/15/87 Subsurface Consultant's closure report.

12/28/87 Letter Shahid to C&H requesting installation of a water monitoring well and test analysis of same.

1/14/88 Letter Edgar to Shahid relaying fact C&H did not feel this to be our responsibility.

1/22/88 Letter Edgar to City Attorney, City of San Leandro transmitting Subsurface reports of 10/26/87, 11/16/87 and 12/15/87.

1/25/88 Letter S. Brown to Jane Keith, Mobil Oil transmitting data and requesting Mobil's assistance.

1/29/88 Letter Philipps/Reese, City of San Leandro to C&H advising no occupancy would be allowed until installation of the requested monitoring well.

2/3/88 C&H transmittal of manifests and closure report to Hammer with City of San Leandro.

2/11/88 Subsurface to Seto outlining plan for installation of well.

2/18/88 Letter Shahid to C&H accepting 2/11/88 plan.

2/25/88 Purchase order C&H to Subsurface for installation of well, together with 2/22/88 proposal.

3/7/88 Letter C&H to Kubo re State requested "Hazardous Waste

Disposal Report".

- 3/22/88 Subsurface transmittal and copy of Generator Hazardous Waste Report.
- 4/7/88 Subsurface letter of 4/7/88 to Seto stating progress in installation and sampling of well.
- 4/13/88 Subsurface report of Sampling No. 2 of well.
- 4/27/88 Subsurface installation and sample analysis report on well.
- 5/18/88 C&H letter to Philipps w/ City of S.L. regarding further testing of the well.
- 5/19/88 Subsurface transmittal of 4/27/88 analysis report to Feldman w/ RWQCB and Seto.
- 6/9/88 Copy of S.Brown internal notes regarding satisfaction of the requirements stipulated to allowing occupancy together with 6/6/88 Shahid letter which is the subject of this note.
- 6/13/88 Shahid letter to C&H requesting we "define the extent of the contamination".
- 6/15/88 C&H letter to Phillipps regarding Shahid letter of 6/13/88.
- 8/5/88 Edgar letter to Spinetta attempting resolution of C&H's claim against Kubo for partial reimbursement of remediation expenses.
- 8/26/88 C&H letter to Edgar, together with Spinetta's letter to Edgar of 8/9/88 relative to settling above claim.
- 12/23/88 Spinetta letter to Edgar regarding settling above claim.
- 8/2/89 Edgar letter to Rose (attorney replacing Spinetta) relative to above settlement negotiations, together with letter of 5/10/89 on same subject.
- 8/7/89 Rose letter to Edgar regarding settlement and Mr. Kubo's acknowledgement of future responsibility.
- 4/25/90 Copy of settlement agreement ultimately agreed upon between C&H and Kubo. Note this agreement in no way modified any original agreements relative to each other's obligations, but was in response to this specific remediation event.

May 25, 1993

C&H Development co.

3744 Mt. Diablo Boulevard, Suite 301
Lafayette, California 94549
(510) 283-5010
FAX: (510) 283-4856

Mr. Scott Seery
Hazardous Materials Specialist
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, California 94621

RE: East 14th and 150th, San Leandro

Dear Scott:

This is just a note to let you know I'll need a bit more time to gather the materials about which we spoke. Unfortunately, as I briefly explained to you, we have been in the midst of a complete reorganization of our company which has taken a great deal of my time. Then to compound our demands, we are also in the midst of an accounting audit, also taking an inordinate amount of time.

Having made it through the worst of the above (alive!), I felt in dire need of a little R&R and, thus, will be on vacation the week of May 17th. Be assured, however, that you'll be one of my top priorities upon my return! In the interim, should you be in need of immediate information, feel free to contact either Dan Christopoulos or Basil Christopoulos in my office.

Cordially,


Susan G. Brown
General Manager

SGB:iat

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



sgb 5-4-93
DL 5/14/93
BC 5/15
TH
Back to sgb

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

November 2, 1992

Dear Sir:

The attached "Notice of Reimbursement" is not a bill. It is required by our contract with the State Water Resources Control Board that we send this letter to all responsible parties involved in a leaking petroleum underground tank site. A responsible party may be the operator of the tank or the property owner. You fall into the following category:

The site is contaminated and the Alameda County Local Oversight Program will be overseeing the cleanup through to "no further action needed." This letter says that you will be billed for the time that our technical staff spends on your case after the work has been accomplished.

We will work with you to expedite the remediation of your site.

If you have any questions please call this office at 271-4530 and ask for the specialist noted in the accompanying notice.

Sincerely,

Thomas F. Peacock, Supervising HMS
Hazardous Material Division

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 1771
OAKLAND, CALIFORNIA 94612

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

TELECOPIER
(415) 834-4748

August 7, 1989

Donald L. Edgar, Esq.
Stark, Wells, Rahl, Field & Schwartz
Lake Merritt Plaza
1999 Harrison Street, Suite 1300
Oakland, CA 94612-3508

Re: C&H - Kubo

Dear Mr. Edgar:

My apologies for the inordinate delay in responding to your May 10, 1989, letter. I had discussed the letter with Mr. Kubo and formulated a reply but somehow it never got conveyed to you.

Mr. Kubo is willing to pay the \$12,000.00 demanded in your letter. He is also amenable to remaining responsible for the monitoring and any subsequent remediation which may be ordered with regard to the well(s) located in the vicinity of the excavated tank farm. He is not, however, willing to accept any responsibility for any well(s) installed in response to the contamination on the 150th street side of the property. As I stated in my earlier letters, even if - and we challenge this interpretation utterly - the intent of the handwritten addendum to the Purchase Agreement was such that Mr. Kubo was thereby accepting responsibility for remediation of contamination which was not caused by the operation of his business on the property, the addendum could have effect only as to contamination incurred by the property while Mr. Kubo remained the owner of the property. There is absolutely no evidence whatever that such was the case; Mr. Kubo, therefore, cannot be held legally liable for that situation under any theory and is not willing to voluntarily accept it.

Again, please accept my apologies for the delay. Please let me know at your earliest convenience if C&H is willing to settle this matter on the above terms.

Very Truly Yours,

RANDICK & O'DEA



Bernard F. Rose

BFR:vlk

AGREEMENT AND RELEASE

This Agreement and Release is entered into this 25th day of April, 1990 by and between C & H Development Co., a California corporation ("C & H") and Bertram Kubo ("Kubo") and is made with reference to the following facts:

A. On December 31, 1986, C & H, as assignee of Basil Christopoulos Development, acquired title to the real property commonly known as 14964 East 14th Street, San Leandro, California ("the property") from Bertram Kubo ("Kubo") pursuant to a Purchase Agreement dated February 13, 1986, as amended, between Basil Christopoulos Development, as buyer and Kubo, as seller, ("the Purchase Agreement").

B. Prior to the sale to C & H, Kubo had operated a service station on the property. Pursuant to the Purchase Agreement Kubo caused the removal of the underground storage tanks, the removal and disposal of contaminated soil, and the installation of one monitoring well in the area where the tanks had been located.

C. Under the Purchase Agreement, Kubo agreed to be responsible for future testing and remediation under certain circumstances.

D. As security for Kubo's agreement to be responsible for future testing and remediation under certain circumstances, C&H demanded from Kubo and Kubo granted to C&H a security interest in the form of a lien secured by a second deed of trust against another property owned by Kubo located at 15595 Washington Ave., San Lorenzo, California.

E. In September 1987, while C & H was completing the construction of a commercial building on the property, a localized area of soils contamination was discovered along a portion of the 150th Avenue boundary of the property. This area of soils contamination was partly outside the property and partly within it, and was a considerable distance from the area where the underground storage tanks were located.

F. C & H incurred substantial expenses in testing and remediation activities with respect to the soils contamination along the 150th Avenue boundary. A claim was made against Kubo for contribution of a portion of these expenses. Kubo denied any liability with respect to C & H's claim.

G. The parties wish by this Agreement and Release to compromise and settle all claims arising out of the Purchase Agreement, except for (i) Kubo's obligation to pay any costs incurred in monitoring groundwater quality by means of the monitoring well which was installed in the area where the underground storage tanks were located and (ii) any claim which may arise in the future should soils or groundwater contamination be discovered that are demonstrated to have arisen as a result of the operation of the property as a service station.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF a valid draft payable to C & H Development Co. and its attorney of record, Donald L. Edgar, in the gross sum of Twelve Thousand and No/100 Dollars (\$12,000.00) and the expungement and removal of any and all liens, deeds of trust, mortgages or other

encumbrances held by C & H Development Co. on that certain property located at 15595 Washington Ave., San Lorenzo, California, the undersigned agree as follows:

1. Except as specifically provided in paragraph 2 below, C & H and Kubo agree that this Agreement and Release shall be a full and final release of any and all claims, demands, actions and causes of action of any and every kind or nature whatever, present, future, known or unknown, contemplated or un contemplated, arising out of or connected with the performance or alleged breach of the Purchase Agreement and for any damage to property or for any and all damages of any kind whatever which have been or which might hereafter be incurred or sustained by C & H or by Kubo. It is further understood and agreed that (except as specifically provided in paragraph 2 below) this Agreement and Release shall apply to any and all claims for unknown, unsuspected or unanticipated injuries or damages which might be asserted between the parties. C & H and Kubo fully understand that this Agreement and Release includes an express waiver of all rights given by Section 1542 of the Civil Code of the State of California, which reads as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known to him must have materially affected his settlement with the debtor."

The parties further agree that neither this Agreement and Release nor the payment to be made hereunder shall be deemed or treated as an admission of liability or responsibility by either party.

2. Notwithstanding the complete release of all claims set forth in paragraph 1 above, C & H is not releasing Kubo from liability for the following:

a. Kubo's obligation to pay any costs incurred in monitoring groundwater quality by means of the monitoring well which was installed in the area where the underground storage tanks were located; and

b. Any claim which may arise in the future should soils or groundwater contamination be discovered that is found to have resulted from the operation of the property as a service station.

3. Nothing in this Agreement and Release shall be construed as extending, altering or changing the terms of the Purchase Agreement.

4. The parties warrant that no promise or inducement has been offered for this Agreement and Release except as herein set forth. This Agreement and Release constitutes the entire agreement between the parties.

5. This Agreement and Release is binding upon the parties and their representatives, successors in interest and assigns, and each of them.

6. Each party represents that it has the full and complete power and authority to agree to each and every term, condition

and promise of this Agreement and Release. The officers signing on behalf of C & H represent that they have the authority and express consent of C & H to sign this Agreement and Release.

7. C & H and Kubo shall bear their own attorneys' fees and costs in connection with this Agreement and Release.

IN WITNESS WHEREOF, this Agreement and Release has been executed by the parties.

DATED: 4/18/90

C & H DEVELOPMENT CO., a California corporation

BY: 

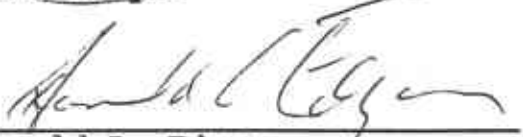
President

BY: 

Secretary


RECOMMENDED AND APPROVED

DATED: 4/12/90



Donald L. Edgar
Attorney for C & H Development Co.

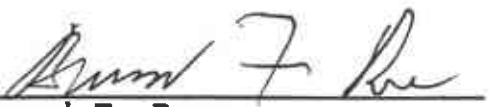
DATED: 4.25-90



Bertram Kubo

RECOMMENDED AND APPROVED

DATED: 4/22/90



Bernard F. Rose
Attorney for Bertram Kubo

TJS

STARK, WELLS, RAHL, FIELD & SCHWARTZ
ATTORNEYS AT LAW

LAKE MERRITT PLAZA
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612-3508
TELECOPIER (415) 834-7075
TELEPHONE (415) 834-2200

JOE ANTHONY AMARO
KENNETH E. ARCHAMBAULT
R. GORDON BAKER, JR.
DONALD L. EDGAR
ROBERT C. FIELD
RICHARD H. RAHL
ROBERT W. RICHARDSON
JOSEPH H. SCHIEFFER
DAVID A. SCHURICHT
MERRILL J. SCHWARTZ
MAY LEE TONG
JOHN F. WELLS
ALAN J. WILHELMY

HERBERT L. BREED (1878-1987)
GEORGE F. DUNKER, JR. (1937-1988)
BESTOR ROBINSON (1898-1987)
FRANKLIN C. STARK (1915-1989)
MALCOLM M. CHAMPLIN (RETIRED)
EDGAR B. STEWART (RETIRED)

WALNUT CREEK OFFICE
PERI EXECUTIVE CENTRE
2033 NORTH MAIN STREET, SUITE 800
WALNUT CREEK, CALIFORNIA 94598
TELECOPIER (415) 934-6000
TELEPHONE (415) 934-7700

August 2, 1989

DLE

Bernard F. Rose, Esq.
Spinetta, Randick & O'Dea
1800 Harrison Street, Suite 1771
Oakland, CA 94612

Re: C & H - Kubo

Dear Mr. Rose:

We would appreciate hearing from you in regard to the proposal contained in our letter of May 10, 1989, as modified below.

The last paragraph of our letter should have read:

"Excluded from the settlement would be any liability that Mr. Kubo may have for the cost of future testing that a public agency may require of samples from either or both of the two monitoring wells on the property and for any remediation that may be required as a result of such tests or of any other investigation that discloses soils contamination that is Mr. Kubo's responsibility under the terms of the Purchase Agreement, as amended.

Very truly yours,

STARK, WELLS, RAHL, FIELD & SCHWARTZ

By

Donald L. Edgar
Donald L. Edgar

DLE:gs

cc: C & H Development

STARK, WELLS, RAHL, FIELD & SCHWARTZ
ATTORNEYS AT LAW

LAKE MERRITT PLAZA
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612-3508
TELECOPIER (415) 834-7075
TELEPHONE (415) 834-2200

WALNUT CREEK OFFICE
PERI EXECUTIVE CENTRE
2033 NORTH MAIN STREET, SUITE 900
WALNUT CREEK, CALIFORNIA 94596
TELEPHONE (415) 934-7700

ROUTING

T	5/17
DC	5/16
B	5/17
S	5/16
DM	

May 10, 1989

Bernard F. Rose, Esq.
Spinetta, Randick & O'Dea
1300 Harrison Street, Suite 1771
Oakland, CA 94612

Re: C & H - Kubo

Dear Mr. Rose:

Thank you for your letter of May 2, 1989.

Our client would accept \$12,000 in settlement of its claim in connection with the contamination along the southeasterly boundary of the property, including the cost of all testing to date, the removal and disposition of contaminated soil, and damages due to delay. As part of the settlement, C & H would remove its lien on the property at 15595 Washington Avenue.

Excluded from the settlement would be any liability that Mr. Kubo may have for the cost of future testing that a public agency may require of samples from either or both of the two monitoring wells on the property and for any remediation that may be required as a result of such tests.

Very truly yours,

STARK, WELLS, RAHL, FIELD & SCHWARTZ

By
Donald L. Edgar

DLE:gs
Enclosures

cc: C & H Developement Co.

C
O
P
Y

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

April 6, 1989

Ms. Susan Brown
C&H Development Co.
3744 Mt. Diablo Blvd., Suite 301
Lafayette, CA 94549

RE: 150th Ave. & E. 14th Street, San Leandro, CA 94578

Dear Ms. Brown:

A letter dated June 13, 1988, was sent to you requesting you to define the extent of the groundwater contamination at the above site. Please advise of the current status.

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

Sincerely,

R/A. SW

Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:LS:mnc

cc: Lester Feldman, RWQCB
Howard Hatayama, DOHS
Larry Seto, Alameda County Hazardous Materials
File

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
ANN M. HANSEN
SUSAN M. TEEL
ROBERT W. DRANE
BERNARD F. ROSE, Ph.D.
REBECCA T. DIXON

TELEPHONE
(415) 836-3555

FAX (415) 834-4748

December 23, 1988

Donald L. Edgar, Esq.
Stark, Wells, Rahl, Field
& Schwartz
Lake Merritt Plaza
1999 Harrison Street, Suite 1300
Oakland, CA 94612

RE: C & H - Kubo

Dear Mr. Edgar:

Recently you requested that my client, Bert Kubo, make known his position regarding C&H's claim that Mr. Kubo is partially responsible for the cost of remediation of environmental contamination which apparently migrated onto the property formerly owned by him and purchased from him by C&H. Mr. Kubo's position is as follows:

Mr. Kubo does not believe that he has any responsibility for the cleanup. The contaminating event, based on the reports by C&H's own consultants, Subsurface Consultants, Inc., clearly originated outside the property. The cleanup responsibility would lie with the party causing the contamination. This would include any portion of the material that had migrated onto the property of others. If the perpetrator is not ascertainable, as between equally innocent parties, the duty to cleanup falls on the party in possession of the property at the time the contamination is discovered. Unfortunately, in this case, that party is C&H.

Although the above reflects generally the status of the parties' statutory liability, it is my understanding that C&H's is more precisely asserting that Mr. Kubo specifically accepted responsibility for any contamination on the property regardless of its origin by virtue of the hand-written second addendum to the contract designated "H-2-A". The following observations are offered for your consideration:

1. Assuming that it can be inferred from the second addendum that Mr. Kubo thereby assumed responsibility for any contamination inside the property regardless of origin, the timing of the provision is unclear. It can probably, however, be assumed to mean "as of the time of the signing of the

Donald L. Edgar, Esq.
December 23, 1988
Page 2

agreement." It was not until approximately one year later that PG&E discovered the contamination. Subsequent investigation and the cleanup tests revealed that only a small portion of the material was located inside the property. It is conceivable that the contaminant did not migrate onto the property until after C&H took possession. This would relieve Mr. Kubo of responsibility under any circumstance. !!?


2. The first addendum to the contract addresses removal of the underground tanks, testing of the soil thereabouts, removal of any contaminated soil discovered, etc. The parties were dealing with a service station property. All negotiations regarding contamination on the property were directed at delegating responsibility for contamination occurring as the result of the operation of the site as a service station and the use of underground storage tanks. Clearly, the objective intent of both addenda taken together was to hold Mr. Kubo liable for any contamination resulting from his operation of the service station. Contamination originating outside the property and inopportunately migrating slightly onto the property was contemplated by no one. As you know, a contract provision cannot be construed to affect a result not in either parties' contemplation at the signing of the agreement.]

The above having been said, it is obvious that substantial questions of fact would confront both parties should the matter be litigated. Mr. Kubo, and I hope C&H, would very much like to avoid this scenario. Mr. Kubo, therefore, is willing to entertain settlement offers, formulated, however, with the foregoing explicitly in mind. If C&H is so inclined, please let me know at your earliest convenience what C&H would require to put an end to this matter. I will tender the offer to Mr. Kubo with my recommendations and we'll see how it goes from there.

I look forward to hearing from you soon.

Very truly yours,

SPINETTA, RANDICK & O'DEA



Bernard F. Rose

BFR:spr

012.10
rf 8/10

B
T
DI

STARK, WELLS, RAHL, FIELD & SCHWARTZ
ATTORNEYS AT LAW

LAKE MERRITT PLAZA
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612-3508
TELECOPIER (415) 834-7075
TELEPHONE (415) 834-2200

WALNUT CREEK OFFICE
PERI EXECUTIVE CENTRE
2033 NORTH MAIN STREET, SUITE 900
WALNUT CREEK, CALIFORNIA 94596
TELEPHONE (415) 934-7700

August 5, 1988

RECEIVED
AUG - 8 1988
What the heck is this?

C
O
P
Y

Peter L. Spinetta, Esq.
Spinetta, Randick and O'Dea
1800 Harrison Street, Suite 1771
Oakland, CA 94612

Re: C & H - Kubo

Dear Peter:

When we last talked in May, I requested a meeting with our respective clients to discuss the claims of C & H and the possibility of obtaining relief from Mobil Oil Company. You indicated that you were not sure that a meeting would be productive, but that you would review the file and get back to me.

The project has been completed and C & H wishes to deal with the remaining issues. I still feel that a meeting between the principals and their attorneys would be helpful.

May I please hear from you as soon as possible.

Very truly yours,

STARK, WELLS, RAHL, FIELD & SCHWARTZ

By

Donald L. Edgar

DLE:gs
Enclosures

cc: C & H Development Co.

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010 • FAX 283-4856

June 15, 1988

Mr. P.C. Phillipps
Building Regulations Superintendent
CITY OF SAN LEANDRO
Civic Center, 835 East Fourteenth Street
San Leandro, California 94577

RE: 14964 East Fourteenth Street, San Leandro

Dear Mr. Phillipps:

Subsequent to my letter of May 18 and your reply of May 27, enclosed please find a copy of letter received today from Rafat Shahid of Alameda County Health Care Services stating that the work completed on the ground water monitoring well satisfies their requirements.

In speaking with Larry Seto of Alameda County Health relative to the statement that the RWQCB will "require we define the extent of the ground water contamination", he advised that for the RWQCB, our's is a very low-priority problem. Larry Seto confirmed what I have been told by our soils consultant (who talked with the Board) that it may be as long as a year or two before they ever review our status and advise if any further work is necessary. With this in mind, we would expect that the work completed should satisfy the City's requirements and be adequate for issuance of our occupancy permit. If, however, you should have any questions on our remediation efforts, Larry suggests you call him directly as he has worked with us throughout and is very familiar with our project.

Relative to your comment regarding the public improvements, we are in complete agreement. This work is presently in progress and is being implemented with the assistance and guidance of John Nelson. We expect to be completed with our work by the first week in July. At that time we will, of course, (finally!) be requesting a final inspection and occupancy permitting. Please advise should you, at this time, foresee anything which might in any way delay same.

Mr. Seto, this has been a long, difficult project to complete with many unavoidable 'roadblocks', but we do sincerely appreciate the attitude of cooperation and continual assistance which has been rendered by the City these many months!

Cordially,

Susan G. Brown
Project Manager

Enc.

cc: Larry Seto, Alameda County Health
John Nelson, City of San Leandro
Jack Montgomery, Tallman Construction

RECEIVED
JUN 17 1988

File

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Director

Department of Environmental Health

Telephone Number: (415) 271-4320
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621

June 13, 1988

Ms. Susan G. Brown
C&H Development Co.
3744 Mt. Diablo Blvd., Suite 301
Lafayette, CA 94549

RE: Monitoring Well Installation at 150th and E. 14th St.,
San Leandro

Dear Ms. Brown:

The installation of a monitoring well at the above site satisfies the requirement of the Division of Hazardous Materials. However, Regional Water Quality Control Board requires you to define the extent of the ground water contamination.

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

Sincerely,

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: P.C. Philipps
Lester Feldman, RWQCB

B 6/7
T 6/9
DH 6/9
DC _____

6/9/88

RE: 489 Contamination File (w/ cc to Working)

Been trying to reach Seto to get copy of letter to satisfy Philipps' letter of 5/27/88 without luck.

Today rsvd letter from Shahid dated 6/6 stating "RWQCB does not consider above site cleaned-up".

Called for Seto and learned he's been away at seminar.

Discussed Shahid's letter. Larry said he'd attempted to push RWQCB to give us an "all clear", but just as Bowers predicted they say we're too small a problem to deal with now. Larry said before he left for seminar, he dictated a letter to me, cc to City stating we have complied with all of the requests of his department.

We discussed the City's refusal to give us occupancy until signed off 'clean' and would the statement re "must define extent of the pollution" put us in the middle of a Catch 22....RWQCB saying can't deal with our file, City saying until they do we won't allow occupancy. Larry assured me they can't do that and that it's now in the hands of the RWQCB and as we've complied with Alameda Cty Health's requirements, City will give permit.

Larry to check to see letter being typed. He will be out of office week of 6/13. Asked me to call 6/10 to follow up with him to be sure letter's gone out. Said too that if City gives us any static whatever, to have them call Larry and he'll square them away.

sgb

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director

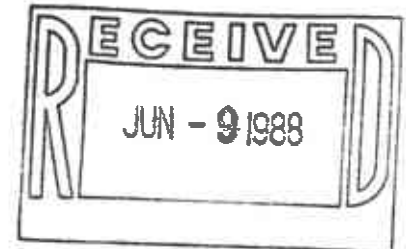


Department of Environmental Health

Telephone Number: (415) 271-4320
Hazardous Materials Division
80 Swan Way, Suite 200
Oakland, CA 94621

June 6, 1988

Ms. Susan Brown
C&H Development Company
3744 Mt. Diablo Blvd., Suite 301
Lafayette, CA 94549



RE: 150th & E. 14th St., San Leandro

Dear Ms. Brown:

Lester Feldman of Regional Water Quality Control Board informed Larry Seto, on 5/23/88, that his agency does not consider the above site cleaned-up. The extent of the ground water pollution needs to be defined. Your case has been referred to the fuel leak section of Regional Water Quality Control Board.

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

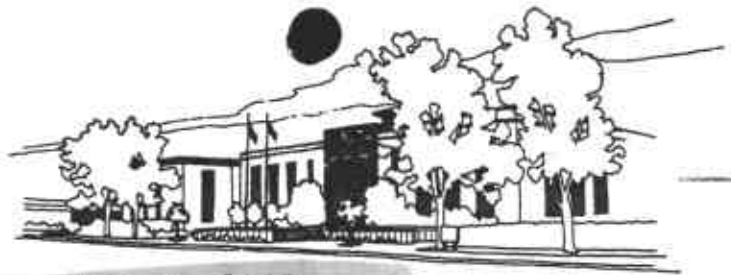
Sincerely,

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Dwight Hoenig, DOHS
Lester Feldman, Regional Water Quality Control Board
Pete Johnson, Regional Water Quality Control Board
Jim Bowers, Subsurface Consultants

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



May 27, 1988

Ms. Susan G. Brown
Project Manager
C & H Development Co.
3744 Mt. Diablo Blvd., Suite 301
Lafayette, California 94549

RE: 150th and East 14th Street, 14964 E. 14th St.
San Leandro, California.

Installation of Ground Water Monitoring Well.

Dear Ms. Brown:

Thank you for your letter of May 18, 1988, regarding the above subject. As you indicate the attached Subsurface Consultant's Report dated April 27, 1988, states that "Based on the analytical data, it is our opinion that no further soil and/or groundwater remediation, nor additional detailed study are appropriate at this time. However, we look forward to your input following your review of the data".

Prior to occupancy of the building please submit written evidence from the Alameda County Environmental Health Department that the above report satisfies all their requirements.

Please be reminded again that as indicated in our letter to you of January 29, 1988, occupancy of the building will not be

Cont'd.

Dave Karp, Mayor

City Council: John E. Faria; Bob Glaze; William F. Jardin;
Linda Perry; Anthony B. Santos; Edwin J. Suchman; Dick Randall, City Manager



allowed until the public improvements are completed. If you are experiencing difficulties with any of the utility companies in completing these improvements we will be happy to try to help resolve these difficulties.

Sincerely,



P. C. Philipps
Building Regulations Supt.

PCP:cb

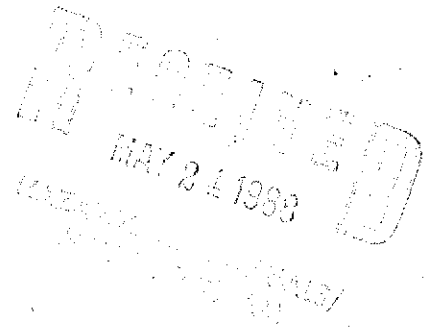
CC: Bill Rugg, Community Development Director
Steven Meyers, City Attorney
Curt Luck, City Engineer
Bill Rowe, Senior Building Inspector

Larry Seto, Alameda County Environmental Health Dept.
Division of Hazardous Materials
470 27th Street, Room 322
Oakland, California 94612

James P. Bowers, P.E.
R. William Rudolph, P.E.

May 19, 1988
SCI 209.006

Mr. Lester Feldman
Regional Water Quality Control Board
1111 Jackson Street, Room 6040
Oakland, California 94607



Groundwater Monitoring Well
Installation and Sample Analysis
150th Avenue and East 14th Street Project
San Leandro, California

Dear Mr. Feldman,

At the request of Mr. Larry Seto of the Alameda County Environmental Health Department, we are forwarding a copy of our April 27, 1988 letter recording the results of monitoring well installation and sample analysis for the referenced project. We would appreciate your input on whether you will require any additional monitoring.

If you have any questions, please call.

Yours very truly,

Subsurface Consultants, Inc.

James P. Bowers
Geotechnical Engineer 157 (expires 3/31/91)

JNA:JPB:clh

Attachments: Letter dated April 27, 1988

cc: Ms. Susan Brown
C&H Development Company
3744 Mt. Diablo Boulevard
Lafayette, CA 94549

✓ Mr. Larry Seto
Alameda County Health Care Services Agency
Division of Hazardous Materials
470 27th Street, Room 322
Oakland, California 94612

Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461

May 19, 1988
SCI 209.006

Mr. Lester Feldman
Regional Water Quality Control Board
1111 Jackson Street, Room 6040
Oakland, California 94607

Groundwater Monitoring Well
Installation and Sample Analysis
150th Avenue and East 14th Street Project
San Leandro, California

Dear Mr. Feldman,

At the request of Mr. Larry Seto of the Alameda County Environmental Health Department, we are forwarding a copy of our April 27, 1988 letter recording the results of monitoring well installation and sample analysis for the referenced project. We would appreciate your input on whether you will require any additional monitoring.

If you have any questions, please call.

Yours very truly,

Subsurface Consultants, Inc.



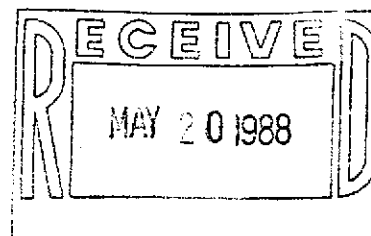
James P. Bowers
Geotechnical Engineer 157 (expires 3/31/91)

JNA:JPB:clh

Attachments: Letter dated April 27, 1988

cc: ✓ Ms. Susan Brown
C&H Development Company
3744 Mt. Diablo Boulevard
Lafayette, CA 94549

Mr. Larry Seto
Alameda County Health Care Services Agency
Division of Hazardous Materials
470 27th Street, Room 322
Oakland, California 94612



Subsurface Consultants, Inc.

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010 • FAX 283-4856

May 18, 1988

Mr. P.C. Philipps
Building Regulations Superintendent
City of San Leandro
Civic Center
835 East Fourteenth Street
San Leandro, California 94577

RE: 150th and East 14th Streets, San Leandro
Installation of Groundwater Monitoring Well

Dear Mr. Philipps:

Please refer to copy of your letter dated January 29, 1988 regarding installation of a groundwater monitoring well at subject site.

I enclose for your review and files a copy of Subsurface Consultants' report dated April 27, 1988.. This report has been transmitted to Mr. Larry Seto of the Alameda County Environmental Health Department. In conversation with Mr. Seto recently, he requested that our consultant forward a copy to the Regional Water Quality Control Board and, this too, has been done. I call your attention to the highlighted final paragraph on page two wherein Subsurface reports that, based on data, they recommend no further remediation or study. Of course, should at any time in the future the Water Quality Board advise they wish additional testing, we will comply.

Should you have any questions, feel free to call.

Sincerely,

Susan G. Brown
Project Manager

Encls.

cc: Kevin Reese, Building Regulations Inspector
Jack Montgomery, Tallman Construction

James P. Bowers, P.E.
R. William Rudolph, P.E.

April 7, 1988
SCI 209.006

Mr. Larry Seto
Alameda County Environmental
Health Department
Division of Hazardous Materials
470 - 27th Street, Room 322
Oakland, California 94612

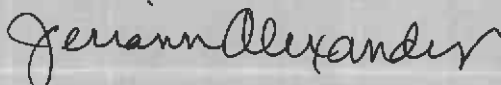
**Progress Report
Groundwater Monitoring Well
150th Avenue & East 14th Street Project
San Leandro, California**

Dear Mr. Seto,

The groundwater monitoring well for the referenced project was installed, developed and sampled by Subsurface Consultants, Inc. (SCI) ~~on Thursday, March 31, 1988~~. Groundwater samples were transmitted that same day to Curtis & Tompkins, Ltd., an analytical laboratory in San Francisco. Analytical testing, as specified in our sampling plan, dated February 11, 1988, is presently underway. We anticipate receiving laboratory test results in about one week. We will notify you of the results when they are available.

Yours very truly,

Subsurface Consultants, Inc.



Jeriann Alexander
Civil Engineer 40469 (expires 3/31/91)

JNA:JPB:clh

cc: Ms. Susan Brown
C&H Development
374 Mt. Diablo Boulevard
Lafayette, California 94549



Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461

LETTER OF TRANSMITTAL

TO: Mr. Dan Christopolus
C & H Development Company
3744 Mt. Diablo Boulevard, Suite 301
Lafayette, California 94549

DATE: March 22, 1988
PROJECT: 150th & E. 14th Streets, San Leandro
SCI JOB NUMBER: 209.006

SUBJECT:

WE ARE SENDING YOU:

___ copies

- of our final report
- a draft of our report
- a Service Agreement
- a proposed scope of services
- specifications
- grading/foundation plans
- soil samples/groundwater samples
- an executed contract
- _____

- if you have any questions, please call.
- for your review and comment.
- Please return an executed copy.
- for geotechnical services.
- with our comments.
- with Chain of Custody documents.
- for your use.
- _____
- _____

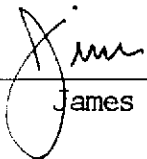
REMARKS:

Dan,

We have completed the Generator Hazardous Waste Report for the Project. All you need to do is fill in the signature block on the bottom of page 1 and mail the report in the enclosed envelope. The deadline for the report is March 31, 1988. The copy is for your records.

COPIES TO:

BY: _____


James P. Bowers

Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461

CALIFORNIA STATE DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL DIVISION
GENERATOR HAZARDOUS WASTE REPORT FOR 1987

This report is for the calendar year ending December 31, 1987.

GENERAL COMPANY INFORMATION AND STATUS

Read all instructions carefully before making any entries on this form.

The front page of this report form must be completed and returned regardless of facility status.
Please print/type with elite type (12 characters per inch): One character per box.

I. GENERATOR EPA ID NUMBER

CA1A1C101010105110777

II. GENERATOR SIC CODE

6552

III. COMPANY NAME

C & H DEVELOPMENT COMPANY

IV. LOCATION OF GENERATOR (Site Address)

1501 th & EAST 14 th STREETS

Street or P.O. Box

SAN LEANDRO

City or Town

CA

State

94578

ZIP Code

01

County

V. GENERATOR MAILING ADDRESS (if different from Section III above)

3744 MITT DIABLO BOULEVARD SUITE 301

Street or Route Number

LAFAYETTE

City or Town

CA

State

94549

ZIP Code

07

County

VI. GENERATOR CONTACT

MR DIAN CHRISTOPOLUS

Name

PRESIDENT

Title

415

Area Code

283-5010

Phone Number

VII. This EPA Number is only for hazardous waste hauling/transfer station operations

No

Yes — Do not complete the remainder of this form.

Sign below in Section VIII and return this page to Department of Health Services.

VIII. I certify, under penalty of law, that as a senior officer I have personally examined and am familiar with the information submitted in this and all attached documents and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

A. Please print: Last Name		First Name		M.I.	Title
					President
B. Signature					Date of Signature
					03 23 88
					Month Day Year

BEFORE COPYING FORM, ATTACH SITE IDENTIFICATION LABEL OR ENTER:

SITE NAME 150th & E. 14th Streets
San Leandro, CA

EPA ID NO. CA 0000051077



U.S. ENVIRONMENTAL PROTECTION AGENCY

1987 Hazardous Waste Report

FORM WM

WASTE MINIMIZATION

PART I

WHO MUST COMPLETE THIS FORM?

Form WM Part I, describing efforts undertaken to implement waste minimization programs, must be completed by all generators required to file an Annual/Biennial Report. This requirement was established in response to statutory provisions included in the Hazardous and Solid Waste Amendments of 1984 (HSWA).

NOTE: Generators shipping hazardous waste off-site are required to certify, on Item 16 of the Uniform Hazardous Waste Manifest, that they have a program in place to reduce, to the degree determined economically practicable, the volume and toxicity of hazardous waste generated. A similar certification must also be made by generators who have obtained a RCRA treatment, storage, or disposal permit. Consistent with these certification requirements, generators must report, on Form WM Part I, the efforts undertaken to implement waste minimization programs.

INSTRUCTIONS:

Please read the detailed instructions before completing this form.

Answer questions 1 through 10. Throughout this form enter "DK" if the information requested is not known or is not available; enter "NA" if the information requested is not applicable.

1. Did this site create or expand a source reduction and recycling program? N/A

	1987		1986		Prior Years	
	Yes	No	Yes	No	Yes	No
Create	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Expand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Did this site have a written policy or statement that outlined goals, objectives and methods for source reduction and recycling of hazardous waste? N/A

	1987	1986	Prior Years
Yes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. What was the dollar amount of capital expenditures (plant and equipment) and operating costs devoted to source reduction and recycling of hazardous waste? ENTER ZERO (0) IF NONE.

	1987	1986	Prior Years
Capital expenditures	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Operating costs	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

4. Did this site have an employee training program or provide incentives (bonuses, awards, personal recognition, etc.) to identify and implement source reduction and recycling opportunities and activities? N/A

	1987		1986		Prior Years	
	Yes	No	Yes	No	Yes	No
Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Incentives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. What factors have delayed or prevented implementation of on-site or off-site RECYCLING opportunities. MARK NEXT TO ALL THAT APPLY. N/A

- a. Insufficient capital to install new recycling equipment or implement new recycling practices.
- b. Lack of technical information on recycling techniques applicable to this site's specific production processes.
- c. Recycling is not economically feasible: cost savings in waste management or production will not recover the capital investment.
- d. Concern that product quality may decline as a result of recycling.
- e. Requirements to manifest wastes inhibit shipments off site for recycling.
- f. Financial liability provisions inhibit shipments off site for recycling.
- g. Technical limitations of product processes inhibit shipments off site for recycling.
- h. Technical limitations of production processes inhibit on-site recycling.
- i. Permitting burdens inhibit recycling.
- j. Lack of permitted off-site recycling facilities.
- k. Unable to identify a market for recyclable materials.
- l. Other (SPECIFY) _____

10. Has this site requested or received technical information or financial assistance on source reduction and/or recycling practices from any of the following sources? MARK NEXT TO ALL THAT APPLY. N/A

	1987		1986		Prior Years	
	Technical	Financial	Technical	Financial	Technical	Financial
a. Local government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. State government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Federal government	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Trade associations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Educational institutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Suppliers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Other parts of your firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Other firms/consultants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. No request made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Other (conferences, literature, etc.) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Hazardous waste generated during site clean-up activities.

BEFORE COPYING FORM, ATTACH SITE IDENTIFICATION LABEL
OR ENTER:

SITE NAME

150th & E. 14th Streets

San Leandro, CA

EPA ID NO.

CAC000051077



U.S. ENVIRONMENTAL
PROTECTION AGENCY

1987 Hazardous Waste Report

FORM
WM

WASTE MINIMIZATION
PART II

WHO MUST COMPLETE THIS FORM?

Form WM Part II must be completed only by generators that engaged in an activity during 1987 that resulted in waste minimization.

Waste minimization means:

- (1) reduction in the volume and/or toxicity of hazardous waste generated as a result of source reduction; and/or,
- (2) reduction in the volume and/or toxicity of hazardous waste subsequently treated, stored, or disposed as a result of on-site or off-site recycling.



Mark and do not complete this form if no waste minimization results were achieved during 1987.

INSTRUCTIONS:

Please read the detailed instructions before completing this form.

Make and complete a photocopy of this form for each hazardous waste minimized in 1987.

Complete Sections I through IV. Throughout this form enter "DK" if the information requested is not known or is not available; enter "NA" if the information requested is not applicable.

Sec. I	A. EPA hazardous waste code	B. State hazardous waste code	C. Product or service description	D. Product or service SIC code
	<input type="text"/>	<input type="text"/>		<input type="text"/>
E. Waste form code	F. UOM	G. Density	H. Source description:	I. Source code
<input type="text"/>	<input type="text"/>	<input type="text"/> lbs/gal <input type="text"/> sg		<input type="text"/>

Sec. II	A. 1985 quantity generated	B. 1987 quantity generated	C. Production ratio	D. Toxicity change code
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
E. Waste minimization: recycling		F. Waste minimization: source reduction		
Code	Quantity recycled	Code	Quantity prevented	
1. <input type="text"/> 2. <input type="text"/>	<input type="text"/>	1. <input type="text"/> 2. <input type="text"/> 3. <input type="text"/>	<input type="text"/>	

Sec. III	A. Narrative description of waste minimization project or activity and results achieved

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010 • FAX 283-4858

March 7, 1988

Mr. Bertrum Kubo
Kubo's Service Center
15595 Washington Avenue
San Lorenzo, California 94580

RE: 14964 East Fourteenth Street, San Leandro
Hazardous Waste Disposal

Dear Mr. Kubo:

We are in receipt of State of California "Hazardous Waste Disposal Report" which you forwarded to me.

Mr. Kubo, we have completed the reporting required on the contamination clean-up conducted by C&H Development. The enclosed should be completed by you for the portion of work performed by you during the tank removal phase. Accordingly, I return the original form to you. Likely, the most expeditious manner of handling for you will be to contact the contractor who performed this work. If, however, you have any questions or need assistance, feel free to contact either Dan Christopoulos or me.

Cordially,

Susan G. Brown
Project Manager

Encl.

STATE OF CALIFORNIA

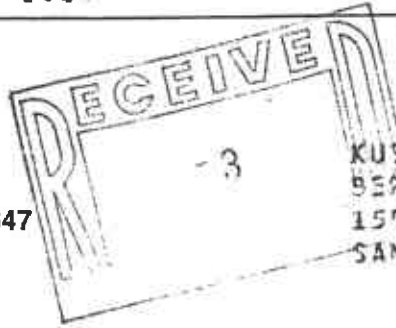
HAZARDOUS WASTE DISPOSAL REPORT - ANNUAL 'SUPERFUND' TAX

DUE ON OR BEFORE MARCH 1, 1988 FOR CALENDAR YEAR 1987

HS HQ 36-017798

Mail to:

BOARD OF EQUALIZATION
EXCISE TAX UNIT
P.O. BOX 647
SACRAMENTO, CA 95803-0647



KURO'S SERVICE CENTER
BERT KURO
15535 WASHINGTON AVE
SAN LORENZO CA 94580

GENERATING SITE: 14994 E 14TH ST SAN LEANORO

EPA NO.: CAD000319624

This report must be filed on or before the due date shown above by every person who submitted for disposal off-site, or who disposed of on-site, hazardous waste or extremely hazardous waste in California during the above calendar year. Do not include wastes that are recycled or transported out of state for disposal. Any fraction of a ton must be rounded up to the next whole ton. Any person disposing of 500 pounds or less during the above calendar year must report zero tonnage. **ANY PERSON WHO KNOWINGLY REFUSES TO FILE THIS REPORT AS REQUIRED SHALL BE LIABLE, UPON CONVICTION, FOR A CIVIL PENALTY PURSUANT TO SECTION 43602 OF THE HAZARDOUS SUBSTANCES TAX LAW.**

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
- b. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"EXTREMELY HAZARDOUS" means any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration, or chemical characteristics.

HAZARDOUS WASTE CATEGORIES	TOTAL TONS
A. The total tons of HAZARDOUS waste, the Federal Regulation of which has been suspended under the Solid Waste Disposal Act by Act of Congress, disposed of, or submitted for disposal, in California, plus the total tons of waste material transferred to a surface impoundment in California for the purpose of reducing water content of such waste and material by evaporation, plus the total tons of hazardous waste disposed of into an injection well or landfarm, exclusive of the waste reported in Categories D and E. NOTE: LAND FILL DISPOSAL IS NOT LAND FARMING.	
B. The total tons of HAZARDOUS waste disposed of, or submitted for disposal, in California exclusive of the waste reported in Categories A, C, D, and E. NOTE: LAND FILL ONLY.	
C. The total tons of EXTREMELY HAZARDOUS waste disposed of, or submitted for disposal, in California exclusive of the waste reported in Categories A, B, D, and E. NOTE: LAND FILL ONLY.	
D. The total tons of HAZARDOUS waste disposed of, or submitted for disposal, in California from the extraction, beneficiation and processing of ores or minerals including phosphate rock and overburden from mining or uranium ore.	
E. The total tons of HAZARDOUS waste disposed of, or submitted for disposal, in California that is a solid hazardous waste residue resulting from incineration.	

I hereby certify that this report, including any accompanying schedule and statement, has been examined by me and to the best of my knowledge and belief is true, correct and complete.

SIGNATURE AND TITLE PHONE NUMBER DATE

If you have any questions regarding this report, please contact the State Board of Equalization, Excise Tax Unit, Phone (916) 322-9070

PURCHASE ORDER

C L H DEVELOPMENT CO.

3744 MT. DIABLO BLVD., SUITE 301 • LAFAYETTE, CA 94549
(415) 283-5010

TO

SHIP TO

Subsurface Consultants, Inc.

171 12th Street, Suite 201

Oakland, CA 94607

DATE	DELIVERY DATE	SHIP VIA	F.O.B.	TERMS	PURCHASE ORDER NO.
2/25/88	Aprox 3/9/88				000251
QUANTITY	DESCRIPTION			PRICE	AMOUNT
	Well installation, development and sampling				\$1,400
	Analytical Testing				500
	Preparation of Report; Consultation During Study				900
	NOTE: Above dollar amounts are estimations of final costs.				

Item # NFR73 The Drawing Board, Dallas, Texas 75266-0429
© Wheeler Group, Inc., 1982

NOT FOR RESALE FOR RESALE

TAX NUMBER _____

[Signature]
AUTHORIZED SIGNATURE

ACKNOWLEDGMENT

OUR PURCHASE ORDER NUMBER MUST APPEAR ON ALL INVOICES, SHIPPING PAPERS, AND PACKAGES

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010 • FAX 283-4856

February 24, 1988

Mr. Rafat A. Shahid, Chief
Hazardous Materials Division
Alameda County Health Care Services
470 27th Street, Third Floor
Oakland, California 94612

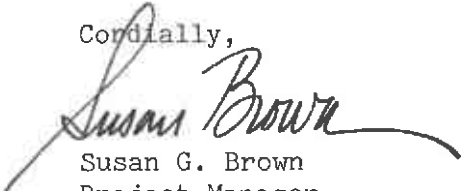
RE: Groundwater Monitoring Well
150th and East 14th Streets, San Leandro

Dear Mr. Shahid:

We thank you for your letter of February 18, 1988 and your acceptance of our proposal for the requested groundwater monitoring well.

I enclose for your review a letter dated February 22, 1987⁷⁶ from our consultant, Subsurface regarding a forced delay in the installation of the well. I submit this for your information only and assure you the well will be installed at the earliest practical opportunity.

Cordially,



Susan G. Brown
Project Manager

Enc.

cc: Jim Bowers, Subsurface Consultants
Jack Montgomery, Tallman Construction

RECEIVED
FEB 26 1988

HAZARDOUS WASTE/MS/SL
WASTE CONTROL

James P. Bowers, P.E.
R. William Rudolph, P.E.

February 22, 1988
SCI 209.006

Ms. Susan Brown
C & H Development Company
3744 Mt. Diablo Boulevard, Suite 301
Lafayette, California 94549

**Groundwater Monitoring Well Installation
150th Avenue and East 14th Street Project
San Leandro, California**

Dear Ms. Brown,

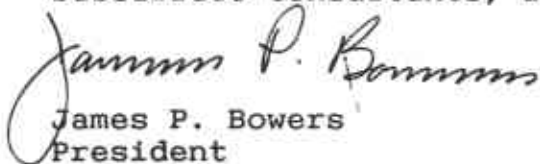
The monitoring well for the referenced project is presently scheduled to be installed on Thursday, February 25, 1988. However, SCI just received notification from Mr. Jack Montgomery of Tollman Construction that underground utilities are to be installed in the area where the proposed well is to be situated. Because utility installation activities could damage the proposed well, we recommend that well installation be postponed until the work is complete.

We understand that utility installation in the area will be completed within the next week or so. We judge that this will result in about a two-week delay with regard to well installation. Mr. Montgomery will notify us of the utility company's schedule and we will in turn, inform you of our new drilling date.

If you have any questions, please call.

Yours very truly,

Subsurface Consultants, Inc.


James P. Bowers
President

JNA:JPB:fsh

Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461



February 22, 1988
SCI 209.006

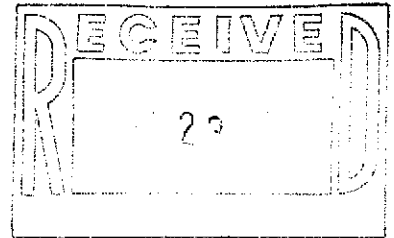
Don - y ok let me know & I'll cut a P.O.

pgs 2/24

James P. Bowers, P.E.
R. William Rudolph, P.E.

D OR Don
T # 2/25
B 225
Di 225

Ms. Susan Brown
C & H Development Company
3744 Mt. Diablo Boulevard, Suite 301
Lafayette, California 94549



Fee Breakdown
Groundwater Monitoring Well
Installation, Sampling and Analysis
150th Avenue and East 14th Street Project
San Leandro, California

Dear Ms. Brown,

This letter records details of our fee estimate for the next phase of work for the referenced project. Our proposed scope of services was described in a letter dated February 11, 1988 to the Alameda County Environmental Health Department.

We anticipate that the fee for our services will be about \$2800. A breakdown of our fee is presented below:

Well Installation, development & sampling	\$1,400
Analytical Testing	500
Preparation of Letter Report, Consultation during study	<u>900</u>
Total Estimated Fee	\$2,800

If additional consultation services are required after the analytical test results are obtained, we will be pleased to assist you in developing an appropriate scope of services and fee.

Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461

Ms. Susan Brown
Fee Breakdown
150th Avenue & E. 14th Street
February 22, 1988
Page 2

If you have any questions regarding our proposed fee, please call.

Yours very truly,

Subsurface Consultants, Inc.



James P. Bowers
President

JNA:JPB:fsh

ALAMEDA COUNTY
HEALTH CARE SERVICES

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



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

February 18, 1988

Mr. Tak Hirahara
C&H Development Company
3744 Mt. Diablo Blvd., Suite 301
Lafayette, CA 94549

RE: GROUNDWATER MONITORING WELL AND SAMPLING PLAN AT
150th and E. 14th STREETS, SAN LEANDRO, CA

Dear Mr. Hirahara:

Your plan prepared by Subsurface Consultants and dated
February 11, 1988, has been reviewed and has been accepted.

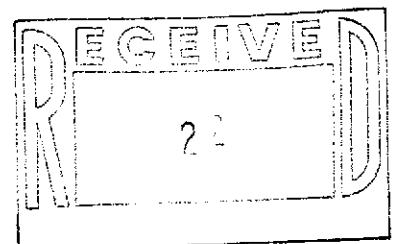
Please contact Larry Seto, Hazardous Materials Specialist, at
874-7237, forty-eight (48) hours prior to commencing work.

Sincerely,

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: Dwight Hoenig, DOHS
Gil Jensen, Alameda County District Attorney, Concumer and
Environmental Protection Agency
James Bowers, Subsurface Consultants
Kevin Reese, City of San Leandro



C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010 • FAX 283-4856

February 3, 1988

Mr. Ken Hammer
City of San Leandro
835 East Fourteenth Street
San Leandro, California 94577

RE: 14964 East Fourteenth Street, San Leandro

Dear Ken:

In accordance with your request of February 2, 1988, I enclose copies of the manifests for the six (6) truckloads of contaminated soil removed from referenced site.

I also enclose Subsurface Consultants closure report which reflects the manner of backfill and compaction.

Should you have any further questions, feel free to contact me.

Sincerely,

Susan G. Brown
Project Manager

SGB:iat
Encls.

UNIFORM HAZARDOUS WASTE MANIFEST

Generator's US EPA ID No. **CAC00005107761010011** Manifest Document No. **2. Page 1 of 1**

Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address
**1411 DEVELOPMENT STE 301
 3740 MONTE DIABLO BLVD. CAFA/CTE CA 94549**

4. Generator's Phone
(415) 253-5010

A. State Manifest Document Number
87212741

B. State Generator's ID
SAME AS EPA

5. Transporter's Company Name
Casmalia Resources

C. State Transporter's ID
806911

7. Transporter's Company Name
Casmalia Resources

F. Transporter's Phone
(805) 937-8449

9. Designated Facility Name and Site Address
**Casmalia Resources
 NTU Road
 Casmalia, CA 93429**

G. State Facility's ID
CAD020748125

H. Facility's Phone
(805) 937-8449

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers No.	13. Total Quantity	14. Unit Wt/Vol	15. Waste No.	
				State	EPA/Other
a. HAZARDOUS WASTE SOLID, N.O.S. ORME NA 9189	101	DRUM		723	8004
b.					
c.					
d.					

J. Additional Descriptions for Materials Listed Above
**FROM EXCAVATION AT 150TH ST AND E 14TH ST
 IN SAN LEANDRO, CA.**

K. Handling Codes for Wastes Listed Above
 a. **03**
 b.
 c.
 d.

15. Special Handling Instructions and Additional Information
wear protective clothing, gloves and goggles

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.
 If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name: **SUSAN G. CRAN** Signature: *Susan G. Cran* Month Day Year: **12/02/87**

17. Transporter's Acknowledgement of Receipt of Materials
 Printed/Typed Name: **Michael D. Toling** Signature: *Michael D. Toling* Month Day Year: **12/02/87**

18. Transporter's Acknowledgement of Receipt of Materials
 Printed/Typed Name: Signature: Month Day Year:

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.
 Printed/Typed Name: **Sherry L. Mobley** Signature: *Sherry Mobley* Month Day Year: **12/02/87**
Casmalia Resources # 99019-44520 lbs.

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER, 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550

GENERATOR

TRANSPORTER

FACILITY

UNIFORM HAZARDOUS WASTE MANIFEST

(Type in typewriter)

Generator's US EPA ID No. CA1000005110770101012

Manifest Document No. 2. Page 1 of 1

Information in the shaded area is not required by Federal law.

3. Generator's Name and Mailing Address
 2311 DEVELOPMENT CO. STE 301
 3744 MT. DIABLO BLVD., LAFAYETTE, CA 94549

A. State Manifest Document Number
 87212742

4. Generator's Phone (415) 783-5010

B. State Generator's ID
 SAME AS EPA

5. Transporter 1 Company Name

C. State Transporter's ID
 508910

7. Transporter 2 Company Name
 Casma Lia Resources

D. Transporter's Phone
 (805) 937-8449

9. Designated Facility Name and Site Address
 Casma Lia Resources
 NTU Road
 Casma Lia, CA 95429

E. State Transporter's ID

F. Transporter's Phone
 (805) 937-8449

10. US EPA ID Number

G. State Facility's ID
 CAD020748125

H. Facility's Phone
 (805) 937-8449

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers
 No. Type

13. Total Quantity

14. Unit Wt/Vol

I. Waste No.

a. HAZARDOUS WASTE SOLID, N.O.S. OCM-E
 NA 9189

101 DTD 00016 Y

State 723

EPA/Other 8004

J. Additional Descriptions for Materials Listed Above
 FROM EXCAVATION AT 150th ST & E 14th ST
 IN SAN LEANDRO, CA
 SEE ANALYSIS ON FILE

K. Handling Codes for Wastes Listed Above

a. 03

15. Special Handling Instructions and Additional Information
 wear protective clothing, gloves and goggles

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.
 If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name
 SUSAN G. BROWN

Signature
 Susan G. Brown

17. Transporter 1 Acknowledgement of Receipt of Materials

Month Day Year
 1/29/87

Printed/Typed Name
 MARK D. WALLER

Signature
 Mark D. Waller

18. Transporter 2 Acknowledgement of Receipt of Materials

Month Day Year
 1/20/87

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.

Printed/Typed Name
 Sherry L. Mobley

Signature
 Sherry Mobley

Month Day Year
 1/21/87

GENERATOR TRANSPORTER FACILITY

UNIFORM HAZARDOUS WASTE MANIFEST

Generator's US EPA ID No. **CA R00002511077000103**
 Manifest Document No. **2** Page 1 of 1

Information in the shaded area is not required by Federal law.

3. Generator's Name and Mailing Address
C&H DEVELOPMENT CO., STE 301
3744 MT. DIABLO BLVD, CAJONETTE, CA 94549

A. State Manifest Document Number
87212743

4. Generator's Phone (415) 783-5010

B. State Generator's ID
SAME AS EPA

5. Transporter 1 Company Name
Casmalia Resources

C. State Transporter's ID
807156

6. Designated Facility Name and Site Address
Casmalia Resources
NTU Road
Casmalia, CA 93429

D. Transporter's Phone
(805) 937-8449

E. State Transporter's ID
807156

F. Transporter's Phone
(805) 937-8449

G. State Facility's ID
CAD090748125

H. Facility's Phone
(805) 937-8449

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)	12. Containers		13. Total Quantity	14. Unit Wt/Vol	1. Waste No.
	No.	Type			
a. HAZARDOUS WASTE SOLID, N.O.S. ORM-E NA 9189	101	DT	1116	Y	State 223 EPA/Other 0004
b.					State EPA/Other
c.					State EPA/Other
d.					State EPA/Other

J. Additional Descriptions for Materials Listed Above
FROM EXCAVATION AT 150th ST AND
E 14th ST. IN SAN LEANDRO, CA
SEE ANALYSIS

K. Handling Codes for Wastes Listed Above
 a. **03**
 b.
 c.
 d.

15. Special Handling Instructions and Additional Information
wear protective clothing, gloves and goggles

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.
 If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name
SUSAN G. BROWN

Signature
Susan G. Brown

Month Day Year
1/20/87

17. Transporter 1 Acknowledgement of Receipt of Materials
 Printed/Typed Name

Signature

Month Day Year

18. Transporter 2 Acknowledgement of Receipt of Materials
 Printed/Typed Name
RANDY S. LIMON

Signature
Randy Limon

Month Day Year
1/20/87

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.
 Printed/Typed Name
Sherry L. Mobley

Signature
Sherry Mobley

Month Day Year
1/20/87

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550
 GENERATOR
 TRANSPORTER
 FACILITY

UNIFORM HAZARDOUS WASTE MANIFEST

Generator's US EPA ID No. **CA090005107700004** Manifest Document No. **1**

2. Page 1 of 1 Information in the shaded areas is not required by Federal law.

3. Generator's Name and Mailing Address
**CH DEVELOPMENT STE 301
 3714 MT. Diablo Blvd., Lafayette CA 94549**

A. State Manifest Document Number
87403278

4. Generator's Phone **(415) 283-5010**

B. State Generator's ID
Same as EPA

5. Transporter 1 Company Name
JAMES R. CROOKS 6. US EPA ID Number
CA0981404015

C. State Transporter's ID **809297**
 D. Transporter's Phone **805 481-7806**

7. Transporter 2 Company Name 8. US EPA ID Number

E. State Transporter's ID
 F. Transporter's Phone

9. Designated Facility Name and Site Address
**CASMACH RESOURCES
 NTU ROAD
 CASMACH CA 94** 10. US EPA ID Number
CA020748125

G. State Facility's ID
CA020748125
 H. Facility's Phone
805-937-8449

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers No. Type 13. Total Quantity 14. Unit Wt/Vol I. Waste No.

a. **HAZARDOUS WASTE SOLID, N.O.S., ORM-E
 NA 9189**

1 container, 116 Y, State 223, EPA/Other D001

b.

State, EPA/Other

c.

State, EPA/Other

d.

State, EPA/Other

J. Additional Descriptions for Materials Listed Above
**FROM EXCAVATION AT 1504 1/2 E 11TH ST. IN
 SAN LEANDRO, CA.
 SEE ANALYSIS ON FILE**

K. Handling Codes for Wastes Listed Above
 a. **03** b. c. d.

15. Special Handling Instructions and Additional Information
GLOVES / GOGGLES

16. **GENERATOR'S CERTIFICATION:** I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.
 If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.

Printed/Typed Name
Timothy R. Benken

Signature
Timothy R. Benken Month Day Year
11/21/92

17. Transporter 1 Acknowledgement of Receipt of Materials
 Printed/Typed Name
JAMES R. CROOKS

Signature
James R. Crooks Month Day Year
11/21/92

18. Transporter 2 Acknowledgement of Receipt of Materials
 Printed/Typed Name
~~Timothy R. Benken~~

Signature
~~Timothy R. Benken~~ Month Day Year
~~11/21/92~~

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.
 Printed/Typed Name
744022-79 920/09 Casmach Resources Marc Crady Signature
Marc Crady Month Day Year
11/21/92

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550

GENERATOR

TRANSPORTER

FACILITY

UNIFORM HAZARDOUS WASTE MANIFEST

Generator's US EPA ID No.

Manifest Document No.

2. Page 1 of 1

Information in the shaded areas is not required by Federal law.

CA C 0 0 0 0 5 0 7 7 1 0 0 0 1 0 4

3. Generator's Name and Mailing Address
 CEN DEVELOPMENT CO.
 3744 MIT. DIABLO BLVD. STE 301. LAYETTE, CA 91549

A. State Manifest Document Number
 87212895

4. Generator's Phone (415) 283-5010

B. State Generator's ID
 SAME AS EPA

5. Transporter 1 Company Name
 CASMALIA RESOURCES

6. US EPA ID Number
 EA D 0 2 0 7 4 8 1 2 5

C. State Transporter's ID
 808710

7. Transporter 2 Company Name

8. US EPA ID Number

D. Transporter's Phone
 937-8449

9. Designated Facility Name and Site Address
 CASMALIA RESOURCES
 NTV ROAD CASMALIA
 CALIFORNIA 93455

10. US EPA ID Number
 EA D 0 2 0 7 4 8 1 2 5

E. State Transporter's ID
 F. Transporter's Phone
 G. State Facility's ID
 CA D 0 2 0 7 4 8 1 2 5
 H. Facility's Phone
 805 937-8449

11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)

12. Containers No. Type
 13. Total Quantity
 14. Unit Wt/Vol
 I. Waste No.

a. HAZARDOUS WASTE SOLID, N.O.S., ORM-E
 NA 9189

223
 0010T000/6 Y
 EPA/Other
 0000

b.

State
 EPA/Other

c.

State
 EPA/Other

d.

State
 EPA/Other

J. Additional Descriptions for Materials Listed Above
 FROM EXCAVATION AT E 14TH ST AND
 150TH AVE, SAN CLEMENTE, CA
 ANALIS ON FILE

K. Handling Codes for Wastes Listed Above
 a. 03
 b.
 c.
 d.

15. Special Handling Instructions and Additional Information
 GLOVES & GOGGLES

16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.
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Printed/Typed Name
 TIMOTHY B. BODEN

Signature
 Timothy B. Boden
 Month Day Year
 11 21 07 1817

17. Transporter 1 Acknowledgement of Receipt of Materials
 Printed/Typed Name
 MARK D. WALLER

Signature
 Mark D. Waller
 Month Day Year
 11 21 07 1817

18. Transporter 2 Acknowledgement of Receipt of Materials
 Printed/Typed Name

Signature
 Month Day Year

19. Discrepancy Indication Space

20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.
 Printed/Typed Name # 99194-46,980 165.
 CASMALIA RESOURCES

Signature
 Sherry Mobley
 Month Day Year
 11 21 07 1817

IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550

GENERATOR

TRANSPORTER

FACILITY

RECEIVED DEC 21 1987

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



February 1, 1988

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED

Mr. Tak Hirahara
C & H Development Company
3744 Mt. Diablo Blvd., Suite #301
Lafayette, California 94549

RE: Soil Contamination - 150th Avenue & E. 14th Street.
Installation of Monitoring Well.

Dear Mr. Hirahara:

The recommendations by Surface Consultants, Inc., for the remediation of the contaminated soils at the above location include the installation and maintenance of a monitoring well. This well has not been installed as of today. The new building is rapidly approaching completion and you will soon be asking for a Certificate of Occupancy.

Please be advised that no Certificate of Occupancy will be issued and no occupancy of any portion of the building will be allowed until either the monitoring well is installed or the requirement for its installation is waived by qualified professionals with the concurrence of the Alameda County Health Care Services Agency. Please try to resolve this issue as soon as possible to avoid any delays in occupying the building.

Sincerely,

Handwritten signature of P. C. Philipps in cursive.

P. C. Philipps
Building Regulations Supt.

PCP:cb

CC: Steven Meyers, City Attorney
Bill Rugg, Community Development Director
Curt Luck, City Engineer
Bill Rowe, Senior Building Inspector
Garvin White, Building Inspector ✓

Dave Karp, Mayor

City Council: John E. Faria; Bob Glaze; William F. Jardine;
Don McGue; Anthony B. Santos; Edwin J. Suchman; Dick Randall, City Manager

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577



January 29, 1988
Certified Mail - Return Receipt
Requested.

Mr. Tak Hirahara
C & H Development Company
3744 Mt. Diablo Blvd., Suite #301
Lafayette, California 94549

RE: Soil Contamination - 150th Avenue & E. 14th Street, (14964 E. 14th)
Installation of Monitoring Well.

Dear Mr. Hirahara:

The recommendations by Surface Consultants, Inc., for the remediation of the contaminated soils at the above location include the installation and maintenance of a monitoring well. This well has not been installed as of today. The new building is rapidly approaching completion and you will soon be asking for a Certificate of Occupancy.

Please be advised that no Certificate of Occupancy will be issued, and no occupancy of any portion of the building will be allowed until the monitoring well is installed or the requirements for its installation are waived by qualified professionals with the concurrence of the Alameda County Health Care Services Agency.

You should also be reminded of the Public Works requirements as described in our letter dated October 18, 1987, to Mr. Dan Christopolus, (copy attached). Occupancy will not be allowed until all Public Works Department requirements, (i.e., widening of 150th Street and relocation of the overhead power and phone system), have been completed.

Please try to resolve these issues as soon as possible in order to avoid any delays in occupying the building.

Sincerely,

P. C. Philipps
Building Regulations Supt.

Kevin Reese
Kevin Reese
Building Regulations Inspector

PCP:KR:cb

cc: Steven Meyers, City Attorney
Bill Rugg, Community Development Dir.
Curt Luck, City Engineer
Bill Rowe, Senior Building Inspector
Gavin White, Building Inspector

Dave Karp, Mayor

City Council: John E. Faria; Bob Glaze; William F. Jardin;
Don McGue; Anthony B. Santos; Edwin J. Suchman; Dick Randall, City Manager



C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-6010 • FAX 283-4856

January 25, 1988

Ms. Jane Keith
Mobil Oil Corporation
Suite 700
3800 West Alameda Avenue
Burbank, California 91505-4331

RE: 14964 East Fourteenth Street, San Leandro

Dear Jane:

In accordance with our discussion this morning, I enclose copies of the three (3) soils reports prepared by our consultant, Subsurface Consultants, Inc.

Additionally, for your information I enclose copies of the recent correspondence relative to the additional work which the Alameda County Health Care Services and City of San Leandro have requested we commence, together with our counsel's replies.

Also, enclosed are copies of the invoices we paid in order to clean-up the contaminated soil first reported to you in October of 1987.

We'll appreciate greatly whatever assistance you can render, Jane. Should you have any questions or wish additional information, feel free to call.

Sincerely,

Susan G. Brown
Project Manager

Encls.
cc: Donald L. Edgar, Esq.

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010 • FAX 283-4856

January 19, 1988

Mr. Rodney Griffin
Grubb & Ellis
Suite 150
224 Airport Parkway
San Jose, California 95110

Dear Rod:

Rod, attached please find signed counter offer stipulating close of escrow by April 28, 1988, removal of all contingencies within thirty (30) days and our agreement to extend the rental guaranty period to nine (9) months.

In reply to John Luk's letter of January 15, yes, every effort will be made to have the center 80/85% leased and operative by close of escrow.

Additionally, as I am sure the buyer is aware, the reason the parking area work has not been completed to date is due to the fact we have been delayed by inclimate weather. Progress is being made and we expect that the work will be completed prior to close of escrow.

In compliance with request of buyer, we herewith enclose a copy of Subsurface Consultants closure report evidencing the fact we performed the required clean-up of contaminated soil, excavating, removing, backfilling with clean soil and compacting to the stipulated ratio.

Subsequent to the completion of above clean-up, the County of Alameda has transmitted a request we conduct additional testing of the ground water table beneath 150th Street. We have replied to this request with notification we feel this is not within the parameters of our responsibility. At this time, we await the County's response to our notification.

We, too, look forward to working with you in consumating an agreement and, should you have any questions, feel free to call.

Cordially,

Susan G. Brown
Project Manager

Enc.



The following terms and conditions are hereby incorporated in and made part of the: Real Estate Purchase Contract and Receipt for Deposit, Mobilehome Purchase Contract and Receipt for Deposit, Business Purchase Contract and Receipt for Deposit, other

dated December 21, 1987, on property known as 14964 East Fourteenth St., San Leandro
 in which Mr. F.K. Sit and Mrs. Y. Sit or Assignee is referred to as Buyer
 and C and H Development Co. is referred to as Seller.

1. Close of escrow should occur on or before June 3, 1988.

y.s. At buyers' choice, buyers can elect to close escrow on April 28, 1988.

2. All contingencies, including loan approval, to be removed within 30 days of acceptance hereof.

3. All other terms and conditions remain unchanged and in full force.

*Done to cover escrow and vacant status - 15% close
 on escrow - by a period of nine months. Sellers to be
 responsible for losing Commission & Tenant improvement*

The undersigned acknowledge receipt of a copy of this page, which constitutes Page 1 of 1 Pages

Date 1-14-88.

Date January 20, 1988

Buyer Fok Kuen Sit

Seller [Signature]

Buyer Ying Chue Wang Sit

Seller [Signature]

Takeo Hirahara, C&H Development Co.

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SELLER'S COPY

DS-14

OFFICE USE ONLY
 Reviewed by Broker or Designee _____
 Date _____



SF-Sept-87

STARK, WELLS, RAHL, FIELD & SCHWARTZ
ATTORNEYS AT LAW

R. GORDON BAKER, JR.
DONALD L. EDGAR
ROBERT C. FIELD
ALAN B. GUTTENBERG
THOMAS W. JURIKA, JR.
RICHARD H. RAHL
ROBERT W. RICHARDSON
JOSEPH H. SCHIEFFER
DAVID A. SCHURICHT
MERRILL J. SCHWARTZ
FRANKLIN C. STARK
JOHN F. WELLS

LAKE MERRITT PLAZA
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612-3508
TELECOPIER (415) 834-7075
TELEPHONE (415) 834-2200

HERBERT L. BREED (1878-1967)
GEORGE F. DUNKER, JR. (1937-1986)
BESTOR ROBINSON (RETIRED)
MALCOLM M. CHAMPLIN (RETIRED)
EDGAR B. STEWART (RETIRED)

WALNUT CREEK OFFICE
PERI EXECUTIVE CENTRE
2033 NORTH MAIN STREET, SUITE 900
WALNUT CREEK, CALIFORNIA 94596
TELEPHONE (415) 934-7700

January 14, 1988

Alameda County Health Care Services Agency
470 27th Street, 3rd Floor
Oakland, CA 94612

Attention: Rafat A. Shahid
Chief Hazardous Materials Division

Re: Waste Oil Contamination at 150th Ave. and
E. 14th St., San Leandro

Dear Mr. Shahid:

Our client C & H Development Co. has asked us to respond to your letter of December 28, 1987 requesting that C & H provide you with the proposed location of a ground water monitoring well.

From the soils reports it appears clear that the source of the waste oil contamination was the area below the sidewalk on land owned by the city of San Leandro, not on C & H's property.

Accordingly, it is our position that C & H is not responsible for installing and maintaining a monitoring well. C & H undertook the excavation of the contaminated soil from the off-site area as the most expeditious way of completing its project, not because it had any legal obligation to do so.

Very truly yours,

STARK, WELLS, RAHL, FIELD & SCHWARTZ

By

Donald L. Edgar
Donald L. Edgar

DLE:gs

cc: City of San Leandro
C & H Development Co.

RECEIVED
JAN 20 1988

ALAMEDA COUNTY
HEALTH CARE SERVICES

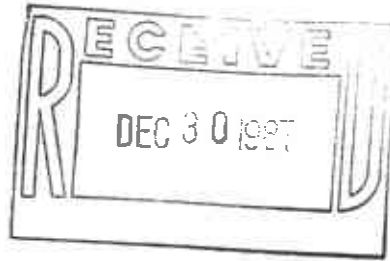
DAVID J. KEARS, AGENCY

XXXXXXXXXXXX
MICHAEL LEAHY, Agency Director



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

December 28, 1987



Mr. Dan Christopolus
C & H Development Company
3744 Mt. Diablo Blvd. #301
Lafayette, CA 94549

Dear Mr. Christopolus:

We have received the closure report dated December 15, 1987 for your property at 150th Avenue and E. 14th St., San Leandro that was prepared by Subsurface Consultants, Inc. The report stated "an oily sheen existed on water seeping into the excavation from beneath the roadway along 150th Avenue."

Please submit to our office the following:

1. Water analysis, if any of the oily water seeping into the excavation.
2. Proposed location of a groundwater monitoring well.

If you have any questions concerning this matter, please contact Lawrence Seto, Hazardous Materials Specialist at 874-7237.

Sincerely,

R/A. SLU
Rafat A. Shahid, Chief
Hazardous Materials Division

RAS:LS:mam

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Division
Dwight Hoenig, DOHS
Lester Feldman, RWQCB
Jim Bowers, Subsurface Consultants
Joe Ferreira, San Leandro Fire Dept.

STARK, WELLS, RAHL, FIELD & SCHWARTZ
ATTORNEYS AT LAW

R. GORDON BAKER, JR.
DONALD L. EDGAR
ROBERT C. FIELD
ALAN B. GUTTENBERG
THOMAS W. JURIKA, JR.
RICHARD H. RAHL
ROBERT W. RICHARDSON
JOSEPH H. SCHIEFFER
DAVID A. SCHURICHT
MERRILL J. SCHWARTZ
FRANKLIN C. STARK
JOHN F. WELLS

LAKE MERRITT PLAZA
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612-3508
TELECOPIER (415) 834-7075
TELEPHONE (415) 834-2200

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GEORGE F. DUNKER, JR. (1937-1986)
BESTOR ROBINSON (RETIRED)
MALCOLM M. CHAMPLIN (RETIRED)
EDGAR B. STEWART (RETIRED)

WALNUT CREEK OFFICE
PERI EXECUTIVE CENTRE
2033 NORTH MAIN STREET, SUITE 900
WALNUT CREEK, CALIFORNIA 94596
TELEPHONE (415) 934-7700

December 9, 1987

Mr. Dan Christopoulos
C & H Development Co.
3744 Mt. Diablo Blvd., Suite 301
Lafayette, CA 94549

Re: 150th and East 14th

Dear Dan:

Enclosed is a copy of my letter to the attorney for Kubo.

As you will note, there are two pieces of information that we need:


1. Some documentation that constitutes or confirms an "order" of a public agency for the remedial work. Spinetta says that Mobil has agreed to pay for any work ordered by a public agency.

2. A statement from Jim Bowers in support of our position that part of the contamination was located on the property (rather than all being under the sidewalk and street).

Very truly yours,

STARK, WELLS, RAHL, FIELD & SCHWARTZ

By


Donald L. Edgar

DLE:gs
Enclosures



STARK, WELLS, RAHL, FIELD & SCHWARTZ
ATTORNEYS AT LAW

LAKE MERRITT PLAZA
1999 HARRISON STREET, SUITE 1300
OAKLAND, CALIFORNIA 94612-3508
TELECOPIER (415) 834-7075
TELEPHONE (415) 834-2200

WALNUT CREEK OFFICE
PERI EXECUTIVE CENTRE
2033 NORTH MAIN STREET, SUITE 900
WALNUT CREEK, CALIFORNIA 94596
TELEPHONE (415) 934-7700

December 9, 1987

Peter L. Spinetta, Esq.
Spinetta, Randick & O'Dea
1800 Harrison Street, Suite 1771
Oakland, Ca 94612

Re: East 14th and 150th Streets
San Leandro, CA

Dear Mr. Spinetta:

Thank you for your letter of December 3, 1987.

With regard to the second paragraph of your letter, we direct your attention to the fact that Boring No. 4 which was made within the boundaries of the property showed the same contamination level as Borings 2, 5 and 6.

When the cleanup work was done it was necessary to expand the area involved beyond the site originally delineated in order to deal with the contamination conditions that were encountered. I have asked my clients to obtain detailed information from their consultant regarding the extent that the contamination problem was located inside the boundaries of the property.

To the extent that remedial work was required on the property, we believe that Mr. Kubo is responsible.

I have also requested a copy of the public agency order for the remedial work and will forward it to you as soon as I receive it.

Very truly yours,

STARK, WELLS, RAHL, FIELD & SCHWARTZ

By DONALD L. EDGAR

DLE:gs

cc: C & H Development Co.

C
O
P
Y

LAW OFFICES

SPINETTA, RANDICK & O'DEA

1800 HARRISON, SUITE 1771

OAKLAND, CALIFORNIA 94612

TELEPHONE

(415) 836-3555

PETER L. SPINETTA
ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
KIM H. BOLLINGER
ANN M. HANSEN
SUSAN M. TEEL
T. PATRICK LAWLOR

D 12/7
T 12/7
SGB

December 3, 1987

Send Copy to Doc.

Stanley Roller, Esq.
Mobil Oil Corporation
3800 W. Alameda Ave.
Suite 700
Burbank, CA 91505-4331

RE: Burt Kubo
SS# 10-123, San Leandro

Dear Mr. Roller:

Additional contamination has been found underneath the sidewalk adjacent to the above-referenced property. The details concerning this are set forth in the attached report of Subsurface Consultants, Inc. dated October 26, 1987.

In accordance with your letter to me of February 18, 1987, I trust Mobil will immediately undertake all necessary clean-up work. In this regard, we ask that you immediately contact the City of San Leandro, County of Alameda, and California Regional Water Quality Control Board to determine exactly what has to be done. We also request that you immediately contract C & H Development Company, 3744 Mt. Diablo Boulevard, Suite 301, Lafayette, California, 94549, the present owners of the above-referenced property, regarding the expenses they have apparently already incurred in connection with this latest contamination episode. (See enclosed Invoices from Subsurface Consultants, Inc.)

We further put you on notice that our client, Mr. Bertram Kubo, is contractually obligated to provide C & H Development with Certificates of Clearance from the City of San Leandro and the California Regional Water Quality Control Board by December 31, 1987, and that, if this is not done, he stands to be substantially damaged. Should this occur, Mr. Kubo will, of

Stanley Roller, Esq.
Page 2
December 3, 1987

course, look to your company for indemnification. We urge Mobil therefore immediately do everything possible to enable Certificates of Clearance to be issued.

Thank you.

Very truly yours,

SPINETTA, RANDICK & O'DEA


Peter L. Spinetta

PLS:mkc
Enclosures
cc: Mr. Bertram Kubo
C & H Development Company

LAW OFFICES

SPINETTA, RANDICK & O'DEA

1800 HARRISON, SUITE 1771

OAKLAND, CALIFORNIA 94612

TELEPHONE
(415) 838-3555

PETER L. SPINETTA
ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
KIM H. BOLLINGER
ANN M. HANSEN
SUSAN M. TEEL
T. PATRICK LAWLOR

December 3, 1987

*Don 12/8 to send attorney letter
indicating that there was
some contamination "at" site
& Kubo could be responsible
D.*

Donald Edgar, Esq.
Stark, Wells, Rahl, Field & Schwartz
1919 Harrison Street, Suite 1300
Oakland, California 94612

RE: East 14th and 150th Streets
San Leandro, California

Dear Mr. Edgar:

This letter is in response to C & H Development Company's letter of November 3, 1987, regarding the contamination recently discovered beneath the sidewalk adjacent to the above-referenced property.

Since the contamination is not within the boundaries of the above-referenced property, Mr. Bertram Kubo is, of course, not responsible for its removal under Paragraph 4 of the First Amendment to the Purchase Agreement. Nor would Mr. Kubo appear liable for its removal under any other theory: There is no evidence he was in any fashion responsible for the contamination.

Accordingly, Mr. Kubo must respectfully reject your client's demand that he undertake all remedial work attendant to the contamination and/or reimburse your client for any such work.

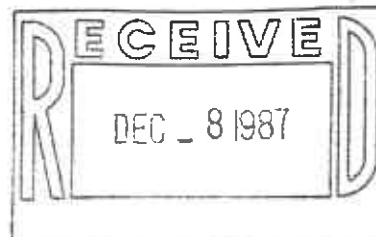
We have, however, brought the latest contamination episode to the attention of Mobil Oil Corporation and perhaps they will undertake the necessary clean-up work (see enclosed copy of letter to Mobil).

Very truly yours,

SPINETTA, RANDICK & O'DEA

Peter L. Spinetta
Peter L. Spinetta

PLS:mkc
Enclosure
cc: Mr. Bertram Kubo



ALAMEDA COUNTY
HEALTH CARE SERVICES

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



TR/10
D 12/9
S 10/10

470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

November 30, 1987

Mr. Tak Hirahara
C&H Development Co.
3744 Mt. Diablo Blvd., #301
Lafayette, CA 94549

Dear Mr. Hirahara:

We have received your soil contamination characterization plan dated, November 16, 1987, that was prepared by Subsurface Consultants, Inc., for the clean-up at 150th Ave. and E. 14th Street, San Leandro. After consultation with Lester Feldman of the Regional Water Quality Control Board, this plan has been accepted with the understanding that additional ground water monitoring wells may be required in the future.

In addition, we have received your site safety plan dated, November 20, 1987, that was prepared by Subsurface Consultants, Inc. It is approved.

An additional plan must be submitted, that addresses the potential impact of the contaminants on ground water.

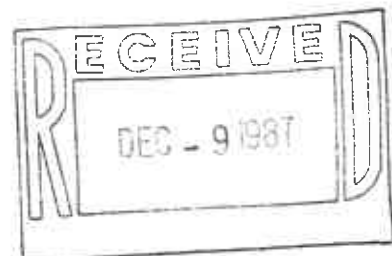
If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc



cc: Bert Kubo, Kubo's Svc. Center
Gil Jensen, Alameda County District Attorney, Consumer & Environmental Protection Agency
Dwight Hoenig, DOHS
Jim Bowers, Subsurface Consultants, Inc.
Lester Feldman, RWQCB
Joe Ferreira, SLFD

SERVICE AGREEMENT

DATE:

NOVEMBER 30, 1987

BY AND BETWEEN:

RIEDEL ENVIRONMENTAL SERVICES INC., (RES) an Oregon Corporation

AND:

CAH DEVELOPMENT ("CUSTOMER")

In consideration of the mutual covenants set forth below, the parties agree that:

1. DESCRIPTION OF SERVICES.

RES agrees to provide the pollution control services as follows:

EXCAVATION, REPORT, & DISPOSE OF PETROLEUM CONTAMINATED SOIL TO 20" DEEP. BACKFILL & RESURFACE WITH ASPHALT.

If the authorization(s) of any third party or entity is required in order to dispose of the pollutant, RES may store the pollutant without charge, on the Customer's property at the area of removal or at such other site at Customer's cost and expense, all as RES, in its sole discretion, may elect, until such authorization(s) can be obtained.

RES shall begin performing the pollution control services provided herein as soon as reasonably possible, taking into account any unrelated pre-existing or emergency commitments of RES, which might affect the availability of RES personnel and/or equipment and subject to Paragraph 5 below.

2. COMPENSATION/TERMS OF PAYMENT/SERVICE CHARGE.

CUSTOMER agrees to pay RES for the pollution removal services as follows:

\$ 18,750 EXCAVATION & BACKFILL PER ITEM #1
\$ 620 PERMITTING
\$ 320 MODIFICATIONS TO EXISTING FENCING

The aforementioned fees and charges incurred by CUSTOMER shall be paid by CUSTOMER within 30 days from date of invoice by RES. A service charge of two percent per month shall be charged on all balance not paid by CUSTOMER within the aforementioned terms.

3. PERFORMANCE.

RES will use its best efforts to perform and provide the services specified herein; provided, however, that both parties agree that not all pollutants can be completely removed, cleaned up and/or neutralized and that RES shall be in compliance with this agreement if it removes, cleans up, or neutralizes the particular pollutant for which the services hereunder are rendered to the maximum extent reasonably possible.

4. **TITLE.**

At all times during this agreement, as between RES and Customer, Customer shall be deemed to have exclusive title to the pollutant and any personal and/or real property affected by the pollutant.

5. **GENERAL NUMBER.**

If the pollutant subject to this agreement is identified by the federal government and/or any applicable state or local governmental authority as "hazardous", then, as a condition precedent to the performance by RES of this agreement, Customer shall provide RES with any generator number and/or any other specific identification that is assigned to Customer by the applicable governmental authority or which is otherwise required by law.

6. **COMPLIANCE WITH LAW/PERMITS/ACCESS.**

RES, in its performance of the service provided for in this agreement, shall comply with all applicable governmental regulations, statutes, laws and ordinances. CUSTOMER agrees at its sole cost and expense:

- (i) to obtain and maintain all local, state and federal permits and any permission to enter on the property of any third party; and
 - (ii) to comply with all applicable governmental regulations, statutes, laws and ordinances, and
 - (iii) to render cooperation;
- all as are necessary for RES to carry out the services provided herein.

7. **INDEMNITY.**

CUSTOMER agrees to defend, indemnify and hold harmless RES (including its officers, agents and employees) from any and all claims, demands, loss, cost, damage, expense or liability, including attorney's fees and related legal expenses arising out of or in any way connected with RES's performance hereunder and/or the conditions for which RES renders the work hereunder, including without limitation: (i) failure of customer to fully and faithfully keep and perform every obligation arising under this agreement; and/or (ii) resulting from injury to or death sustained by any person (including but not limited to CUSTOMER's officers, agents and employees) and/or damage to property of any kind which injury, death or damage actually or allegedly arises out of or is in any way connected with the work to be performed by RES pursuant to this agreement and/or the conditions for which RES renders the work hereunder.

CUSTOMER's obligation to defend and indemnify RES as herein provided shall extend to any acts or omissions, willful misconduct or negligent misconduct, whether active or passive, on the part of either CUSTOMER or RES and each of them or their agents or employees, except such obligation shall not be applicable to injury, death or damage to property or persons resulting from the sole negligence or the sole willful misconduct of RES or its officers, agents or employees.

8. **FORCE MAJEURE.**

RES shall not be liable to CUSTOMER for the failure of RES to perform its obligations under this agreement if the failure to perform arises from the acts of God, acts of the public enemy, acts of any governmental body in its sovereign or contractual capacity, acts or delays of other contractors or suppliers, fire, flood, volcanic disturbance, epidemic, quarantines, strikes, or other labor disturbances, freight embargos, unusually severe weather or any other circumstances of like or different nature beyond RES's control.

9. **INDEPENDENT CONTRACTOR.**

RES and its officers, employees and agents are not and shall not be considered or otherwise construed to be employees of CUSTOMER.

10. **MISCELLANEOUS PROVISIONS.**

See Exhibit 4 attached hereto.

11. **EXHIBIT INCORPORATION/INCONSISTENCIES.**

Exhibits _____ through _____ are incorporated herein by this reference. To the extent any provisions of any of the aforementioned Exhibit(s) are inconsistent with anything in the preprinted portion of this agreement then such provisions of the Exhibit(s) shall control.

12. **BINDING EFFECT.**

The rights and obligation of this agreement shall be inure to and be binding on the parties and their respective heirs, assigns, successors, personal representatives, legal representatives and any who otherwise take through and under them.

13. **ATTORNEYS' FEES.**

If it is necessary for either party to institute any proceeding, action or suit to enforce any rights under this Agreement, the party not prevailing in such proceeding, action or suit agrees to pay the prevailing party's costs and disbursements and such sums as the Judge of the Court may adjudge reasonable as attorneys' fees in any such proceeding, action or suit or in any appeal thereon.

14. **MODIFICATION OF AGREEMENT.**

The provisions of this agreement may not be changed orally but may be changed only by an agreement in writing signed by both parties.

15. **APPLICABLE LAW.**

This agreement shall be construed in accordance with the laws of the State of Oregon.

16. **WAIVER.**

The failure on the part of either party at any time to require performance by the other party of any provisions hereof shall

in no way affect the right of the party (who has failed to require performance) hereunder to enforce such provision nor shall any waiver by either party of any breach of any provision hereof be held to be a waiver of any succeeding breach of any provision or waiver of this non-waiver clause.

17. **INTEGRATION.**

This document is the entire, final and complete agreement of the parties for the purposes heretofore set forth. It supercedes and replaces all written and oral agreements heretofore made or existing by and between the parties regarding their rights for the purposes hereto set forth.

18. **CONSTRUCTION.**

In construing this Agreement, it is understood that as the context so requires, the singular pronoun shall be taken to include and mean the plural, the masculine, feminine and neuter, and that generally all grammatical changes shall be made, assumed, and implied to make the provisions hereof apply equally to corporations and to individuals.

19. **INVALIDITY.**

The invalidity or unenforceability of any particular provision of this agreement shall not affect the other provisions hereof, and this agreement shall be construed in all respects as if such invalid or unenforceable provision were omitted but only to the extent that such provision is deemed invalid as to any particular set of circumstances.

20. **HEADINGS.**

The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of this agreement.

21. **AUTHORIZATION.**

That person executing this agreement below for CUSTOMER represents and warrants that he/she has full power to enter into this agreement on behalf of CUSTOMER and that this agreement shall constitute a valid and binding agreement of CUSTOMER in accordance with its terms.

IN WITNESS WHEREOF, this agreement has been duly executed on the day and year first above written.

"RES"

Address:

230 Cutting Boulevard
Richmond, CA 94802

RIEDEL ENVIRONMENTAL SERVICES, INC.

By: John N. Clark

Vice President/

Capacity: Regional Manager

[Handwritten Signature]
11/30/87

"CUSTOMER"

Address: _____

By: _____

Capacity: _____

EXHIBIT 1

ASSUMPTIONS:

WATER IS AVAILABLE ON PROPERTY.

NO SHORING REQUIRED.

NO DEWATERING REQUIRED.

NO UTILITIES ARE PRESENT WITHIN LIMITS OF THE EXCAVATION. UNDERGROUND SERVICE ALERT HAS BEEN NOTIFIED OF THIS WORK ON AN EMERGENCY BASIS (REQUEST # 391360). RIEDEL IS NOT RESPONSIBLE FOR UTILITIES DAMAGED PRIOR TO IDENTIFICATION BY U.S.A.

in no way affect the right of the party (who has failed to require performance) hereunder to enforce such provision nor shall any waiver by either party of any breach of any provision hereof be held to be a waiver of any succeeding breach of any provision or waiver of this non-waiver clause.

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"RES"

Address:

230 Cutting Boulevard
Richmond, CA 94802

RIEDEL ENVIRONMENTAL SERVICES, INC.

By: John N. Clark

Vice President/
Capacity: Regional Manager

"CUSTOMER"

Address: _____

By: _____

Capacity: Pres.

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 293-5010 • FAX 293-4856

November 20, 1987

Mr. Bert Kubo
Bert Kubo Service Station
15595 Washington Avenue
San Lorenzo, California 94580

RE: E. 14th and 150th Streets, San Leandro

Dear Bert:

I have little to report at this point relative to the clean-up of referenced site, other than that we are hoping to commence the work the week of November 30th. If the weather doesn't throw us off, we should have something definite to report by the second/third week of December. I will, of course, contact you when we have something specific to discuss.

The reason for this note is that we have been led to believe that you (ie; Mobil) have not monitored the wells on the western portion of the property. We are most concerned by this as we can ill afford any additional delays to our opening the building. Please advise if, contrary to our information, these wells have been monitored regularly and provide us with the results of the tests. If this has not been done, we must be assured it will be done immediately. We'd like to hear from you on this subject as soon as possible.

I hope you have a very pleasant holiday and I look forward to speaking with you soon.

Cordially,

Susan G. Brown

James P. Bowers, P.E.
R. William Rudolph, P.E.

November 20, 1987
SCI 209.005

Mr. Larry Seto
Hazardous Materials Specialist
Alameda County Health Care Services
410-27th Street, Third Floor
Oakland, California 94612

RECEIVED
NOV 20 1987

HAZARDOUS MATERIALS/
WASTE PROGRAM

Re: Contaminated Soil Cleanup
150th Avenue and East 14th Street
San Leandro, California

Dear Mr. Seto,

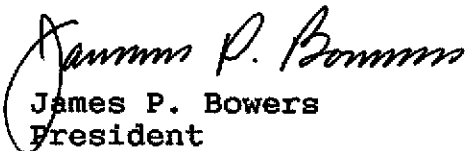
This letter records the names of the waste hauler and disposal facility which will be used during soil cleanup activities at the referenced project. Site cleanup activities will commence on Monday, November 30th and will be completed by Friday, December 4th, 1987. Our general contractor is R. S. Eagan Company. The waste hauler and disposal facility are listed below:

Waste hauler: Chemical Waste Management
Transporter EPA No. CAD 003986718

Disposal Facility: Chemical Waste Management
Kettleman City, California
EPA No. CAT000646117

If you have any questions, please call.

Yours very truly,
Subsurface Consultants, Inc.


James P. Bowers
President

JPB: fsh

cc: Ms. Susan Brown
C&H Development Company

Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461

ALAMEDA COUNTY
HEALTH CARE SERVICES

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



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

November 5, 1987

Mr. Tak Hirahara
C&H Development Company
3744 Mt. Diablo Blvd., #301
Lafayette, CA 94549

Dear Mr. Hirahara:

We have received the preliminary geotechnical report dated Oct. 26, 1987, for your property located at 150th Ave. and E. 14th Streets, San Leandro, that was prepared by Subsurface Consultants, Inc. Please submit to our office, your plan of correction.

Your plan must include, but not be limited to:

1. Method to determine the lateral and vertical extent of solvent contamination
2. Health and Safety Plan for workers
3. Name of licensed hauler
4. Name of disposal facility
5. Expected date of completion

Please submit to our office, your plan within thirty (30) days of the receipt of this letter.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid, Chief
Hazardous Materials Division

cc: Gil Jensen, Alameda County District Attorney, Consumer & Environmental Protection Agency
Bert Kubo, Kubo's Service Center
Dwight Hoenig, DOHS
Jim Bowers, Subsurface Consultants, Inc.
Pete Johnson, RWQCB
Joe Ferreira, SLFD

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010

November 3, 1987

Peter Spinetta, Esq.
1800 Harrison Street, Suite 1771
Oakland, California 94612

RE: East 14th and 150th Streets, San Leandro

Dear Mr. Spinetta:

We are writing you at the request of your client, Mr. Bertrum Kubo with regard to the above referenced property and our agreement with him, relative to the terms of sale.

As Mr. Kubo has been advised, an additional contaminated area has been found on the property. The details are set forth in the attached report of Subsurface Consultants, Inc. dated October 26, 1987.

Under Paragraph 4 of the First Amendment to Purchase Agreement, Mr. Kubo is obligated to remove any soil contamination and hazardous substances from the property and deliver certificates of clearance from the City of San Leandro and the California Department of Water Resources confirming that the property is free from soil contamination and hazardous substances.

Accordingly, we hereby demand that you (a) reimburse us for the costs we have incurred to date (see attached schedule) and (b) immediately undertake the necessary remedial work or, alternatively, authorize us to perform such work for your account.

Very truly yours,

Constantine Christopoulos
President

DC:sgb
encls.
cc: Bert Kubo

ALAMEDA COUNTY
HEALTH CARE SERVICES

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



SC1 209.005

470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

October 30, 1987

RECEIVED

NOV 4 1987
AM 7:15
715.874.7237

*Sp. 11/10
Dr. 11/10*

Mr. Jim Bowers
Subsurface Consultants
171 - 12th Street, Suite 201
Oakland, CA 94607

Dear Mr. Bowers;

Plan - Per Jim he & Bob will take care of this...

On September 24, 1987, you informed Larry Seto, from our office, that your firm had been retained by C&H Development, new owners of the property located at 150th and E. 14th Streets, San Leandro, to conduct a site investigation and evaluation. On October 1, 1987, you informed Larry that, several soil borings had been made. Before any further work commences, a plan of correction must be submitted to our office for approval. Your plan must include, but not be limited to the following:

1. Method to be used to determine the lateral and vertical extent of the contamination
2. Name of the licensed hazardous waste hauler who will dispose of the material
3. Name of the disposal site

Please submit to our office, your plan of correction within thirty (30) days of the receipt of this letter. In addition, a copy should be sent to the Regional Water Quality Control Board, Attn: Mr. Peter Johnson.

Although the County of Alameda is the lead agency at this time, the RWQCB has responsibilities for overseeing these waste oil leak cases.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief,
Hazardous Materials Division

RECEIVED
NOV 1 1987

RAS:LS:mnc

cc: Pete Johnson, RWQCB
Joe Ferreira, SLFD
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Agency

Tak Hirahara, C&H Development
Bert Kubo, Previous Owner of Site

ALAMEDA COUNTY
HEALTH CARE SERVICES

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



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

October 27, 1987

Mr. Jim Bowers
Subsurface Consultants
171 - 12th Street, Suite 201
Oakland, CA 94607

Dear Mr. Bowers;

On September 24, 1987, you informed Larry Seto, from our office, that your firm had been retained by C&H Development, new owners of the property located at 150th and E. 14th Streets, San Leandro, to conduct a site investigation and evaluation. On October 1, 1987, you informed Larry that, several soil borings had been made. **Before any further work commences, a plan of correction must be submitted to our office for approval.** Your plan must include, but not be limited to the following:

1. Method to be used to determine the lateral and vertical extent of the contamination
2. Name of the licensed hazardous waste hauler who will dispose of the material
3. Name of the disposal site

Please submit to our office, your plan of correction within thirty (30) days of the receipt of this letter. In addition, a copy should be sent to the Regional Water Quality Control Board, Attn: Mr. Peter Johnson.

Although the County of Alameda is the lead agency at this time, the RWQCB has responsibilities for overseeing these waste oil leak cases.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: Pete Johnson, RWQCB
Joe Ferreira, SLFD
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Agency
Tak Hirahara, C&H Development
Bert Kubo, Previous Owner of Site

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY

~~XXXXXXXXXXXX~~, Agency Director



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

October 27, 1987

Mr. Bert Kubo
15595 Washington Ave.
San Lorenzo, CA 94580

Dear Mr. Kubo:

On September 10, 1987, PG&E discovered contaminated soil under the sidewalk next to the property you previously owned at 14960 E. 14th Street, San Leandro, CA. Laboratory analysis of the soil by the Alameda County Environmental Laboratory indicates oil and grease contamination of 45,000 ppm.

For your information, the new owners of the property, C&H Development, has contracted Subsurface Consultants to perform a site investigation and evaluation.

If you have any questions, please contact Larry Seto, Hazardous Materials Specialist, at 874-7237.

Sincerely,

Rafat A. Shahid, Chief,
Hazardous Materials Division

RAS:LS:mnc

cc: Files
Larry Seto

PACIFIC GAS AND ELECTRIC COMPANY

PG&E



24300 CLAWITER ROAD • HAYWARD, CALIFORNIA 94545-9858 • (415) 783-2380

R. L. LARSON
DIVISION MANAGER

September 24, 1987

Mr. Dan Christopolous
C and H Development
3744 Mt. Diablo Blvd., Ste 301
Lafayette, CA 94549

Re: 14960 E. 14th Street
San Leandro

Dear Mr. Christopolous:

As we discussed, our electric construction crew discovered a strong petroleum odor when drilling for a new power pole. Our foreman contacted the Alameda County Health Agency to inform them of the situation.

Soil samples have yielded results of 45,000 ppm of oil and grease. The County is going to contact the previous owner to try to initiate a clean up. I will leave that to the people at the County.

Our construction crews cannot proceed with their work until they are notified by the County that it is safe to do so.

It is unfortunate that this situation has arisen. I know you are very anxious to complete this project, as am I. I will keep you informed of our progress.

If you have any questions, please call me at 784-3358.

Sincerely,

ORIGINAL SIGNED BY

Ray Tuider
San Leandro Manager

RHT:11

cc: Mr. Jack Montgomery
Tailman Construction Co.

Mr. Lawrence Seto
County of Alameda

RECEIVED
SEP 23 1987

MATERIALS
PROGRAM

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DIVISION OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL HEALTH LABORATORY

ANALYTICAL REQUEST

Laboratory No. 87-095

RECEIVED
SEP 24 1987
ENVIRONMENTAL HEALTH LABORATORY
ALAMEDA COUNTY

Sample Identification Soil sample from PG&E, 150th and E. 14th, San Leandro

Analyses Requested by: L. Seto

Date Collected: [REDACTED] Collected by: L. Seto

Date Received: 9-10-87 Received by: B. Chan

Analyses Requested Total Hydrocarbons and Oil and Grease.

Background Information The soil sample was taken from a hole dug by PG&E. An organic odor was detected and fuel contamination suspected.

ANALYTICAL RESULTS

Parameter	Observation or Result
Oil and Grease- Gravimetric determination of Freon extractables.	45,000 mg/kg (ppm)
Total Hydrocarbons- by gas chromatography.	N.D., detection limit: less than 400ppm fuel. (fuel-gasoline, kerosine & diesel.)

Conclusions: Although the soil contains considerable organic material it is of a high boiling point nature ie lubricating oil.

Date Analyses Completed: 9-18-87 Chemist: B. Chan

Approved: [Signature]

Distribution: R. Shahid, T. Shirasawa, G. Winn

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 470-27th Street, Oakland, CA 94612
 (415) 874-6434

OCCUPATIONAL HEALTH SERVICES
 LABORATORY SERVICE REQUEST

Plant or Place _____

Address 150th and E 14th San Leandro

Sample Submitted to Env Lab Date Submitted 9-10-87

Send Analytical Report to: Alameda County Health Care Services Agency/
 Occupational Health
 470-27th Street, Room 324, Oakland, CA 94612
 Attn: _____

Send Invoice To: _____

Item No.	Date Coll.	Type of Sample (Air, Material)	Volume/Weight	Field Observation	Analysis Requested
15-708	9/10	Soil	500 gm	Shot shell	

Chain of Custody:

1.	<u>[Signature]</u>	<u>Health Spc</u>	<u>9-10-87</u>	<u>9-11-87</u>
	Signature	Title	Inclusive Dates	
2.	<u>Barney Chan</u>	<u>Chemist III</u>	<u>9/10/87</u>	
	Signature	Title	Inclusive Dates	
3.	_____	_____	_____	_____
	Signature	Title	Inclusive Dates	

Mobil Oil Corporation

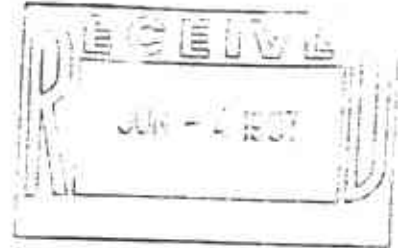
1800 W ALAMEDA AVENUE, SUITE 700
BURBANK, CALIFORNIA 91520-4331
(818) 953-2534

February 18, 1987

OFFICE OF GENERAL COUNSEL

STANLEY ROLLER
Attorney

Peter L. Spinetta, Esq.
Spinetta, Randick & O'Dea
1800 Harrison, Suite 1771
Oakland, California 94612



BERT KUBO - SS 10-123
SAN LEANDRO

Dear Mr. Spinetta:

This will confirm our telephone conversation of February 18, 1987, in which I advised you that Mobil will respond to the site contamination at former service station 10-123 as if an order had been issued by the Regional Water Quality Control Board. Mobil's activities and expense are to be prospective only, and the willingness to undertake such is not to be construed as an admission of liability for any costs incurred by Bert Kubo heretofore. Kubo was under certain contractual requirements to monitor his tanks for leaks. These obligations may not have been performed adequately during the period of his occupancy. Mobil reserves all rights, defenses, and claims it may have against Mr. Kubo including, but not limited to, his obligations to indemnify, hold Mobil harmless, and provide insurance under his former Mobil Dealer Contract and Lease. Furthermore, it is not our intention to intervene in any business dealings between Mr. Kubo and Mr. Christopoulos, nor do we intend to provide any warranties or incur other legal obligations to Mr. Christopoulos.

Very truly yours,

Stanley Roller

SR:ls

(77711)

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010

February 6, 1987

Bert Kubo Service Station
15595 Washington Avenue
San Lorenzo, CA 94580

RE: E. 14th & 150th, San Leandro

Dear Bert,

Pursuant to our conversation please find enclosed our check in the amount of \$930.00 for the soils that was used to fill the tankholes. It being our gentlemen's agreement that in the event you get reimbursed by Mobil Oil Company you will in turn reimburse us.

I have also enclosed our check in the amount of \$20,000 which represents a principal buydown on our obligation under the note. This sum shall be added to the cash portion of the purchase price and interest shall be calculated per our agreement. I have advanced this money with the understanding;

- A. Atlas will sign any necessary lien releases or other documents required by Chicago Title Insurance Company which will allow them to record our loan.
- B. You will assume all responsibility for testing and contamination arising out of such testing; vis a vis the newly installed testing well. This will remain your responsibility until such time as you either get Mobil Oil Company to assume it or you are no longer obligated by the Health Care Services to perform the testing.
- C. Although we haven't discussed it specifically, please note in the enclosed copy of the letter from Subsurface Consultants, Inc. (our soils engineer), we have a potential problem of settling, although we gave both you and Atlas specific requirements for compaction. Fortunately the large tank hole is not located under our building and our only exposure will be confined to the parking area. However the anticipated settling may cause drain problems and the need for an ongoing repaving project. We will look to you for reimbursement, therefore we strongly suggest you get a commitment from Atlas that they will ultimately be responsible.

In as much as the testing will be your responsibility how do you wish to handle the monitoring guidelines required by Alameda Health Care Services.

We are looking forward to finalizing this transaction as soon as we have resolved the well and compaction problems. Hopefully the early part of next week.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dan Christopoulos", written over a horizontal line.

Dan Christopoulos

Enclosure

OFFICE OF GENERAL COUNSEL

STANLEY ROLLER
Attorney

January 27, 1987

Peter L. Spinetta, Esq.
Spinetta, Randick & O'Dea
1800 Harrison, Suite 1771
Oakland, California 94612

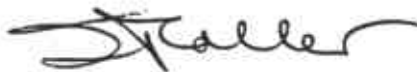
YOUR CLIENT: Bert Kubo

Dear Mr. Spinetta:

Your letter of January 12, 1987 to Mr. Jake Favreau has been referred to me. It appears that, at the time Mr. Kubo purchased the premises, he was aware that the underground tanks were repaired. It is my belief the need for repairs would have put Mr. Kubo on notice of the likelihood of soil contamination. He nevertheless chose to proceed with his purchase of the premises from the property owners. Under the circumstances, it appears to me that Mr. Kubo knew or should have known what he was getting. Since he did not purchase the premises from Mobil, I don't see that Mobil has any obligation to reimburse him for his cleanup expenditures.

If you can provide me with some basis for your assertion that Mobil has an obligation to Mr. Kubo, we will be happy to consider the matter further.

Very truly yours,



Stanley Roller

SR:ms
7699I

cc: J. A. Favreau

MEDA COUNTY
HEALTH CARE SERVICES
AGENCY

J. MICHAEL LEAHY, Agency Director



470-27th Street, Third Floor
Oakland, California 94612
(415)

January 27, 1987

Mr. Bert Kubo
Kubo's Service Center
15595 Washington Ave.
San Lorenzo, CA 94580

Dear Mr. Kubo:

We are in receipt of your letter, copies of manifest and lab analysis of soil taken from the bottom of the pit at 14994 East 14th St., San Leandro. These documents attest to the removal of contaminated soil from this site to an approved disposal area. The lab analysis indicates the soil remaining in the site contains less than 1,000 ppm of total hydrocarbons. The final step will be the installation of a water monitoring well.

Please submit plans and monitoring guidelines to be used for this well for final disposition of the site. That part of the plan of correction relative to soil clean-up has been completed.

If you have any questions please call Edgar B. Howell, Senior Hazardous Material Specialist at 874-7237.

Sincerely,

Rafat A. Shahid

Rafat A. Shahid, Chief
Hazardous Materials Program

RAS:jh

cc: D. Hoenig, DOHS
P. Johnson, RWQCB
G. Jensen, DA
G. Winn, Dir. Environmental Health Department

file

ALAMEDA COUNTY
HEALTH CARE SERVICES

DAVID J. KEARS AGENCY
XXXXXXXXXXXXXXXXXXXX Agency Director



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

January 15, 1987

Mr. Bert Kubo
15595 Washington Ave.
San Lorenzo, CA 94580

Dear Mr. Kubo:

We are in receipt of your plan of correction for 14994 E. 14th Street and the plan is approved as presented. We do request copies of lab results of final samples and manifest completed doing this clean-up.

As requested by you on January 12, 1987 by telephone to Mr. Edgar Howell, you may begin clean-up per that date.

If you have any questions, please contact Edgar Howell, Senior Hazardous Materials Specialist, at 874-7237.

Sincerely,

R/A. ShU

Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:mn-c

cc: Dwight Hoenig, DOHS
Gil Jensen, Alameda County District Attorney, Consumer & Environmental
Protection Division
Gerald Winn, Director, Division of Environmental Health

ALAMEDA COUNTY
HEALTH CARE SERVICES

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



470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

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Rafat A. Shahid, Chief,
Hazardous Materials Program

RAS:mn-c

cc: Dwight Hoenig, DOHS
Gil Jensen, Alameda County District Attorney, Consumer & Environmental
Protection Division
Gerald Winn, Director, Division of Environmental Health

*1/12 - 4:39
Mr Kubo called verbal OK
of plan. so he can call
Construction Co to begin
E&T*

11:00 1-15-87

ROBERT S. STEIN*
MARK D. LUBIN*
HENRY LERNER
CHERYL A. CLARKE
SHARON K. WASSERMAN
JUDITH A. COHEN

*A PROFESSIONAL CORPORATION

STEIN & LUBIN
ATTORNEYS AT LAW
615 BATTERY STREET, SIXTH FLOOR
SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE
(415) 981-0550
TELECOPY
(415) 981-4343

December 30, 1986

Ms. Arah Dailey
C&H Development Co.
3744 Mt. Diablo Boulevard
Lafayette, California 94549

Re: Bertram Kubo Amendment to Purchase Agreement

Dear Arah:

I am enclosing the First Amendment to Purchase Agreement and the exhibits to the Amendment which are the Promissory Note and two Deeds of Trust. The Amendment, which will also be the supplemental escrow instructions, provides that escrow will close on or before December 31, 1986.

The purchase price remains \$370,000 but the payment of the purchase price is changed so that C&H will pay cash toward the purchase price totalling \$180,000. C&H will actually deposit in escrow or pay directly to Kubo the total amount of \$194,800 of which \$14,800 represents C&H's agreement to reimburse Kubo for the cost of tank removal on the Property. Of the \$180,000 cash portion of the purchase price, \$8,000 is the initial deposit, \$52,400 is paid to Kubo outside escrow and the balance plus closing costs, totalling \$134,400 will be deposited in escrow. The cash portion of the purchase price, exclusive of the \$14,800 reimbursement to Kubo, will bear interest in your favor at the rate of 9-1/4% per annum payable upon Kubo's obtaining certain compliance certificates from the City of San Leandro and the State Department of Water Resources ("Certificates"). Kubo's obligation to pay interest will be secured by a deed of trust on the property he is buying for a new service station.

The remaining portion of the purchase price will be paid by a promissory note in the amount of \$190,000 which will be non-interest bearing and will be payable on the earlier of Kubo's obtaining the Certificates or five years. The note will be secured by a deed of trust on the San Leandro property. The deed of trust contains a subordination agreement.

Ms. Arah Dailey
C&H Development Co.
December 30, 1986
Page 2

The Amendment also provides that Kubo will do certain clean up work on the Property to obtain the Certificates. If the work is not completed within one year from the closing, C&H has the right to do such work and deduct the costs from the amounts due under the Promissory Note.

The Amendment must be executed by Kubo, C&H, and the title company. The Promissory Note is only executed by C&H. Please complete the blanks for Mr. Kubo's address. The Buyer's Deed of Trust must be signed by Mr. Kubo and acknowledged. You should attach a legal description of Kubo's new property as Schedule A to the Buyer's Deed of Trust. You should also fill in Mr. Kubo's address on the Buyer's Deed of Trust and the City and County in which the property is located. The Seller's Deed of Trust should be executed by C&H and acknowledged and the property description should be attached as Exhibit A.

We've tried to make these documents as short and as straight forward as possible. Due to the time constraints involved with this Amendment, we have not been able to confirm what documents are necessary from the City and State to allow you to develop the site. We are relying on your investigation that the only clearance certificates necessary are from the City of San Leandro and the State Water Resources Board. If you have any comments or changes please do not hesitate to call me. I should be around all day.

Very truly yours,



Sharon K. Wasserman

SKW:ja/79
Enclosures

C & H DEVELOPMENT CO.

3744 MT. DIABLO BOULEVARD • SUITE 301 • LAFAYETTE, CALIFORNIA 94549 • (415) 283-5010

December 15, 1986

Bertram Kubo
14994 E. 14th Street
San Leandro, CA 94578

RE: Sale to C & H Development Co.

Dear Mr. Kubo,

Pursuant to our contract dated February 13, 1986 and addendums thereto we hereby advise you of our removal of the contingencies for feasibility studies, building permits and governmental approval of our project.

Regarding H(1) of our contract; as buyer's thereunder we will reimburse you in the amount of \$14,000.00 to ⁴¹² be paid to you upon removal of all tanks, certification of conformance of all state and local requirements per the Sher Act of 1983, and tank holes filled and compacted to 95% compaction.

Buyer shall pay for the compaction test.

Please sign the acknowledgement below and return a copy to us.

Very truly yours,



Constantine Christopoulos
President

Read, approved and accepted:



Bertram Kubo



Environmental Field Services

1-800-VIRONEX®

www.vironex.com

Jeff Baker

jbaker@vironex.com

2110 Adams Avenue
San Leandro • CA
94577 • USA

Office • 510-568-7676
Fax • 510-568-7679

INTEROFFICE CORRESPONDENCE

Date: April 24, 1984

J.A. Edwards

cc: P.T. Gough - w/attach
R.A. McKibbin "

SS #10-123
SAN LEANDRO, CA
DEALER - B.H. KUBO

A check request has been signed and processed to reimburse B.H. Kubo for the cost of fibreglass lining all three tanks at SS #10-123 and the follow-up testing of the relined tanks. The costs were:

Relining 3 Tanks	\$14,361.00
Testing	3,198.91
TOTAL	\$17,559.91 (Amount of Check Request)

The check is to be delivered to P.J. Dobbert. This is being done so that you can have Kubo pay the two charges which are billed to him, and then give him the Mobil check to cover his payments. It is important that you handle this simultaneously.

Attached is:

- A copy of the approved Check Request.
- The original invoice from Southwest Tank Liners, Inc. for lining the three tanks. Your office has the original invoice for the tank testing.
- A copy of P.T. Gough's letter dated April 11, 1984. Please note the final paragraph of that letter wherein he recommends against executing mutual releases at this time. Please follow these instructions.

:lg
Attachments
2588n/3

Received Original Invoices
W.S. Gibson
W.S. Gibson
\$17,559.91
5/3/84
J. Narves

RECEIVED

APR 26 1984

Northern California District

SOUTHWEST TANK LINERS, Inc.

"J.R. Sessions - Owner"

PHONE 362-4832

P.O. BOX 731 · EL CENTRO, CALIFORNIA 92243
LIC. NO. 271738

Invoice Number 8039
Date 3-22-84
Customer Order No.

BILL TO KUBO'S SERVICE CENTER 10-123
14994 E 14th ST
SAN LEOBARO, CA 94578

DESCRIPTION OF WORK COMPLETED

GLASS ARMOR COAT 3 EXISTING 6,000 gal UNDERGROUND
GASOLINE STORAGE TANKS CONTAINING REG, UNCL, SUNCL
MOBIL GASOLINE AS PER BRIDGEPORT CHEMICAL
SPEC 6A27PI & API SPEC 1631

PARTS REPAIRED	MANUFACTURER	MODEL NO.	SERIAL NO.
LABOR			
GLASS ARMOR 3/6000 gal UG ST			
			DATE 3-22-84
			ARRIVAL TIME
			DEPT. TIME
			HOURS
			RATE
			AMOUNT
			TOTAL
			14,361.00

MATERIAL	QUAN.	PRICE	AMOUNT
<i>BTCL</i>			

Service Station No. 10123	ADDRESS 14994 E 14th ST SAN LEOBARO, CA 94578	SALES TAX INCL	14,361.00
PLEASE PAY THIS AMOUNT No Other Statement Rendered			

PETROLEUM

ENGINEERING, INC.

205 FIFTH STREET
 SANTA ROSA, CALIFORNIA 95401
 TELEPHONE: (707)545-0360

63513

PAGE
 1

STATEMENT
 DATE

BURT KUBO'S MOBIL STATION
 14994 EAST FOURTEENTH
 STREET
 SAN LEANDRO, CA. 94578

3/31/84

AMOUNT PAID \$ _____

HAVE A GOOD EASTER

PLEASE DETACH AND RETURN TOP PORTION WITH PAYMENT

DATE	INVOICE NUMBER	REFERENCE	DESCRIPTION	CHARGES	CREDITS	INVOICE BALANCE
3/31/84	73419			3198.91		3198.91
ALL TRANSACTIONS AFTER MAR 31 1984 <hr/> WILL BE ON NEXT MONTHS STATEMENT						
RETAINAGE	CURRENT	OVER 30 DAYS	PAY THIS AMOUNT			
	3198.91					3,198.91

TERMS: Due 10th of month following statement. 1½% (18% per annum) charged on overdue accounts. Minimum charge \$.50.



PETROLEUM

ENGINEERS

LICENSE NO. 28358

GENERAL CONTRACTORS ★ SERVICE STATION EQUIPMENT SALES AND SERVICE

205 FIFTH STREET / SANTA ROSA, CA. 95401 / TELEPHONE (707) 545-0360

Burt Kubo's Mobil Service .
 14994 East Fourteenth Street
 San Leandro, California

INVOICE NUMBER 73419

DATE 3/31/84

CUSTOMER P.O.

JOB NUMBER M-121

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
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JOB LOCATION:

As above

DESCRIPTION OF WORK PERFORMED:

To Petro-Tite system test all tanks (see
 attached job tickets)

MATERIAL:

2	2" unions		\$ 17.02
4	2" 90°		13.36
4	2" shoulder nipple		8.68
2	2 1/2" x 5 1/2" nipple		7.16
12.35	Tons fill sand		65.94
1	Yd. concrete		106.75
1 1/2	Tons 1/4" fine A/C		46.97
5	Gallons RS-1 oil		24.75
			<u>\$290.63</u>

Tax 18.88

LABOR:

1 man for 8 hours @ \$40.00 per hour - 3/26/84	320.00
1 man for 2 hours @ \$60.00 per hour - 3/26/84 - overtime	120.00
1 man for 8 hours @ \$40.00 per hour - 3/27/84	320.00
1 man for 4 hours @ \$60.00 per hour - 3/27/84 - overtime	240.00
2 men for a total of 10 hours @ \$40.00 per hour - 2/28/84	400.00
2 men for a total of 14 hours @ \$40.00 per hour - 3/29/84	560.00
2 men for a total of 8 hours @ \$40.00 per hour - 3/30/84	320.00

PETROLEUM

ENGINEERING INC

LICENSE NO. 224358

GENERAL CONTRACTORS + SERVICE STATION EQUIPMENT SALES AND SERVICE

205 FIFTH STREET / SANTA ROSA, CA. 95401 / TELEPHONE (707) 545-0368

INVOICE NUMBER 73420

DATE

CUSTOMER P.O.

JOB NUMBER

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
EQUIPMENT RENTAL:			
	Tank testing equipment - 3/26/84		\$100.00
	Compressor - 3/26/84		80.00
	Dump truck - 3/29/84		180.00
	Backhoe - 3/29/84		90.00
	Dump truck - 3/30/84		100.00
	Wacker - 3/30/84		48.00
	DUMP FEES		11.40
			<u>\$3,198.91</u>

SUMMARY OF TEST RESULTS

LOCATION: Mobil #10-123
 14994 E. 14th St.
 San Leandro, CA

DATE: 1/25/84
 COPIES TO: Joy Xavier

CUSTOMER: Mobil

LL-7

SYSTEM	TANK SIZE		WATER INCHES	PUMP DISCHARGE PRESSURE TEST	LEAK LOKATOR RESULTS*			COMMENTS - RECOMMENDATIONS
	GALLONS	DIAMETER INCHES			LEVEL INCHES	GPH	CONCLUSION	
Super	6,000	95"	0	Applied 50# held 12#/10 min	87"	-0.559	Leak	Check Test = -0.580 GPH
Unlead	6,000	95"	0	50#/10 min	87"	-0.361	Leak	Check Test = -0.387
Regular Leaded	6,000	95"	0	applied 50# held 15#/10min	89"	-0.280	Leak	Check Test = -0.322

ADDITIONAL COMMENTS: Results to J. Xavier 1/26/84 Steel tanks @ location

OTHER CHARGES: (i.e., pumpovers, overtime, parts, etc.) Replaced (1) 4 x 4 co-axial fill adapt

*LEVEL - INCHES FROM TANK BOTTOM TO TEST LEVEL
 GPH - ABSOLUTE LEAK RATE (MEASURED LEAK RATE - TEMPERATURE COMPENSATION) IN GALLONS PER HOUR
 CONCLUSION - NFPA 329 STANDARD OF +0.05 GPH IS USED TO CERTIFY TIGHTNESS.

PRELIMINARY REPORT

Bar

2/23/84

1400 hrs.

Bert Kubo

18482 CENTER ST.

██████████, CA 94546

538-2964

14944 E. 14th

KUBO'S SERVICE CENTER 278-1426

MR. KUBO has leased the Mobil Station from the Mobil Oil Corporation for the past 14 years since 1976.

Escrow was closed (purchase of property from Mobil Oil Corporation on improvements only) on Jan 30, 1984.

MR KUBO owns the ground Jan 30, 1984.

DR Maldonado, Hobbs, New Mexico, sold property grounds

MR. Kubo has reported leaks to Mobil Oil Company within the past year. Mobil repaired product lines on the regular unleaded lines. Other leaks were reported.

Mobil Oil Company pressure tested the tanks before Jan 30, 1984, prior to escrow closing.

* improvements.

ground

*

The gasoline tanks were pumped dry on 2/22 2000 hours to 0600 2/23/84. Owner had no knowledge of Mobil's intent to ^{pump} clean out oil tanks.

- (1) Premium unleaded
- (2) Regular leaded
- (3) Regular unleaded.

Mobil Driver used key to open fill cap locks.

Mobil contacted Mr Kubos @ 750 am 2/23 and informed him of a leaking tank.

Linda Young (Los Angeles) 213-683-5955.

She stated that there was a leak in ~~the~~ underground tanks. Reason given for pumping.

Dick Colberg (Mobil Oil) stated that tanks were leaking. Stated this to Kubo - Kubo called Mobil @ 2 0900 hours.

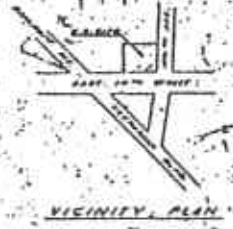
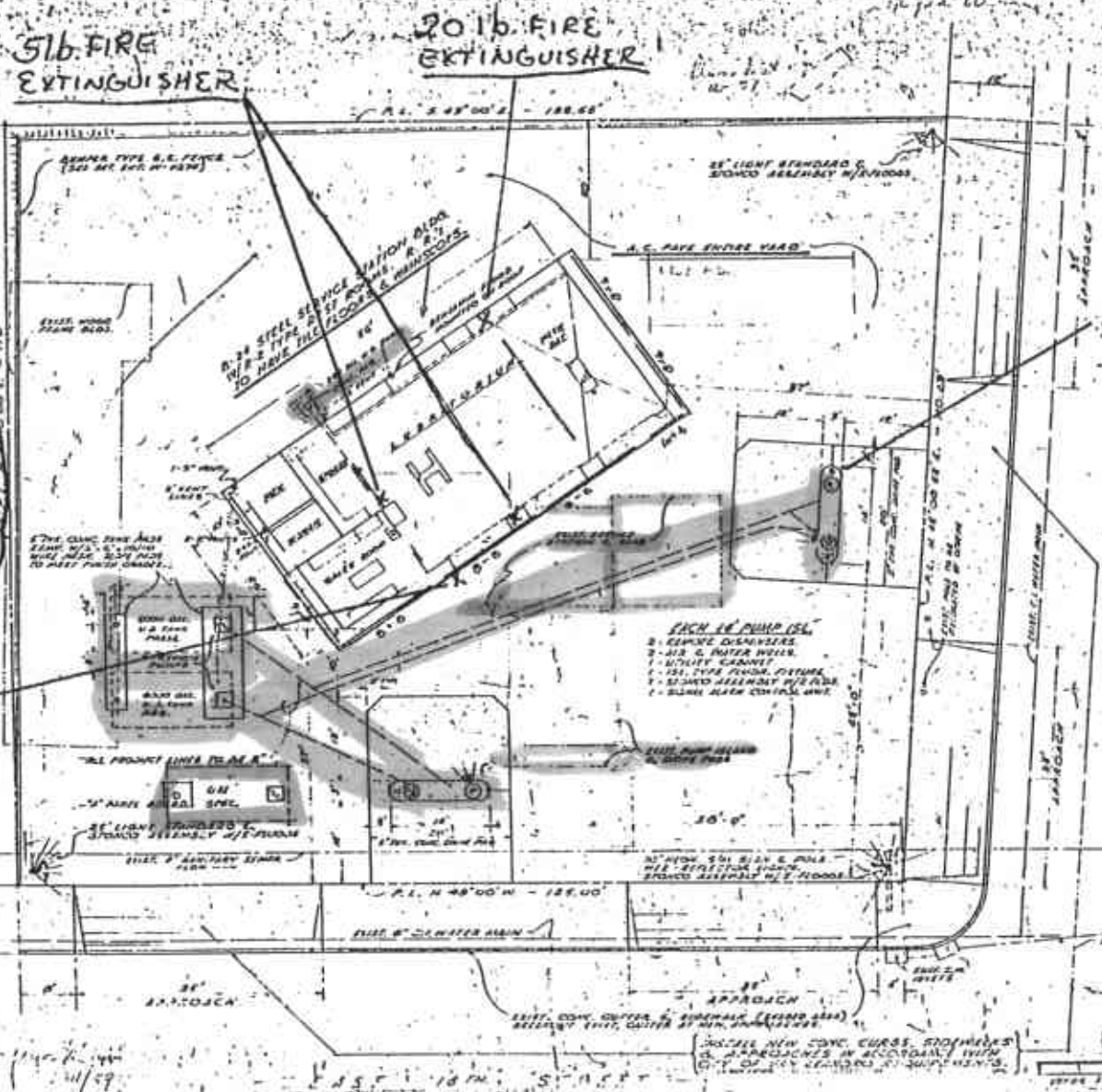
680-8818 Concord.

Key-

2, Deton caps, understand that attended supervision must be provided at the self serve island and will provide the supervision. The holding trigger locks will also be removed.

File 14994 East 14th St.

Provide permanent disabled label, Emergency SHUT-off SWITCH



SELF-SERVE ISLAND

OK

12/31/76
A.M.

GENERAL NOTES
CONTRACTOR TO REMOVE EXISTING U.G. STORAGE TANKS & CONCRETE SLABS. REMOVE ALL OTHER EXISTING STRUCT. BY OTHERS.

3510-123

REFERENCE DRAWINGS		
NO.	DATE	TITLE
1	8-18-76	FLOOR PLAN
2	8-18-76	MECHANICAL & ELECTRICAL
3	8-18-76	MECHANICAL & ELECTRICAL
4	8-18-76	MECHANICAL & ELECTRICAL
5	8-18-76	MECHANICAL & ELECTRICAL
6	8-18-76	MECHANICAL & ELECTRICAL
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9	8-18-76	MECHANICAL & ELECTRICAL
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49	8-18-76	MECHANICAL & ELECTRICAL
50	8-18-76	MECHANICAL & ELECTRICAL