

FILE OR ENVELOPE

PER NO. Removal No. 6163 of 6163

OWNER Sullivan Bank
Address 1075 2nd St
Albany Albany Albany

Contractor Industrial Corp
Address 105 S Union Blvd
Albany Albany Albany

OTHER (Specify) _____
Address _____
Phone _____

CONTACT FOR INVESTIGATION

PLAN REVIEW

No. _____ Plans Re _____

Plans Approved _____

Layout Made _____

Rejected _____

Applicant Notified _____

Plans Returned _____

Permit Issued _____

CONSTRUCTION PROGRESS ACCEPTANCE

OOI

Pre-Plaster/drywall _____

Pre-Final _____

Final _____

By _____ Date _____

Pre-Covering _____

Final _____

Soptic Tank _____

Absorption Field _____

Absorption Bed _____

Pre-Plaster _____

Final _____

Soptic Tank _____

Absorption Field _____

Absorption Bed _____

Soptic Tank _____

Absorption Field _____

Absorption Bed _____

U.G. TANKS

LOP

5446

| REMARKS | | Date | By |
|-----------|--|------|----|
| OS | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
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| | | | |
| | | | |
| | | | |

LOCATION

Russell Smith 415/541-2

Mike Grant (Union Pacific) 415/541-7024

Aaron O'Brien @ 57 Market St

Vicinity Map 510/233-3200

ST 5446

759209

603

7/28/95

1075 2nd St
Albany CA 94702
SOUTHERN PACIFIC TRANS CO

5446

LOP - CHANGE RECORD REQUEST FORM

printed:
08/30/2000

Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp:

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
 StID : 5446 LOC:
 SITE NAME: Southern Pacific Trans Co DATE REPORTED : 09/20/1995
 ADDRESS : 1075 2nd St DATE CONFIRMED: 09/20/1995
 CITY/ZIP : Albany 94702 MULTIPLE RPs : Y

SITE STATUS

 CASE TYPE: O CONTRACT STATUS: 8 PRIOR CODE:2B EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 12/07/1995
 PRELIMINARY ASMNT: C DATE UNDERWAY: DATE COMPLETED: 04/20/2000
 REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
 REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 12/07/1995
 LUFT FIELD MANUAL CONSID: 3HSCA
 CASE CLOSED: Y DATE CASE CLOSED: 08/30/2000
 DATE EXCAVATION STARTED : REMEDIAL ACTIONS TAKEN:

RESPONSIBLE PARTY INFORMATION

 RP#1-CONTACT NAME: Randall Smith
 COMPANY NAME: Southern Pacific Trans. Co.
 ADDRESS: 49 Stevenson St. 15th Fl
 CITY/STATE: San Francisco, C A 94105-2909

RP#2-CONTACT NAME: William Landstra
 COMPANY NAME: European Auto Salvage
 ADDRESS: 1075 2nd Street
 CITY/STATE: Albany, Ca 94710

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only Case Progress Changes

ANNPMS _____ LOP _____ DATE _____ LOP _____ DATE _____



ENVIRONMENTAL
PROTECTION

00 JUN 13 AM 10:38

June 9, 2000

Mr. Bill Landstra
EASY Mercedes
1075 Second Street
Albany, CA

SUBJECT: OFFHAUL OF CONTAMINATED SOIL
Former EASY Mercedes Site
1075 Second Street
Albany, CA

Dear Mr. Landstra:

On June 5, 2000, 16.39 tons of contaminated soil was loaded onto an end-dump and transported from the subject site to the Allied Waste Forward Landfill where it was placed in a Class 2 waste management unit. See the attached Waste Acceptance Letter and Non-Hazardous Water Manifest.

Should you require any further assistance, please feel free to call us at (925) 820-9391, or contact us at our e-mail address: asenorth@mindspring.com.

Respectfully submitted,

AQUA SCIENCE ENGINEERS, INC.

David Allen, R.E.A.
Senior Project Manager



Attachments

cc: Ms. Eva Chu, ACHCSA
Mr. Chuck Headlee, RWQCB



NORTHERN CALIFORNIA SALES OFFICE • SPECIAL WASTE

Forward • Keller Canyon • Newby Island • Ox Mountain



ALLIED WASTE COMPANIES

(925) 837-4853

June 8, 2000

Aqua Science Engineers, Inc.
Dave Allen
208 W. El Pintado Road
Danville, CA 94526

Re: **FORWARD, INC.** Approval No. 954500
Contaminated Soil from
1075 2nd Street
Albany, CA

Dear Mr. Allen:

FORWARD, INC. is pleased to confirm the disposal of 16.39 tons of material as referenced above. The material was received at our Manteca, California facility for disposal on 6/15/00. The material was placed in a Class 2 waste management unit.

Approval for this material was based on the information provided in the waste profile and associated materials submitted on behalf of Easy Mercedes (Generator). Acceptance of the waste is subject to the "Terms and Conditions" agreed to and signed by the Generator on the Waste Profile Form.

Thank you for the opportunity to be of service. Should you have any questions regarding this matter, please contact me or Customer Service at (800) 204-4242.

Sincerely,

FORWARD, INC.

Brad J. Benner
Sales Manager

BB/jg



FORWARD INCORPORATED

NON-HAZARDOUS WASTE MANIFEST WASTE TREATMENT AND DISPOSAL FACILITY

JOB ACCEPTANCE NO.

-954500

TO BE COMPLETED BY THE GENERATOR

GENERATOR
E. A. S. Y. MERCEDOS

MAILING ADDRESS
1075 2nd Street

CITY, STATE, ZIP
Albany CA 94710

PHONE
925-820-9391

CONTACT PERSON
DAVE ALLEN

SIGNATURE OF AUTHORIZED AGENT / TITLE | **DATE**
* [Signature] | 6/2/00

REQUIRED PERSONAL PROTECTIVE EQUIPMENT

GLOVES GOGGLES RESPIRATOR HARD HAT
 TY-VEK OTHER

SPECIAL HANDLING PROCEDURES:

WASTE TYPE

TREATMENT SOIL SLUDGE
 DISPOSAL SOIL NON-FRIABLE ASBESTOS
 CONSTRUCTION SOIL WOOD
 ASH
 OTHER

RECEIVING FACILITY

FORWARD INC. LANDFILL
9999 SOUTH AUSTIN ROAD
MANTECA, CALIFORNIA 95336
(209) 982-4298 PHONE
(209) 982-1009 FAX

GENERATING FACILITY
E. A. S. Y. MERCEDOS
1075 2nd St. Albany

TRANSPORTER
HAULER MUST COMPLETE

NAME
DeVesta Trucking/Bills

ADDRESS

CITY, STATE, ZIP

PHONE

SIGNATURE OF AUTHORIZED AGENT OR DRIVER | **DATE**
* [Signature] |

NOTES:
1 - H-2-75

TRUCK NUMBER
24

END DUMP **BOTTOM DUMP** **TRANSFER**
ROLL-OFF(S) **FLAT-BED** **VAN** **DRUMS**

FACILITY REQUIREMENTS

FORWARD INC. LANDFILL

Forward shall have no obligation to accept the waste if weather or other conditions impair the safe and effective disposal of the waste or if the waste impairs the safe and effective operation of the Landfill. Forward shall use reasonable efforts to promptly notify Disposer of its inability to accept the waste for any reason. If Forward's refusal to accept the waste is based on weather or other site conditions, Forward shall notify the Disposer when site conditions are expected to change such that Forward will be able to accept the waste.

REMARKS:

FACILITY TICKET NUMBER:

SIGNATURE OF AUTHORIZED AGENT | **DATE**
* [Signature] |

CUBIC YARDS

| | DISPOSAL METHOD: (TO BE COMPLETED BY FORWARD) | | | | |
|---|---|-----|--------|-----------|-------|
| | DISPOSE | BIO | AERATE | STOCKPILE | OTHER |
| <input type="checkbox"/> SOIL | | | | | |
| <input type="checkbox"/> SLUDGE | | | | | |
| <input type="checkbox"/> NON-FRIABLE ASBESTOS | | | | | |
| <input type="checkbox"/> WOOD | | | | | |
| <input type="checkbox"/> ASH | | | | | |
| <input type="checkbox"/> OTHER | | | | | |

SCHEDULING MUST BE MADE PRIOR TO 4:00 P.M. THE DAY PRIOR TO EXPECTED ARRIVAL • ANY UNSCHEDULED LOADS ARE SUBJECT TO REFUSAL UPON ARRIVAL. ONGOING DAILY DELIVERIES MUST BE SCHEDULED WITH THE LANDFILL THE DAY BEFORE. TO SCHEDULE CALL (209) 982-4298

MANIFEST # 65100



FAX BEING SENT BY:

Aqua Science Engineers, Inc.
 208 W. El Pintado Road
 Danville, CA 94526
 Phone (925) 820-9391
 Fax (925) 837-4853

DATE: 3-1-00

TO: Eva Chu

FROM: Robert Kitay

NUMBER OF PAGES TO FOLLOW: 1

*****Please Phone If This Fax Is Received Incomplete*****

MESSAGE:

00105:12 M Prescure
End of sequence file: E:\AQUA\0303.PTG
RAM DATA SAVED IN FILE: E:\AQUA\0303.PTG Second Channel Stored in E:\AQUA\0303.PTG

Robert:
Hope you
can read
it.

EXTENDED START/STOP TABLE *****

Sample Name: 00105
Date: 01-05-1999
Operator: ROM Channel: 0
Starting Peak Width: 0.01 Area Threshold: 5
Starting Delay: 0.00
Injection Retention Time: 20.00

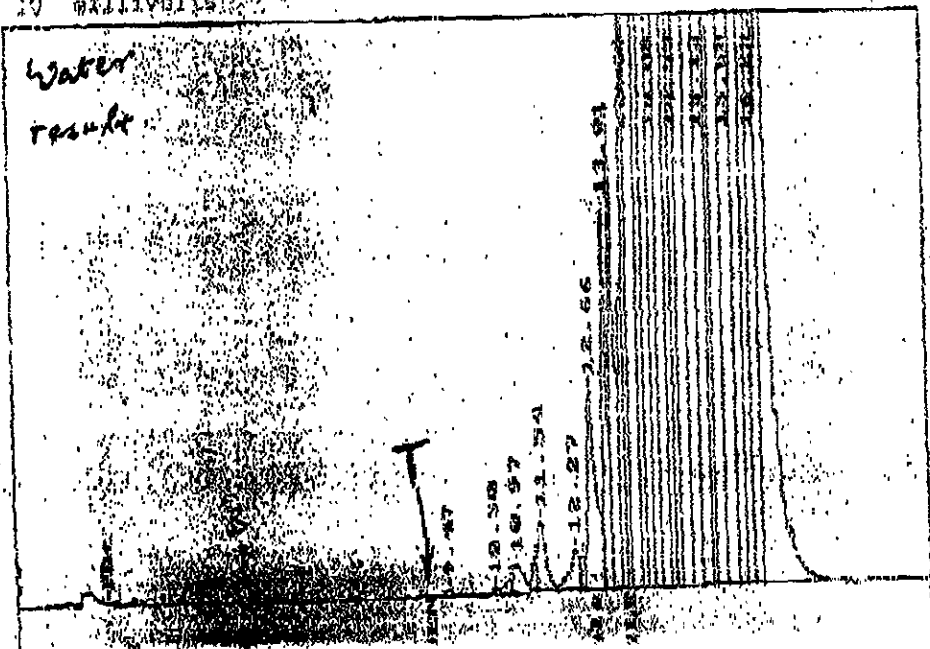
| Retention Time | Area | Height | Width | Offset | |
|----------------|------------|--------|-------|--------|--------|
| 15.073 | 1.8300E+04 | 150747 | 16871 | 5.1 2 | |
| 15.723 | 1.2145E+04 | 107521 | 11461 | 3.3 0 | |
| 16.673 5FB | 6.3014E+03 | 674391 | 64716 | 1.0 2 | |
| 17.291 | 5.3095E+03 | 418231 | 55229 | 7.3 2 | |
| 18.429 | 5.6309E+03 | 491291 | 59203 | 7.7 2 | |
| 19.446 | 5.5713E+03 | 297754 | 37671 | 4.1 2 | |
| 20.713 | 7.3601E+03 | 520706 | 52212 | 0.7 2 | |
| 21.354 | 7.3231E+03 | 463277 | 37857 | 11.3 2 | |
| 22.120 | 7.9210E+03 | 520250 | 51251 | 7.7 2 | |
| 23.314 | 6.1837E+03 | 318199 | 55203 | 3.9 2 | |
| 24.167 | 8.4901E+03 | 471347 | 46200 | 10.1 2 | |
| 25.181 | 1.0217E+04 | 723153 | 72522 | 59220 | 12.1 2 |
| 26.182 | 7.4186E+03 | 55572 | 16761 | 9.3 2 | |
| 27.189 | 7.1913E+03 | 225914 | 21432 | 7.1 2 | |
| 28.197 | 5.3307E+03 | 254964 | 27251 | 5.7 2 | |
| 29.152 | 5.3307E+03 | 254964 | 27251 | 5.7 2 | |
| 30.153 | 2.9705E+03 | 210510 | 13397 | 13.6 2 | |

We can't
get a better
copy.

TOTAL AMOUNT = 797.7100

GRAMS, LINES, and HEIGHTS stored in: E:\AQUA\0303.PTG
Data File = E:\AQUA\0303.PTG Printed on 01-03-2000 at 16:46:34
Start time: 0.00 min. Stop time: 20.00 min. Offset: 0 min.
Full Range: 10 mAU/VOLTS

BH-F Water
PLD results



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Sid 5446

December 27, 1999

Mr. William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94710

Mr. Randall Smith, Environmental Affairs
Southern Pacific Trans Co
One Market Plaza
San Francisco, CA 94105

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

RE: Work Plan Approval for 1075 2nd Street, Albany, CA

Dear Messrs. Landstra and Smith:

I have completed review of Aqua Science Engineers, Inc's December 1999 report entitled *Workplan for a Soil and Groundwater Assessment* prepared for the above referenced site. The proposal to advance soil borings and collect soil and/or groundwater samples at five locations (former waste oil tank, former above ground tank, area in back where oil was allegedly poured onto the ground, storm drain outside the shop, and oil storage area inside the shop) is acceptable with the following additions/changes:

- Soil samples collected from the drain and from the back area should also be analyzed for ethylene glycol;
- Soil samples with the highest hydrocarbon concentration in each area should also be analyzed for PAHs. Groundwater samples need not be analyzed for PAHs unless they are detected in the soil samples;
- Soil samples should be collected (excluding the former waste oil tank area) at one-foot and four-foot below grade surface from each boring. The one-foot sample should be analyzed for petroleum hydrocarbons and related constituents. The four-foot sample should be analyzed if the one-foot sample contains elevated hydrocarbons or if obvious contamination is noted; and,
- Based on site conditions, groundwater samples may be required at the storm drain and back areas.

It is my understanding that fieldwork will commence on December 29, 1999. A report summarizing field activities is due 60 days upon completion of fieldwork.

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

Eva chu
Hazardous Materials Specialist

Email: Robert Kitay (asenorth@aol.com)

easymercedes2

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

INTERNAL MEMO

TO: Stephen A. Hill
Section Leader

FROM: Derek Lee
WRCE

DATE: October 5, 1998

SIGNATURE: 

CONCUR: 
Section Leader

CONCUR: 
Division Chief

SUBJECT: No Further Action, Former Alcan Site, 1077 East Shore Highway, Albany,
Alameda County

The subject site has been conducting subsurface investigation and remediation since the mid 1980's. Based upon the available information on site conditions and current land use, no further action related to the pollutant releases at the subject site is required. Details of site conditions and investigation and remediation activities are contained in the attached Site Closure Summary.

Background

The former Alcan plant produced aluminum products at the site and ceased operations in 1984. The adjacent Wilanco property has been used for industrial operations, primarily diesel engine servicing and sales, and currently houses several retail, commercial, and light industrial businesses. A sheet pile runs diagonally through the site and divides it into west and east sides. The primary pollutants found at the site were mineral spirits east of the sheet pile and a mixture of petroleum products termed "black ooze" on the west side. The site had been under the oversight of the Department of Toxic Substances Control (DTSC) until August 30, 1995. The Board was then designated as the administering agency (Cal/EPA Resolution No. 95-22) under the California Health & Safety Code Section 25262. No Board Orders have been issued for the site.

Remediation on the West Side

On-site soils west of the sheet pile were excavated to a depth of approximately 8 to 12 feet bgs. Approximately 21,250 tons of impacted soils and 1,500 tons of clean overburden were excavated to meet a 100 ppm cleanup goal for TPH. The removed soils were then subject to thermal treatment. Some areas of soil exceeding the cleanup objective were allowed to be left in place to prevent undermining the foundation of nearby buildings. Board staff concurred with the completion of soil remediation on the west side in a letter dated February 17, 1998.

Groundwater samples taken from well, MW-ERM-1, on the west side have consistently yielded minimal contamination with TPHg. In addition, since groundwater under the site contains TDS as high as 6,330 ppm, it is not considered a potential source of drinking water.

Remediation on the East Side

Enhanced bioremediation for soils on the east side began in 1991. The contaminated soils were excavated and then treated with addition of nutrients to enhance biological breakdown of the pollutants. The treated soils were then backfilled. A target cleanup goal of 500 ppm for TPH was agreed to first by DTSC and then the Board. Post-remediation soil samples from the fill on the east side have all yielded TPH concentrations below 500 ppm. However, two Bay Mud samples did show concentrations of 680 and 730 ppm TPH. However, because the soil TPH is far from the surface (>8 feet bgs) and local groundwater is not a potential source of drinking water, as stated above, these levels of contamination are considered acceptable. No remediation or risk management is needed to protect human health and the environment.

Recommendations

This site is ready for closure based on the available information. The groundwater monitoring well, MW-ERM-1, should be appropriately destroyed after obtaining the necessary permits. A well closure report should be submitted within 60 days of issuance of the Certificate of Completion.

Attachment: Site Closure Summary

V. LOCAL AGENCY REPRESENTATIVE DATA

Name: **Eva Chu**

Title: **Haz Mat Specialist**

Signature:

Date:

Reviewed by

Name: *DON Hwang*

Title: **Haz Mat Specialist**

Signature:

Date:

Name: **Thomas Peacock**

Title: **Supervisor**

Signature:

Date:

VI. RWQCB NOTIFICATION

Date Submitted to RB:

RB Response:

RWQCB Staff Name: **Chuck Headlee**

Title: **AEG**

Signature:

Date:

VII. ADDITIONAL COMMENTS, DATA, ETC.

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

06/12/98

UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000 SOURCE OF FUNDS: F-FEDERAL INSPECTOR: PE
 StID: 5446 SUBSTANCE: 8006619 -Gasoline
 SITE NAME: Southern Pacific Trans Co DATE REPORTED : 09/20/95
 ADDRESS : 1075 2nd St DATE CONFIRMED: 09/20/95
 CITY/ZIP : Albany, CA 94702 MULTIPLE RP'S : Y

CASE TYPE: O CONTRACT STATUS: 4 PRIOR:2B EMERGENCY RESPONSE: -0-

| | | | |
|---------------------|-----|-------------|----------|
| RP SEARCH | : S | DATE END: | 12/07/95 |
| PRELIM ASSESSMENT | : - | DATE BEGIN: | -0- |
| REMEDIAL INVESTIG | : - | DATE BEGIN: | -0- |
| REMEDIAL ACTION | : - | DATE BEGIN: | -0- |
| POST REMED MONITOR: | - | DATE BEGIN: | -0- |

TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 12/07/95

UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: 3HSCA CASE CLOSED: - on: -0-

DT EXC START: -0- REMEDIAL ACTIONS TAKEN: -0-

RP #1: CONTACT: Randall Smith RP COST: -0-
 RP COMPANY NAME: Southern Pacific Trans. Co. Ph: 415/541-2559
 ADDRESS: One Market Plaza
 CITY/STATE: San Francisco, C A 94105

transferred to PE 9/12/97

SITE ID#: 5446

ADDITIONAL RP'S

RP #2
 CONTACT NAME: William Landstra
 COMPANY NAME: European Auto Salvage RP Ph: -0-
 ADDRESS: 1075 2nd Street
 CITY/ST/ZIP: Albany, Ca 94710

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



StID 5446

June 12, 1998

Mr. William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94710

Mr. Randall Smith, Environmental Affairs
Southern Pacific Trans Co
One Market Plaza
San Francisco, CA 94105

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

SECOND NOTICE OF VIOLATION

Dear Messrs. Landstra and Smith:

On February 18, 1997, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting a workplan for further subsurface investigations to determine the extent of groundwater contamination onsite due to the unauthorized release of fuel products at **1075 2nd Street, Albany, CA**. A workplan was due to this office by November 29, 1996 and subsequently extended to April 15, 1997. As of the date of this letter, however, we have not received any communication from you on this matter. Therefore, this letter constitutes a **Second Notice** that you are in violation of specific laws and that the technical report is due.

According to Section 25298 of the California Health and Safety Code, underground storage tank closure is incomplete until the responsible party characterizes and remediates the contamination resulting from product discharge. Therefore, you, as the responsible party are in violation of this section of the Code, for which Section 25299 specifies civil penalties of up to \$5,000, for each day of violation, upon conviction. Also, failure to furnish technical reports regarding documented or potential groundwater contamination violates Section 13267(b) of the California Water Code. The Regional Water Quality Control Board (RWQCB) can impose civil penalties of up to \$1,000 per day that such a violation continues.

At this time, you are required to submit the technical reports for the site to this office **within 30 days** from the date of this letter. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.

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

eva chu
Hazardous Materials Specialist

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



February 18, 1997

Mr. William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94702

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

STID 5446

Re: Investigations related to the former waste oil tank at 1075 2nd Street, Albany, CA

Dear Mr. Landstra,

On October 1, 1996, the Alameda County Environmental Protection Division named you as one of the Responsible Parties (RPs) for investigations related to the former waste oil underground storage tank (UST) at the above site (please refer to attached copy of letter). At the time, the County listed you as an RP because it appeared that, per the lease agreement between you and Southern Pacific Transportation Company (Southern Pacific), the property owner, you owned the UST. Recently, this office received an affidavit from a former employee of yours, who provided additional information to indicate that you contributed to the observed contamination at the site and, therefore, qualify as an RP. According to the affidavit, you and your employees utilized the waste oil UST between 1987 and 1991, knowing that the waste oil UST was leaking.

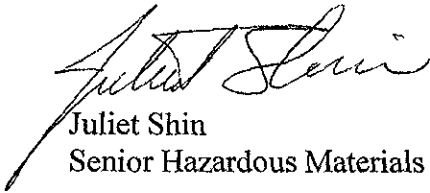
Additionally, the affidavit reports that an above ground storage tank with an open top, which was not designed for oil storage, was carelessly used with the oily contents of the tank regularly overflowing onto the ground. Furthermore, oil and antifreeze were discharged into the on-site drain which leads to the adjacent creek and into the Bay. Lastly, per the affidavit, there was a large open area where engines were purged of waste oil directly onto the ground.

Consequently, you have been named by the County as a Responsible Party for investigating, and potentially remediating, the observed contamination at the site. Southern Pacific has also been listed as an RP because they own the property. Per the copy of the February 14, 1997 letter to Mr. Horsfall that you received, Mr. Horsfall is no longer listed as an RP for the site. Per the October 1, 1996 letter, you and Southern Pacific were required to submit a workplan, addressing further investigations at the site, to this office by November 29, 1996. To this date, this office has not received any communication or correspondence from you responding to the County's request. This office is extending to you another due date for the submittal of a workplan addressing the issues outlined in the attached October 1, 1996 letter. This workplan is due to this office within 60 days of this letter (i.e., by April 15, 1997), and should also address the additional issues outlined above.

This office recommends that you contact Southern Pacific to coordinate the submittal of the workplan. If you have any questions or comments, please contact me at (510) 567-6763.

Mr. William Landstra
Re: 1075 2nd St.
February 18, 1997
Page 2 of 2

Sincerely,



Juliet Shin
Senior Hazardous Materials Specialist

ATTACHMENT

cc: Mr. Randall Smith
Southern Pacific Trans. Co.
One Market Plaza
San Francisco, CA 94105

Joan Krajewski
Gardere & Wynne, L.L.P.
1601 Elm Street, Ste 3000
Dallas, Texas 75201-4761

Acting Chief

**ALAMEDA COUNTY ENVIRONMENTAL
HEALTH SERVICES**

**ENVIRONMENTAL PROTECTION DIVISION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
Telephone (510) 567-6700 Fax (510) 337-9335**

FAX COVER SHEET

DATE: Feb 18, 19 97

TO: Bob Chambers

FAX # (510) 569-0505

Total number of pages including cover sheet 4

FROM: Juliet Shin
ACDEM

NOTE:

PLEASE RESPOND BY FAX ONLY.

(SMILE) HAVE A NICE DAY
DO SOMETHING FOR OUR ENVIRONMENT

2/18
Bob,
Thanks for taking
a look at this
affadavit. Let me
know whether any
retro-actions can
be taken.
- Juliet

GARDNER & WYNNE
A Registered Limited Liability Partnership
Attorneys and Counselors
1601 Elm Street, Suite 3000
Dallas, Texas 75201

TELECOPY COVER LETTER

February 3, 1997

Please deliver the following pages to:

ATTN: Ms. Juliet Shin
COMPANY/FIRM: Alameda County Health Services Agency
CITY & STATE: Alameda, California
Client/Matter #: 113861-7
Telecopier No: (510) 337-9335

FROM: Joan Krajewski
(214) 999-4589

NUMBER OF PAGES (including this cover sheet): 4

XEROX 7021 TELECOPIER NO. (214) 999-4274

ADDITIONAL MESSAGE:

Is this for service of Documents? No
Please indicate local time deadline: n/a

Confirmation Requested: Yes

The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. If the reader of this message is not the addressee, or the person responsible for delivery to the addressee, you are hereby notified that any dissemination, distribution or copying of the message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

GARDERE & WYNNE, L.L.P.
ATTORNEYS AND COUNSELORS

HOUSTON
333 CLAY AVENUE
SUITE 800
HOUSTON, TEXAS 77002-4086
713-308-5500

1601 ELM STREET
SUITE 3000
DALLAS, TEXAS 75201-4761

214-999-3000
FAX: 214-999-4867

TULSA
100 WEST FIFTH STREET
SUITE 200
TULSA, OKLAHOMA 74103-4240
918-699-2900

MEXICO
RIO PANUCO NO. 7
COL. CUAUHTÉMOC
06500 MEXICO, D.F.
01(525)546-5023

WRITER'S DIRECT DIAL NUMBER

(214) 999-4589

February 3, 1997

VIA FACSIMILE (510) 337-9335

OUR FILE NO. 113861-7

Ms. Juliet Shin
Alameda County Health Care Services Agency
Department of Environmental Health
Division of Hazardous Materials
1131 Harbor Bay Parkway
Alameda, California 94502

Re: EASY Automotive Site, Albany, California

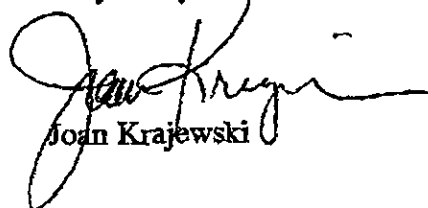
Dear Ms. Shin,

As we discussed, please find enclosed the affidavit of Mr. Gale Rocks, a former employee of Mr. William Landstra at EASY Mercedes Automotive located at 1075 2nd Street, Albany, California.

The affidavit makes clear that Mr. William Landstra was the last known user of the underground storage tank formerly located at the site. The underground waste oil storage tank was used by Mr. Landstra and EASY Mercedes Automotive long after it was known to Mr. Landstra that the underground storage tank was leaking into the surrounding soil. The affidavit also reveals that Mr. Landstra and EASY Mercedes Automotive played a substantial role in the contamination of the site.

Thank you for the opportunity to provide this information. If you have any questions, or I can be of any assistance, please do not hesitate to contact me.

Very Truly Yours,


Joan Krajewski

cc: Joseph G. Sullivan
GW01/226407

AFFIDAVIT

THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared Gale Rocks, who, being by me first duly sworn, upon oath deposed and stated as follows:

1. I am over 21 years of age, of sound mind, have never been convicted of a felony, and am otherwise capable of making this Affidavit.

2. My name is Gale Rocks. I reside at 585 Mountain Avenue, Piedmont, California. I was employed by Mr. William Landstra at EASY Mercedes Automotive located at 1075 2nd Street, Albany, California, beginning in 1987 and ending in December, 1991. This affidavit and its contents thereof are true and correct, and based upon my personal knowledge.

3. When I first began my employment at EASY Mercedes Automotive, waste oil was stored in an underground storage tank. The tank was located behind the storage building with only the fill pipe extending above ground. When it became full, waste oil was poured into above ground drums. Evergreen, a waste oil recycling operation, would periodically pump the drums and the underground storage tank.

4. Shortly after I arrived, it became known to me that the underground storage tank was leaking, and that it was not to be used. An above ground tank was then used to store waste oil. The above ground tank was located against the building where the car wash facility was ultimately installed. The above ground tank was not designed for oil storage. The above ground tank was near a roof line, and Mr. Landstra allowed rain run-off to enter the open top of the above ground storage tank. The level of enclosed waste oil would rise and overflow the sides, impacting soils in the vicinity of the tank. A waste oil recycling company that removed waste oil from the above ground tank once noted that only the top foot of liquid in the above-ground tank was comprised of waste oil. The company would often complain that the above ground tank contained water.

5. Open drums were also used to store waste oil. The drums were placed in the wooden part of the building. Waste oil was often spilled in the building by the employees. The floors of the building were slick and covered with oil. Housekeeping inside the building was poor. When I first began by employment at EASY Mercedes Automotive, an outside company was hired to clean the buildings. However, Mr. Landstra terminated this arrangement, and cleaning was then left to the employees. Oil and other debris were sometimes flushed outside into a drain located in front of the building.

The drain in front of the building, outside the front door, is the only drain on the property. This drain empties into the creek located on the south side of the property, and ultimately into the Bay. The shop area is easily flooded because it is at sea level. Water from the surrounding area would gravitate to the creek through the shop. The employees would squeegee all the water, oil, antifreeze, etc. to the drain located outside the front door, which connected to the creek, which ran under the East Shore Freeway to the Bay.

6. Even though it was understood that the underground storage tank leaked, when the above ground tank and the open drums became full, the employees would revert back to disposing of waste in the underground storage tank. Employees would ask the foreman where to dispose of the waste oil. The foreman would indicate the fill pipe of the underground storage tank, and the employees would dump the oil down the fill pipe. The underground storage tank was used in this manner until a double wall tank was purchased and installed.

7. There was a large, approximately 30x30 foot, open area behind the building. Cars were pulled around the building to this area, where their engines were purged of waste oil. The oil was dumped onto the open ground. There were places in this area where the ground was saturated with oil. Mr. Landstra was aware that the waste oil impacted soils at his facility and allowed it to continue. There was one attempt made to clean this area. In approximately 1988, Mr. Landstra paved over the 30x30 foot area.

8. The concrete did not cover the underground storage tank. It was left in place.

Further Affiant sayeth not.

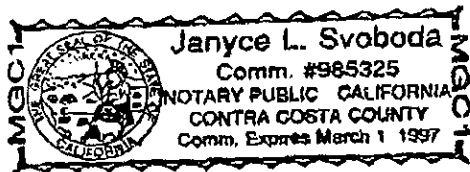
[Handwritten signature]

Affiant

SUBSCRIBED TO AND SWORN BEFORE ME, the undersigned authority, on this 31 day of ~~February~~, 1997
JANUARY

Janyce L. Svoboda

Notary Public for the State of California



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

February 14, 1997

Mr. Brian B. Horsfall
937 Quiet Place Court
Walnut Creek, CA 94598

STID 5446

Re: Investigations at 1075 2nd Street, Albany, California

Dear Mr. Horsfall,

On October 1, 1996, this office sent you a letter designating you as one of the Responsible Parties for investigations related to a former waste oil underground storage tank at the above site. This was based on the belief that you were the last operator of this underground storage tank and that its use was discontinued prior to November 1984. Recently, this office has ascertained information indicating that you were not the last operator of the tank and that the tank was used past 1987. Therefore, we are taking your name off the Responsible Party list. Thank you for your patience.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,

Juliet Shin
Senior Hazardous Materials Specialist

cc: Mr. Randall Smith
Southern Pacific Trans. Co.
One Market Plaza
San Francisco, CA 94105

William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94702

Acting Chief

1/10/97

SITE SEARCH/FILE REVIEW

TO: Juliet Shin

DATE OF FILE SEARCH: 1/14/97 9:00am

SITE

STID NO.

1075 2nd St. Albany 94710 5446 Lop

YOUR COOPERATION IS REALLY APPRECIATED, THANK YOU

Felicia Brown
FILE REVIEW CLERK

F.S. by Rash Ghosh of DTSC.

GARDERE & WYNNE, L.L.P. ENVIRONMENTAL
ATTORNEYS AND COUNSELORS PROTECTION

HOUSTON
333 CLAY AVENUE
SUITE 800
HOUSTON, TEXAS 77002-4086
713-308-5500

1601 ELM STREET
SUITE 3000
DALLAS, TEXAS 75201-4761

96 DEC 26 PM 2:05

TULSA
100 WEST FIFTH STREET
SUITE 200
TULSA, OKLAHOMA 74103-4240
918-699-2900

214-999-3000
FAX 214-999-4667

MEXICO
RÍO PANUCO NO. 7
COL. CUAUHTEMOC
06500 MEXICO, D.F.
011(525)546-8023

WRITER'S DIRECT DIAL NUMBER

(214) 999-4589

December 23, 1996

VIA FACSIMILIE AND U.S. MAIL

Ms. Juliet Shin
Alameda County Health Care Services Agency
Department of Environmental Health
Division of Hazardous Materials
1131 Harbor Bay Parkway
Alameda, CA 94502

Re: European Auto Salvage Yard
1075 2nd Street, Albany, California

Dear Ms. Shin,

Thank you for your patience in allowing us the time in which to conduct our investigations into the activities of Mr. Landstra at the above referenced site. A current employee of Mr. Landstra attempted to impede our investigation by contacting past employees and asking them not to cooperate in the investigation. However, we were able to get some results.

Our investigator interviewed Mr. Gale Rocks, a past employee who worked for Mr. Landstra at Easy Automotive for three or four years, starting in 1987. Mr. Rocks revealed that Mr. Landstra willingly and intentionally polluted the property by dumping oil and antifreeze on the surface of the property. At the time Mr. Rocks was employed at Easy Automotive, Mr. Landstra did not treat antifreeze as a pollutant. He simply dumped it onto the open ground.

Further, Landstra ordered his employees to use the underground waste oil storage tank for waste oil, even though he also informed employees that the storage tank was leaking. Mr. Rocks reported that when he first began his employment at Easy Automotive, an above ground tank was used for waste oil storage. Mr. Landstra had been told that the underground storage tank could not be used because it was leaking into the soil. The above ground tank was not designed for oil storage. The tank was near a roof line, and Mr. Landstra allowed rain run-off to enter

Ms. Juliet Shin
December 23, 1996
Page 2

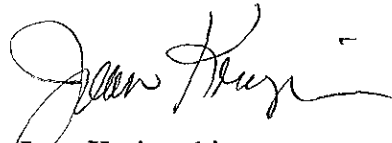
the open top of the above ground storage tank. The level of enclosed waste oil would rise and overflow the sides, impacting soils in the vicinity of the tank. A waste oil recycling company that pumped the above ground tank once noted that the top foot of liquid in the tank was comprised of waste oil.

According to Mr. Rocks, Mr. Landstra was aware that the waste oil impacted soils at his facility and allowed it to continue. He then removed the above ground storage tank, paved over the site of the tank and installed a steam cleaning/car wash facility at the tank's former location. Mr. Landstra claimed that this installation "fixed" the waste oil contamination.

After the installation, Mr. Landstra ordered waste oil to be stored in open drums on the floor area of the facility. When the facility became full of open drums of oil, Mr. Landstra ordered the employees to begin using the underground storage tank for the storage of waste oil, even though he and the other employees understood that it was leaking.

I hope that this information is useful to you. If you have any questions, please do not hesitate to call.

Very truly yours,



Joan Krajewski

JK/mef
223568/GW01

cc: Joseph G. Sullivan, Esq.
Randall T. Smith, P.E.

Brian B. Horsfall
937 Quiet Place Court
Walnut Creek, CA 94598

Tel (510) 943-5250

Fax (510) 210-1054

Juliet M. Shin
Senior Hazardous Materials Specialist
Alameda County
Health Care Services Agency
Department of Environmental Health
Environmental Protection Division
1131 Harbor Bay Parkway, Ste 250
Alameda, CA 94502-6577

October 9, 1996

Re: STID 5446 property at 1075 2nd St., Albany, California

Dear Ms. Shin:

This letter is to inform your offices that I am not responsible for the alleged underground storage tank or subsequent leak at the above cited property. Accordingly, it is my contention that I am not responsible for preparing the "work plan" mentioned in your letter to me dated October 1, 1996.

During the two or three years that I owned the facilities, ending in 1985, I did not have knowledge that an underground tank existed. Further, I have the following information for your files:

- I have no documentation of the existence of that tank.
- I have no documentation of having purchased an underground tank when I purchased the company.
- I have no tax returns listing an underground tank as an asset or showing depreciation pertaining to an underground tank.
- I have never used an underground tank for business or personal use.
- No underground storage tank was in use by the company, Goodwin of California, while I owned the company nor when I worked for the prior owner the previous two or three years.
- Sheet metal companies generally have no use for an underground tank.
- Specifically Goodwin of California had no use for such a tank during my ownership of the company nor when I worked for the prior owner. The company made sheet metal products. Our equipment did not use gasoline or require more than a minimal amount of hydraulic fluid from time to time. We did own one ½ Ton pick-up truck (gasoline fueled) which was always serviced by the corner Chevron Dealer, and one 5500 Lb. fork lift (propane fueled) which was serviced by the manufacturer's local dealer.

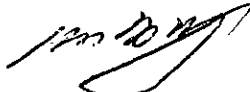
Following is further information regarding other owners of the property:

- I purchased the company from Robert E. Harvey, for whom I worked the prior two or three years. Mr. Harvey owned the company for approximately 10 years. He made the same products that I did. To the best of my knowledge he did not know of nor purchase an underground storage tank. Further, to the best of my knowledge he had no need of such a tank for the business or his personal use.

- Mr. Harvey purchased the business from Fred Goodwin sometime in the 1960's. I have never heard from Mr. Harvey or other person that Mr. Goodwin installed or used an underground storage tank.
- During my negotiations with the Southern Pacific Railroad regarding obtaining a long term lease for myself and then ending such lease early (for the sale to Mr. Landstra), their representatives never mentioned or provided paperwork that an underground tank existed on their property.
- In 1985 I sold the facility to Mr. William Landstra which he indicated would be used to house and disassemble wrecked automobiles.

Please call if you have any questions.

Sincerely,



Brian B. Horsfall

bbh:pb

cc: Mr. Randall Smith
Southern Pacific Trans. Co.
One Market Plaza
San Francisco, CA 94105

file:\bbh\letter\L-961009-Alameda-Cty

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 1, 1996

Mr. Randall Smith
Southern Pacific Trans. Co.
One Market Plaza
San Francisco, CA 94105

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

STID 5446

Re: 1075 2nd Street, Albany, California

Dear Mr. Smith,

This office has recently named Brian B. Horsefall, former owner of Goodwin of California, and William Landstra, operator of the current on-site business, European Auto Salvage, as Responsible Parties, in addition to the already named Southern Pacific Trans. Co. (Southern Pacific), for the required investigations related to the former underground storage tank at the above site.

Mr. Horsefall and Mr. Landstra were named as Responsible Parties (RPs) in accordance with Article 11, Chapter 16, Title 23 California Code of Regulations (CCR); 42USC Section 6991(3)(B); and the fact that both these parties appear to have owned the referenced underground storage tank, based on the lease contracts which specify that they owned all the improvements on the site. Per Article 11, Chapter 16, Title 23 CCR, an RP is defined as the following: " 1) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance; 2) In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuance of its use; 3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and 4) Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance." Additionally, per 42USC Section 6991, the person who owned a tank which was not used after November 8, 1984, immediately before the discontinuance of its use, may be named an RP, even though substantial evidence does not exist to show that the leak occurred before discontinuance of use.

This office sent Southern Pacific a letter on December 11, 1995 requesting that a workplan, addressing investigations at the above site, be submitted by the end of January 1996. To this date, this office has not received the requested workplan. Based on the listing of two new RPs for the site, this office is readdressing the contents of the December 11, 1995 letter in this letter, and issuing a **new due date of November 29, 1996**, for the submittal of the workplan.

Mr. Randall Smith
Re: 1075 2nd St.
October 1, 1996
Page 2 of 3

On September 15, 1995, one 300-gallon waste oil underground storage tank (UST) was removed from the above site. Groundwater was encountered in the tank pit at approximately 4.5-feet below ground surface. Two sidewall samples were collected from the north and south ends of the pit at the soil/water interface, and one "grab" groundwater sample was collected from the pit. Petroleum odor and an iridescent sheen were noted within the tank pit in the bay mud and in the immediate area surrounding the filler pipe.

These samples were analyzed for Total Petroleum Hydrocarbons as gasoline (TPHg), TPH as diesel (TPHd), Oil & Grease, benzene, toluene, ethylbenzene, and xylenes (BTEX), chlorinated hydrocarbons (Method 8010), Semivolatile Organic compounds (SVOCs), and heavy metals. Low levels of TPHd, Oil & Grease, SVOCs, and metals were identified in the soil samples, and moderate to elevated levels of TPHg, TPHd, and Oil & Grease were identified in the "grab" groundwater sample.

Guidelines established by the California Regional Water Quality Control Board (RWQCB) and the UST regulations given in Title 23 CCR, require that soil and groundwater investigations be conducted when there is evidence to indicate that a release from an UST may have impacted groundwater. Although the extent of soil contamination resulting from the UST appears to have been adequately delineated, further investigations need to be conducted to determine the extent and severity of the observed groundwater contamination. In addition to the regulations provided in Title 23 CCR, the RWQCB has recently published interim guidelines for petroleum contaminated sites, which is included in the Attachment to this letter.

In the November 29, 1995 Underground Storage Tank Removal Report, prepared by Industrial Compliance (IC), IC proposes to further characterize the groundwater contamination by emplacing four hydropunches at the site and collecting "grab" groundwater samples from each location. A hydropunch investigation would be acceptable, however, it is very likely that a permanent downgradient monitoring well will need to be installed, following the hydropunch work, to monitor the migration of the plume. The "grab" groundwater samples should be analyzed for TPHg, TPHd, Oil & Grease, and BTEX. In the last water sample analysis, the identified petroleum hydrocarbons in the gasoline range did not match the standard chromatograph pattern. Therefore, this office is requesting that, if possible, attempts be made to characterize the constituents identified in the TPHg range (e.g., weathered gas, etc) during this next phase of work.

Mr. Randall Smith
Re: 1075 2nd St.
October 1, 1996
Page 3 of 3

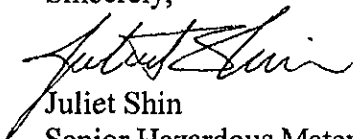
Additionally, if the hydropunch investigation is implemented, this office is requesting that these locations be surveyed to a temporary on-site datum, that water level measurements be collected from these locations, and that a groundwater gradient direction be determined for the site to confirm whether the groundwater is flowing to the west.

This Department will oversee the assessment and remediation of your site. Our oversight will include the review of and comment on work proposals and technical guidance on appropriate investigative approaches and monitoring schedules. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, in Pleasanton. The RWQCB may choose to take over as lead agency if it is determined, following the completion of the initial assessment, that there has been a substantial impact to groundwater.

In order to properly conduct a site investigation, you are required to obtain the professional services of a reputable environmental consultant. All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,



Juliet Shin
Senior Hazardous Materials Specialist

ATTACHMENT

cc: Brian B. Horsefall
937 Quiet Place Court
Walnut Creek, CA 94598

William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94702

Acting Chief

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 1, 1996

Mr. William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94702

STID 5446

Re: 1075 2nd Street, Albany, California

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

Dear Mr. Landstra,

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You and Mr. Horsefall were named as Responsible Parties (RPs) in accordance with Article 11, Chapter 16, Title 23 California Code of Regulations (CCR); 42USC Section 6991(3)(B); and the fact that both you and Mr. Horsefall appear to have owned the referenced underground storage tank, based on the lease contracts which specify that they owned all the improvements on the site. Per Article 11, Chapter 16, Title 23 CCR, an RP is defined as the following: " 1) Any person who owns or operates an underground storage tank used for the storage of any hazardous substance; 2) In the case of any underground storage tank no longer in use, any person who owned or operated the underground storage tank immediately before the discontinuance of its use; 3) Any owner of property where an unauthorized release of a hazardous substance from an underground storage tank has occurred; and 4) Any person who had or has control over an underground storage tank at the time of or following an unauthorized release of a hazardous substance." Additionally, per 42USC Section 6991, the person who owned a tank which was not used after November 8, 1984, immediately before the discontinuance of its use, may be named an RP, even though substantial evidence does not exist to show that the leak occurred before discontinuance of use.

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Mr. William Landstra
Re: 1075 2nd St.
October 1, 1996
Page 2 of 3

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Mr. William Landstra
Re: 1075 2nd St.
October 1, 1996
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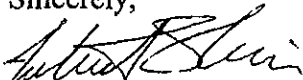
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Sincerely,



Juliet Shin
Senior Hazardous Materials Specialist

ATTACHMENT

cc: Brian B. Horsefall
937 Quiet Place Court
Walnut Creek, CA 94598

Randall Smith
Southern Pacific Trans. Co
One Market Plaza
San Francisco, CA 94105

Acting Chief

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 1, 1996

Mr. Brian B. Horsefall
937 Quiet Place Court
Walnut Creek, CA 94598

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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STID 5446

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October 1, 1996
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Mr. Brian Horsefall
Re: 1075 2nd St.
October 1, 1996
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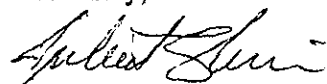
Additionally, if the hydropunch investigation is implemented, this office is requesting that these locations be surveyed to a temporary on-site datum, that water level measurements be collected from these locations, and that a groundwater gradient direction be determined for the site to confirm whether the groundwater is flowing to the west.

This Department will oversee the assessment and remediation of your site. Our oversight will include the review of and comment on work proposals and technical guidance on appropriate investigative approaches and monitoring schedules. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7, in Pleasanton. The RWQCB may choose to take over as lead agency if it is determined, following the completion of the initial assessment, that there has been a substantial impact to groundwater.

In order to properly conduct a site investigation, you are required to obtain the professional services of a reputable environmental consultant. All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer.

If you have any questions or comments, please contact me at (510) 567-6763.

Sincerely,



Juliet Shin
Senior Hazardous Materials Specialist

ATTACHMENT

cc: Mr. Randall Smith
Southern Pacific Trans. Co.
One Market Plaza
San Francisco, CA 94105

William Landstra
European Auto Salvage
1075 2nd Street
Albany, CA 94702

Acting Chief

GARDNER & WYNNE
A Registered Limited Liability Partnership
Attorneys and Counselors
1601 Elm Street, Suite 3000
Dallas, Texas 75201

TELECOPY COVER LETTER

September 26, 1996

Please deliver the following pages to:

ATTN: Ms. Juliet Shin
COMPANY/FIRM: Alameda County Health Services Agency
CITY & STATE: Alameda, California
Client/Matter #: 113861-5
Telecopier No: (510) 337-9335

FROM: Joan Krajewski
(214) 999-4589

NUMBER OF PAGES (including this cover sheet): 3

XEROX 7021 TELECOPIER NO. (214) 999-4274

ADDITIONAL MESSAGE:

Is this for service of Documents? No
Please indicate local time deadline: n/a

Confirmation Requested: Yes

The information contained in this facsimile message is privileged and confidential and is intended only for the use of the addressee. If the reader of this message is not the addressee, or the person responsible for delivery to the addressee, you are hereby notified that any dissemination, distribution or copying of the message is strictly prohibited. If you have received this message in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

GARDERE & WYNNE, L.L.P.
ATTORNEYS AND COUNSELORS

HOUSTON
333 CLAY AVENUE
SUITE 800
HOUSTON, TEXAS 77002-4086
713-308-5500

3000 THANKSGIVING TOWER
1601 ELM STREET
DALLAS, TEXAS 75201-4761

TULSA
2000 MID-CONTINENT TOWER
401 S. BOSTON AVENUE
TULSA, OKLAHOMA 74103-4056
918-560-2900

214-999-3000
FAX: 214-999-4667

MEXICO
RIO PANUCO NO. 7
COL. CUAUHTÉMOC
06800 MEXICO, D.F.
011(525)546-8023

WRITER'S DIRECT DIAL NUMBER
(214) 999-4589

September 26, 1996

VIA FACSIMILE

Ms. Juliet Shin
Alameda County Health Care Services Agency
Department of Environmental Health
Division of Hazardous Materials
1131 Harbor Bay Parkway
Alameda, California 94502

OUR FILE NO. 113861-5

Re: European Auto Salvage Yard
1075 2nd Street, Albany, California

Dear Ms. Shin:

This letter supplements our previous correspondence related to the ownership of the waste oil tank removed from the above referenced site. In response to your request for further information, Southern Pacific Transportation Company ("SPTC") has made a substantial effort to gather additional facts. We have examined our real property files, contacted the former owner of Goodwin of California, Inc. ("Goodwin"), and further examined the data related to the tank removal. Our conclusion still remains that William Landstra is the owner of the waste oil tank that was removed from the above referenced site.

SPTC purchased the property in 1931 at which time the only structures located on the property were two small sheds. There is no record that any underground storage tanks were located on the property at the time of purchase. SPTC first leased the property to another entity, R.H. Sharpe, in 1938. Mr. Sharpe leased the property for two years from 1938 - 1939 and from 1942 - 1943 for manufacturing and storage. The actual uses which Mr. Sharpe made of the property are unclear based upon our records.

From 1946 to 1981, a period of 35 years, SPTC leased the property to either Fred Goodwin or his company, Goodwin of California, Inc. ("Goodwin"). Mr. Goodwin made substantial improvements to the property totalling as much as \$50,000 in value between 1949 and 1955 and used a light fleet of trucks for distribution purposes. According to the former and last owner of Goodwin, Brian B. Horsefall, Goodwin owned all of the improvements on the subject site as of 1981, and Mr. Landstra purchased each and every Goodwin asset located on the site except for the equipment which was sold separately. Goodwin did not retain any ownership interests at the site after the 1981 sale of the assets to Mr. Landstra. We have already provided

Ms. Juliet Shin
September 26, 1996
Page 2

you with Mr. Landstra's lease where he warranted that he had purchased all of the Goodwin "improvements" located on the property. Under California law, improvements includes underground storage tanks. "All" is understood by its common sense and ordinary meaning as "every one."

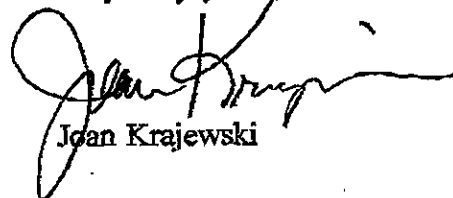
Moreover, it is likely that Mr. Landstra utilized the tank. Mr. Horsefall, the owner of the Goodwin facility between approximately 1979 and 1981, claims that he did not do so, and Mr. Landstra has never provided SPTC with any evidence that he properly disposed of his waste petroleum products during the between 1981 and 1987, the year when he installed another waste oil tank on the property.

We have also examined the data related to the tank and its removal. Figure 3a, in the Industrial Compliance UST Removal Report dated November 29, 1996, is a color photo of the removed tank. The photo shows three pipes attached to the top of the tank. Figure 4a shows the tank and pipe arrangement prior to removal. According to James Ackerman, the Terranext (formerly Industrial Compliance) employee who supervised the removal, the horizontal pipe shown in Figure 4a, attached to the middle pipe at the tank, was the vent pipe. The small diameter pipe to the left of the vent pipe (Figure 4a) was not connected to any other piping at the time the tank was removed. The larger vertical pipe served as the fill/removal pipe, and extended to a few inches above ground surface to a threaded cap. The pipe was in plain view. The cap was not rusted to the pipe, and was easily removed with normal hand pressure, and thus, the fill/removal pipe was likely in use within a relatively recent time frame.

The evidence is overwhelming that Mr. Landstra should be identified as the party primarily responsible for the removal of the waste oil tank and its related investigation. At most, SPTC is only a secondarily liable party because no evidence exists that SPTC ever owned, managed or operated the waste oil tank.

We would appreciate your acting on the evidence by issuing Mr. Landstra a notice letter with respect to his responsibilities. I will be calling you after you have had a chance to read this letter to answer any questions or respond to any comments that you may have.

Very truly yours,



Joan Krajewski

cc: Joseph G. Sullivan, Esq.
Randall T. Smith, P.E.

0239225/04



Southern Pacific Lines

Environmental Affairs Group

Southern Pacific Building • One Market Plaza • San Francisco, California 94105

R. T. Smith, P.E., R.E.A.

Senior Environmental Project Manager

(415) 541-2559

FAX (415) 541-1325

File: Berkeley-EASY Auto

August 14, 1996

Ms. Juliet Shin
Alameda County Environmental Protection Division
1131 Harbor Bay Parkway
Alameda, CA 94501

RE: Transmittal of Lease Documents, 1075 2nd Street, Albany, CA
STID 5446

Dear Ms. Shin:

Enclosed please find the subject lease documents we discussed during our phone conversation earlier today.

Please call me if you have questions or comments.

Very Truly Yours,

A handwritten signature in cursive script that reads "Randall T. Smith".

Randall T. Smith, P.E.

ENVIRONMENTAL
PROTECTION
96 AUG 15 PM 1:10

attachment
rts\ezauto01.alb

**SOUTHERN PACIFIC LINES
FACSIMILE TRANSMISSION**



**Environmental Remediation Group
One Market Plaza, Rm 712
San Francisco, CA 94105**

File: Berkeley-Landstra/EASY Auto

**R. T. Smith, P.E.
Voice: 415/541-2559
Fax: 415/541-1325**

**Date: August 14, 1996
Time: 10:47 am
Total Pages Transmitted: 4**

**TO: Juliet Shin
Alameda County Environmental Protection Division**
FAX #: 510/337-9335
**SUBJECT: 1075 2nd Street, Albany, CA; Landstra/EASY Automotive Lease UST Removal;
STID 5446** *William*
cc: Joan Krajewski, Gardere & Wynne/Dallas

I am glad we finally circumvented voice mail and had a chance to discuss the subject project directly.

Attached is a two page letter dated July 31, 1996, from Ms. Joan Krajewski. The letter summarizes the key lease language indicating Mr. Landstra's assumption of all obligations for all improvements and facilities at the subject lease property. Southern Pacific interprets this language to include the Underground Storage Tank (UST).

Also attached is a one page table, indicating the lease chronology for this site. At no time did Southern Pacific own or operate any facilities at this location. Per our discussion, you indicated you will be sending me the 1995 memo from Mr. Mike Harper (Chief, Local Oversight Program), describing the State Water Resources Control Board's three-point determination of primary responsibility versus secondary responsibility. I will look for your fax transmittal soon.

Please call me at your convenience so we can continue to advance the site investigation, and advance the determination of responsible parties. Thanks in advance for your assistance and understanding.

A handwritten signature in cursive script that reads "Randy T. Smith".

attachments

GARDERE & WYNNE, L.L.P.
ATTORNEYS AND COUNSELORS

HOUSTON
333 CLAY AVENUE
SUITE 800
HOUSTON, TEXAS 77002-4086
713-308-5500

3000 THANKSGIVING TOWER
1601 ELM STREET
DALLAS, TEXAS 75201-4761

TULSA
2000 MID CONTINENT TOWER
401 S BOSTON AVENUE
TULSA, OKLAHOMA 74103-4058
918-560-2900

214 999-3000
FAX: 214-999-4867

MEXICO
RIO PANUCO NO. 7
COL. CUAUHTEMOC
06500 MEXICO, D.F.
011(525)546-8023

WRITER'S DIRECT DIAL NUMBER

(214) 999-4589

July 31, 1996

VIA FEDERAL EXPRESS

OUR FILE NO. 113861-5

Randall T. Smith, P.E.
Southern Pacific Lines
One Market Plaza
Southern Pacific Building
San Francisco, California 94105

R.T.S.
AUG 07 '96

Re: European Auto Salvage Yard UST Site, Albany, California

Dear Randy:

Please find enclosed a lease chronology with tabbed attachments which we have compiled regarding the above site. The documents contain the backup support for Southern Pacific Transportation Company's ("SPTC") contention that William D. Landstra and James K. Breazeale own all improvements at the site including the removed waste oil tank.

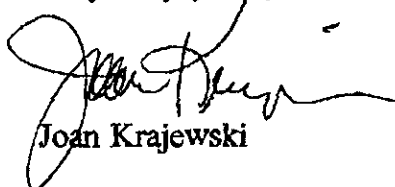
From 1946 through 1981, the only lessees at the site have been either Fred Goodwin or his company, Goodwin of California, Inc. Effective December 15, 1981, Landstra and Breazeale entered a lease ("Landstra Lease") which terminated the earlier Goodwin lease in Paragraph 40. In Paragraph 40, Landstra and Breazeale also warrant that they are "the lawful successor to Goodwin of California, Inc" and that they have "acquired all right, title, and interest in and to said Goodwin of California, Inc.'s improvements and facilities located upon the leased premises" Moreover, they warrant that they assume "all obligations under the lease formerly held by Goodwin of California with respect to such improvements and facilities, including the removal thereof upon expiration or termination" of the Landstra Lease.

For the purposes of any legal obligation imposed by the Health Care Services Agency of Alameda County, Department of Environmental Health ("DEH"), Landstra and Breazeale were the legal and sole owners of the removed waste oil tank and are responsible for any removal thereof and related investigation and remediation. SPTC is only secondarily liable in relation to those parties because it is only the property owner, and there is no evidence that SPTC owned or operated the tanks at any point in time.

I believe that we should present the enclosed information to DEH and request a correction of the notice letter dated June 15, 1995 from Pamela J. Evans which acknowledges that liability applies to "the tank owner or operator." At the very least, Juliet Shin should also send a notice letter to Landstra and Breazeale given that SPTC does not have the primary obligation with respect to the tanks. In the meantime, I will send a demand letter to Landstra regarding past and future costs.

I will discuss this with Jerry Sullivan. In the meantime, please feel free to call me if you have any questions in this regard.

Very truly yours,



Joan Krajewski

JK/dde

Encl.

GW041235538

cc: Joseph G. Sullivan, Esq.

| EUROPEAN AUTO SALVAGE YARD UST SITE (Created 7/31/96) 1075 SECOND STREET ALBANY, CALIFORNIA | | |
|--|----------|---|
| NO. | DATE | LEASE CHRONOLOGY |
| 1. | 10/16/81 | Lease Audit No. 195311 - Commercial Lease <i>(Terminates Lease Audit No. 189916)</i> Effective Date: November 6, 1981 Lessor: Southern Pacific Transportation Company Lessees: William D. Landstra and James K. Breazeale |
| 2. | 01/01/80 | Lease Audit No. 189916 - Commercial Lease <i>(Terminates Lease Audit No. 109744)</i> Effective Date: January 1, 1980 Lessor: Southern Pacific Transportation Company Lessee: Goodwin of California, Inc. |
| 3. | 08/01/56 | Lease Audit No. 109744 - Lease <i>(Takes the place of Lease Audit No. 89291)</i> Effective Date: April 1, 1956 Lessor: Southern Pacific Company Lessee: Goodwin of California, Inc. |
| 4. | 12/15/47 | Lease Audit No. 89291 - Lease <i>(Terminates Lease Audit No. 85120 between Goodwin and Southern Pacific Company dated May 20, 1946)</i> Effective Date: April 1, 1947 Lessor: Southern Pacific Company Lessee: Fred W. Goodwin |

GW04235524

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, DIRECTOR

December 11, 1995

Mr. Randall Smith
Southern Pacific Trans. Co.
One Market Plaza
San Francisco, CA 94105

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

STID 5446

Re: 1075 2nd Street, Albany, California

Dear Mr. Smith,

On September 15, 1995, one 300-gallon waste oil underground storage tank (UST) was removed from the above site. Groundwater was encountered in the tank pit at approximately 4.5-feet below ground surface. Two sidewall samples were collected from the north and south ends of the pit at the soil/water interface, and one "grab" groundwater sample was collected from the pit. Petroleum odor and an iridescent sheen were noted within the tank pit in the bay mud and in the immediate area surrounding the filler pipe.

These samples were analyzed for Total Petroleum Hydrocarbons as gasoline (TPHg), TPH as diesel (TPHd), Oil & Grease, benzene, toluene, ethylbenzene, and xylenes (BTEX), chlorinated hydrocarbons (Method 8010), Semivolatile Organic compounds (SVOCs), and heavy metals. Low levels of TPHd, Oil & Grease, SVOCs, and metals were identified in the soil samples, and moderate to elevated levels of TPHg, TPHd, and Oil & Grease were identified in the "grab" groundwater sample.

Guidelines established by the California Regional Water Quality Control Board (RWQCB) and the UST regulations given in Title 23 California Code of Regulations, require that soil and groundwater investigations be conducted when there is evidence to indicate that a release from an UST may have impacted groundwater. Although the extent of soil contamination resulting from the UST appears to have been adequately delineated, further investigations need to be conducted to determine the extent and severity of the observed groundwater contamination.

In the November 29, 1995 Underground Storage Tank Removal Report, prepared by Industrial Compliance (IC), IC proposes to further characterize the groundwater contamination by emplacing four Hydropunches at the site and collecting "grab" groundwater samples from each location. A Hydropunch investigation would be acceptable,



Industrial Compliance

9838 Old Placerville Road Suite 100 Sacramento, CA 95827-3559
916/369-8971 FAX 916/369-8370

November 29, 1995

IC Project No. 05100728

Ms. Juliet Shin
Alameda County Health Care Services Agency
Department of Environmental Health
Division of Hazardous Materials
1131 Harbor Bay Parkway
Alameda, California 94501

RECEIVED
NOV 30 1995
ENVIRONMENTAL
HEALTH SERVICES
ALAMEDA COUNTY

**Re: Underground Storage Tank Removal
European Auto Salvage Yard
Southern Pacific Transportation Company
1075 2nd Street - Albany, California**

Dear Ms. Shin:

Industrial Compliance (IC), on behalf of Southern Pacific Transportation Company (SPTCo), has prepared the enclosed Underground Storage Tank (UST) Removal Report for a SPTCo site known as the European Auto Salvage Yard located at 1075 2nd Street, Albany, California. This report presents results of the UST removal activities at the site, and offers recommendations for additional investigation.

If you have any questions regarding this report, please contact either of the undersigned at (510) 238-9540 or (916) 369-8971.

Sincerely,

INDUSTRIAL COMPLIANCE

James Ackerman
James B. Ackerman
Project Geologist

Richard L. Bateman
Richard L. Bateman, R.G.
Project Hydrogeologist

JBA/RLB/dao

Enclosure

cc: Mr. Randall Smith, Southern Pacific Transportation Company (with enclosure)

728-001.ltr/11-29-95/u/kwriugh/keydata/ltr-mem

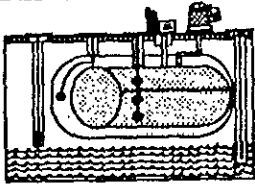
Denver • Phoenix • Kansas City • Dallas • Houston • Los Angeles • Sacramento • Little Rock • Knoxville



UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

| | | | | | | |
|--|--|---|---|--|--|--|
| EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input type="checkbox"/> NO | | FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM. | | |
| REPORT DATE 1_M 0_M 1_D 8_D 9_Y 5_Y | | CASE # | | SIGNED: <i>James Ackerman</i> DATE: 10/24/95 | | |
| REPORTED BY | NAME OF INDIVIDUAL FILING REPORT James Ackerman | | PHONE (510) 238-9540 | | SIGNATURE <i>James Ackerman</i> | |
| | REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER | | COMPANY OR AGENCY NAME Industrial Compliance | | | |
| | ADDRESS P.O. Box 24374 Oakland CA 94623 | | | | | |
| RESPONSIBLE PARTY | NAME Southern Pacific Trans. Co. UNKNOWN | | CONTACT PERSON Randall Smith | | PHONE (415) 541-2559 | |
| | ADDRESS One Market Plaza San Francisco CA 94710 | | | | | |
| SITE LOCATION | FACILITY NAME (IF APPLICABLE) European Auto Salvage Yard | | OPERATOR | | PHONE () | |
| | ADDRESS 1075 2nd Street Albany Alameda 94710 | | | | | |
| | CROSS STREET Gillman Street | | | | | |
| IMPLEMENTING AGENCIES | LOCAL AGENCY AGENCY NAME | | CONTACT PERSON | | PHONE () | |
| | REGIONAL BOARD | | | | PHONE () | |
| SUBSTANCES INVOLVED | (1) NAME Petroleum Hydrocarbons in the motor oil range | | | | QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN | |
| | (2) | | | | <input type="checkbox"/> UNKNOWN | |
| DISCOVERY/ABATEMENT | DATE DISCOVERED 0_M 9_M 2_D 5_D 9_Y 5_Y | | HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER | | | |
| | DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN | | METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER | | | |
| | HAS DISCHARGE BEEN STOPPED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE | | | | | |
| SOURCE/ CAUSE | SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER | | CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER | | | |
| | CASE TYPE CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED) | | | | | |
| CURRENT STATUS | CHECK ONE ONLY <input checked="" type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY | | | | | |
| | REMEDIAL ACTION CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT) | | | | | |
| COMMENTS | COMMENTS | | | | | |

85 OCT 20 PM 2:08
 ENVIRONMENTAL PROTECTION



ALAMEDA COUNTY ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION
UST - PERMIT CHRONOLOGY

STID #: 5446
 FACILITY: EAS
 ADDRESS: 1075 2nd St
 CITY: Albany ZIP: 94710
 PHONE#: (415) NUMBER OF TANKS: 1

Date Permit
Information
was Requested
or Action
Taken

Application Form A
 Application Form B
 Integrity Tests (Tanks, Piping)
 Initial / Annual / Bi-Annual
 Facility Plot Plan
 Cathodic Protection Cert.
 Pipeline Leak Detector Tests
 Spill and Monitoring Plans
 Final Inspection
 Performed
 Date
Received

COMMENTS

INT.

| | | | | | | | | | | | |
|-----|---------|--|--|--|--|--|--|--|--|---|----|
| 1. | 1/23/95 | | | | | | | | | Onsite investigation w/ AFD - Roel M. | |
| 2. | 2/6/95 | | | | | | | | | Letter - close or permit - Roel M. | |
| 3. | 5/4/95 | | | | | | | | | Site visit w/ AFD - | PE |
| 4. | 6/15/95 | | | | | | | | | Letter NCO - | PE |
| 5. | 9-20-95 | | | | | | | | | Call to Randy Smith - msg only | PE |
| 6. | 9-20-95 | | | | | | | | | Juliet Shin told me this tank has been removed recently (last week) | PE |
| 7. | | | | | | | | | | | |
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Pa 1 of 2

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy.
Suite 250
Alameda, CA 94502-6577
(510) 567-6700

Hazardous Materials Inspection Form

II, III

Site ID # 5446 Site Name Southern Pacific Today's Date 9/15/95

Site Address 1075 2nd St.

City Albany Zip 94702 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: Came out at 9:00 AM. Came out to site to oversee removal of an "unknown" UST. The UST appears to be a used motor oil UST from what the contractor observed ^{July 20, 1995} yesterday when they collected a sample of product. Fill pipe on north end of tank. Tank lies north-south lengthwise w/ south side adjacent to building. Vent line goes off into building. Two pipes - one fill and one vent, indicate that it is most likely a used oil tank structure. Groundwater in pit. Contractor stated they saw it recharging into pit yesterday. The UTL and O₂ were measured at "0" and "1.3" for O₂. Jay Jorgenson, Albany Fire Dept, came out to oversee removal. Although shallow g.w., no water was observed in UST yesterday. Also, no obvious holes observed in UST today. Green mud on tank, but no odor. Could be native. No sheen observed on g.w.

II.A BUSINESS PLANS (Title 19)

- ___ 1. Immediate Reporting 2703
- ___ 2. Bus. Plan Sids. 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. MATLS

- ___ 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) 25535(b)
- ___ 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 |
| Monitoring for Existing Tanks | ___ 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 Gndwater One time soils |
| | 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater 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 _____ |
| New Tanks | ___ 7. Precip Tank Test Date: 2643 |
| | ___ 8. Inventory Rec. 2644 |
| | ___ 9. Soil Testing 2646 |
| | ___ 10. Ground Water 2647 |
| | ___ 11. Monitor Plan 2632 |
| | ___ 12. Access. Secure 2634 |
| | ___ 13. Plans Submit Date: 2711 |
| | ___ 14. As Built Date: 2635 |

Rev 6/88

Contact: James Aclerman
 Title: Geologist w/ Industrial Compliance
 Signature: James Aclerman

Inspector: Juliet Shin
 Signature: Juliet Shin

II, III

P2 of 2

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy.
Suite 250
Alameda, CA 94502-6577
(510) 567-6700

Hazardous Materials Inspection Form

II, III

Site ID # 5446 Site Name Southern Pacific Today's Date 9/15/95

Site Address 1075 2nd St.
City Albany Zip 94 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:

Could be felt
No obvious stained soil above soil/H₂O interface. Soil types above water table appear to be playey gravel. Tank hauled under manifest 90792372. Tank bottom was at ~7 1/2' bgs. Tank dimensions were roughly 4' long w/ ~3 1/2' diameter. Depth to water was ~4' bgs. Tank pit is roughly 7x5' long by 7' wide. One composite sample will be collected from stockpile. Four 4ml vials, ~~two~~ ^{three} amber bottles, and one plastic bottle were used to collect g.w. samples. One soil sample was collected from each end of the tank at the soil/water interface. Samples were difficult to collect due to the gravelly nature. Asphalt was observed in soils. Stockpiled soil was placed on visqueen. Pit will be backfilled w/ imported fill on Monday.

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus Plan Sids. 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. MAT'L

- 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 | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 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 _____ |
| New Tanks | <input type="checkbox"/> 7. Precs Tank Test 2643 |
| | Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing 2646 |
| <input type="checkbox"/> 10. Ground Water. 2647 | |
| <input type="checkbox"/> 11. Monitor Plan 2632 | |
| <input type="checkbox"/> 12. Access. Secure 2634 | |
| <input type="checkbox"/> 13. Plans Submll 2711 | |
| Date: _____ | |
| <input type="checkbox"/> 14. As Built 2635 | |
| Date: _____ | |

Rev 8/88

Contact: James Ackerman
 Title: Geologist w/ Industrial Compliance Inspector: Juliet Spin
 Signature: James Ackerman Signature: Juliet Spin

II, III

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
DEPARTMENT OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PARKWAY, RM 250
ALAMEDA, CA 94502-6577
PHONE # 510/567-6700
FAX # 510/337-9335

[Signature]
Project Specialist
TULLIET SHAW

*Please notify us
at least 48 hrs in advance
of tank removal*

ACCEPTED

Underground Storage Tank Closure Permit Application
Alameda County Division of Hazardous Materials
80 Swan Way, Suite 200,
Oakland, CA 94621
Telephone: (510) 271-4320

These closure/removal plans have been received and found to be acceptable and essentially meet the requirements of State and local Health Laws. Changes to your closure plans included by this Department are to assure compliance with State and local laws. The revision proposed herein is now referred to as a final plan of any required building permits for construction/destruction. A copy of the accepted plans must be on the job and available to all contractors and craftsmen involved with the work. Any changes or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspections Department to determine if such changes meet the requirements of State and local laws.

Notify this Department at least 72 hours prior to the following required inspections: *

- _____ Removal of Tank(s) and Piping
- _____ Sampling
- _____ Final Inspection

Issuance of a) permit to operate, b) permanent site closure, is dependant on compliance with accepted plans and all applicable laws and regulations.

***THERE IS A FINANCIAL PENALTY FOR
NOT OBTAINING THESE INSPECTIONS**

Contact Specialist:

UNDERGROUND TANK CLOSURE PLAN

*** * * Complete according to attached instructions * * ***

1. Name of Business Southern Pacific Transportation Company
Business Owner or Contact Person (PRINT) Southern Pacific Transportation Co.
2. Site Address 1075 Second Street
City Albany Zip 94702 Phone (510) 238-9540
3. Mailing Address P.O. Box 24374
City Oakland Zip 94623 Phone (510) 238-9540
4. Property Owner Southern Pacific Transportation Company
Business Name (if applicable) _____
Address One Market Plaza
City, State San Francisco, California Zip 94105
5. Generator name under which tank will be manifested
Southern Pacific Transportation Company

EPA ID# under which tank will be manifested C A C 0 0 1 0 3 6 6 5 6

6. Contractor Jim Dobbins, Inc.
Address P.O. Box 177
City New Castle Phone (916) 663-3363
License Type General Engineering ID# 479128

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board.

7. Consultant (if applicable) Industrial Compliance
Address P.O. Box 24374
City, State Oakland, California Phone (510) 238-9540

8. Main Contact Person for Investigation (if applicable)
Name James Ackerman Title Geologist
Company Industrial Compliance
Phone (510) 238-9540

9. Number of underground tanks being closed with this plan One
Length of piping being removed under this plan Unknown
Total number of underground tanks at this facility (**confirmed with owner or operator) One

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**** Underground storage tanks must be handled as hazardous waste ****

a) Product/Residual Sludge/Rinsate Transporter

Name Evergreen Oil EPA I.D. No. CAD 980695761
Hauler License No. 0242 License Exp. Date _____
Address 6880 Smith Avenue
City Newark State CA Zip 94560

b) Product/Residual Sludge/Rinsate Disposal Site

Name Evergreen Oil EPA ID# CAD 980887418
Address 6880 Smith Avenue
City Newark State CA Zip 94560

c) Tank and Piping Transporter ✓

Name Jim Dobbas Inc. EPA I.D. No. CAD 981982994
Hauler License No. 479128 License Exp. Date 09/30/95
Address P.O. Box 177
City New Castle State CA Zip 95658

d) Tank and Piping Disposal Site ✓

Name Erickson EPA I.D. No. CAD 009466392
Address 255 Parr Boulevard
City Richmond State CA Zip 94801

11. Sample Collector

Name James Ackerman
Company Industrial Compliance
Address P.O. Box 24374
City Oakland State CA Zip 94523 Phone (510) 238-9540

3444

12. Laboratory J

Name Chromolab
Address ~~1220 Quarry Lane~~ 2239 Omega Rd Unit 1
City ~~Pleasanton~~ San Ramon State CA Zip 94566-4756
State Certification No. 1094

13. Have tanks or pipes leaked in the past? Yes[] No[] Unknown[X]

If yes, describe. _____

14. Describe methods to be used for rendering tank(s) inert:

Remove contents, purge with dry ice. Use LEL meter to ensure vapor
is below lower explosive limit.

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be permanently plugged.

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas indicator on-site to verify that the tank is inert.

15. Tank History and Sampling Information *** (see instructions) ***

| Tank | | Material to be sampled (tank contents, soil, groundwater) | Location and Depth of Samples |
|----------|--|---|---|
| Capacity | Use History include date last used (estimated) | | |
| Unknown | Unknown | Soil/Ground Water | Below Tank or Sidewall at High Water Mark |

One soil sample must be collected for every 20 linear feet of piping that is removed. A ground water sample must be collected if any ground water is present in the excavation.

Excavated/Stockpiled Soil

Stockpiled Soil Volume (estimated)

< 80 CUBIC YARDS

Sampling Plan

Composite Four Samples
 (Analyze One Sample Per
 Fifty Cubic Yards) - *If you plan
 on disposing off site.
 If you plan to try and re-use
 soil, one discreet sample per every 20
 cubic yards is required.*

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

Will the excavated soil be returned to the excavation immediately after tank removal? [] yes [X] no [] unknown

If yes, explain reasoning _____

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from Alameda County. This means that the contractor, consultant, or responsible party must communicate with the specialist IN ADVANCE of backfilling operations.

16. Chemical methods and associated detection limits to be used for analyzing samples:

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

17. Submit Site Health and Safety Plan (See Instructions)

| Contaminant Sought | EPA or Other Sample Preparation Method Number | EPA or Other Analysis Method Number | Method Detection Limit |
|--------------------------------|---|-------------------------------------|-----------------------------------|
| TPH-GAS | 5030 | 8015M | Soil Water mg/L ug/L 1.0 50 |
| BTEX | 602 | 8020 | .005 0.5 |
| TPH-DIESEL | 3515 | 8015M | 1.0 5.0 |
| OIL/GREASE | 5520 | <i>413.1</i> 8015M | 50 1000 |
| CHLORINATED HYDROCARBONS | 601 | 8010 | .005 0.5 |
| SEMIVOLATILE ORGANIC COMPOUNDS | 3510 | 8270 | 0.5 4 |
| LUFT METALS | 3010 (soil) 3005 (water) | 6010 | 0.5 10 |

*STET
 for Kichica
 bid to assist with between
 biogenic
 .25 for cadmium & zinc*

18. Submit Worker's Compensation Certificate copy
 Name of Insurer Alexander and Alexander of California
19. Submit Plot Plan ***** (See Instructions) *****
20. Enclose Deposit (See Instructions)
21. Report any leaks or contamination to this office within 5 days of discovery.
 The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.
22. Submit a closure report to this office within 60 days of the tank removal. The report must contain all information listed in item 22 of the instructions.
23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one B form for each UST to be removed) (mark box 8 for "tank removed" in the upper right hand corner)

I declare that to the best of my knowledge and belief that the statements and information provided above are correct and true.

I understand that information, in addition to that provided above, may be needed in order to obtain approval from the Environmental Protection Division and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

CONTRACTOR INFORMATION

Name of Business Jim Dobbas Inc.
 Name of Individual Jerry McCasland
 Signature [Signature] Date 07-26-95

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business Industrial Compliance
 Name of Individual Carl Taylor
 Signature [Signature] Date 7-26-95

JUL-18-95 TUE 16:01 JIM DOBBAS, INC.

State of California

Contractors State License Board

Pursuant to Chapter 9 of Division 3 of the Business and Professions Code and the Rules and Regulations of the Contractors State License Board, the Registrar of Contractors does hereby issue this license to:

DOBBAS JIM INC



to engage in the business or act in the capacity of a contractor in the following classification(s):

**A - General Engineering Contractor
HAZ - Hazardous Substances Removal**



Witness my hand and seal this day,

March 28, 1991

Issued September 9, 1985
CERTIFIED COPY

Dan R. Phillips
Registrar of Contractors


Signature of Licensee

Signature of License Qualifier

This license is the property of the Registrar of Contractors, is not transferable, and shall be returned to the Registrar upon demand when suspended, revoked, or invalidated for any reason. It becomes void if not renewed.

479128

License Number


 State of California
 CONTRACTORS STATE LICENSE BOARD
 ACTIVE LICENSE
 License No. 479128
 Licensee JIM DOBBAS INC
 Licensee HAZ A
 Licensee 09/30/95
 Licensee 800 CORP

ACORD CERTIFICATE OF INSURANCE

CSR. ISSUE DATE (MM/DD/YY) 07/26/95

PRODUCER
 ALEXANDER & ALEXANDER OF CA
 525 MARKEY ST., 8TH FLOOR
 P.O. BOX 193803
 SAN FRANCISCO, CA
 94119-3803
 ALEXANDER & ALEXANDER
 415-222-7000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

COMPANIES AFFORDING COVERAGE

- COMPANY LETTER **A** C E HEATH COMPANY
- COMPANY LETTER **B**
- COMPANY LETTER **C**
- COMPANY LETTER **D**
- COMPANY LETTER **E**

INSURED
 JIM DOBBAS, INC.
 ATTN: RAY STERNER
 P. O. 177
 NEWCASTLE, CA
 95658

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| CO LTK | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS |
|--------|--|---------------|----------------------------------|-----------------------------------|--|
| | GENERAL LIABILITY COMMERCIAL GENERAL LIABILITY CLAIMS MADE OCCUR. OWNER'S & CONTRACTOR'S PROT. | | | | GENERAL AGGREGATE \$ PRODUCTS-COMP/OP AGG. \$ PERSONAL & ADV. INJURY \$ EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ MED. EXPENSE (Any one person) \$ |
| | AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY | | | | COMBINED SINGLE LIMIT \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$ |
| | EXCESS LIABILITY UMBRELLA FORM OTHER THAN UMBRELLA FORM | | | | EACH OCCURRENCE \$ AGGREGATE \$ |
| A | WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY | C000030208 | 01/01/95 | 01/01/96 | STATUTORY LIMITS EACH ACCIDENT \$ 1,000,000 DISEASE-POLICY LIMIT \$ 1,000,000 DISEASE-EACH EMPLOYEE \$ 1,000,000 |
| | OTHER | | | | |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CANCELLATION PROVISION DOES NOT APPLY IN THE EVENT OF NON-PAYMENT OF PREMIUM WHICH IS SUBJECT TO 10 DAY NOTICE.

CERTIFICATE HOLDER

Industrial Compliance
 c/o 1880 - Cypress Relocation
 Attn: James Ackerman
 P. O. Box 24374
 Oakland, CA 94623-1374

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ALEXANDER & ALEXANDER *Eily Bucyraki* ACORD CORPORATION 1990

ACORD 25-S (7/90)

ALAMEDA COUNTY ENVIRONMENTAL PROTECTION DIVISION

DECLARATION OF SITE ACCOUNT REFUND RECIPIENT

There may be excess funds remaining in the Site Account at the completion of this project. The PAYOR (person or company that issues the check) will use this form to predesignate another party to receive any funds refunded at the completion of this project. In the absence of this form, the PAYOR will receive the refund.

SITE INFORMATION:

Site ID Number
(if known)

European Auto Salvage
Name of Site

1075 Second Street
Street Address

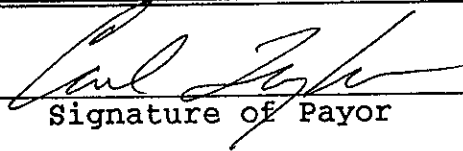
Albany, California 94702
City, State & Zip Code

I designate the following person or business to receive any refund due at the completion of all deposit/refund projects:

Industrial Compliance
Name

P.O. Box 24374
Street Address

Oakland, California 94623
City, State & Zip Code


Signature of Payor

7-26-95
Date

Carl Taylor
Name of Payor
(PLEASE PRINT CLEARLY)

Industrial Compliance
Company Name of Payor

RETURN FORM TO:
*County of Alameda, Environmental Protection
1131 Harbor Bay Parkway, Rm 250
Alameda CA 94502-6577
Phone#(510) 567-6700*

INDUSTRIAL COMPLIANCE
SITE HEALTH AND SAFETY PLAN

Project Name: European Auto Salvage UST

Project Number: 05100728

SITE DESCRIPTION

Location: 1075 Second Street
Albany, California

Hazards: Petroleum hydrocarbons: waste and oil and possibly chlorinated hydrocarbons. May be present in soil and ground water.

Topography: Flat

Anticipated Weather Conditions: Overcast in morning, clear and sunny in afternoon

Additional Information: Caution should be used since work may be hampered by limited access resulting from stored autos.

SCOPE OF WORK – The objective of the initial and following entries to the contaminated area is to: Remove underground storage tank (UST) and to excavate impacted soil if necessary. The UST will be purged using dry ice to ensure that the oxygen and flammable vapor concentrations are below the lower explosive limits. A LEL/oxygen meter will be used to verify this.

ONSITE ORGANIZATION AND COORDINATION - The following personnel are designated to carry out the stated job functions on site. (Note: one person may carry out more than one job function.)

Project Manager: Carl Taylor

Phone: (510) 238-9540

Site Safety Officer: James Ackerman

Phone: (510) 238-9540

Other IC Personnel: John Cavanaugh

Phone: (510) 238-9540

Regulatory Agency Reps: Pamela J. Evans
Alameda County

Phone: (510) 567-6770

Client Reps: Randall Smith, SPTCo

Phone: (415) 541-2559

Contractor(s): Jim Dobbas, Inc.

Phone: (916) 885-2824

HAZARD EVALUATION

The following substance(s) are known or suspected to be on site. The primary hazards of each are identified.

| <u>Substances Involved</u> | <u>Concentrations (if known)</u> | <u>Primary Hazards</u> |
|----------------------------|----------------------------------|---|
| Petroleum hydrocarbons | unknown | Short-term exposure to hydrocarbons can cause headache, dizziness, nausea, skin and mucous membrane irritation. Long-term exposure is not anticipated at this site. If symptoms occur, remove individual from the work area. Wash affected areas of body. Seek medical attention if symptoms persist. |

Physical Hazards: These hazards are primarily associated with onsite equipment and the general nature of construction work. IC personnel will follow all safety rules established in IC's training program.

| | | | | |
|------|---|---------------------|---|----------------------|
| Heat | X | Slip, Trip, Fall | X | Excavations/Trenches |
| Cold | X | Noise | X | Moving Equipment |
| Rain | X | Underground Hazards | | Traffic |
| Fog | X | Overhead Hazards | | Other: |

The following additional hazards are expected on site:

PERSONAL PROTECTIVE EQUIPMENT

Based on evaluation of potential hazards, the following level of personal protection has been designated:

| | | | | |
|----------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|
| Level of Protection: | <input type="checkbox"/> A | <input type="checkbox"/> B | <input type="checkbox"/> C | <input checked="" type="checkbox"/> D |
|----------------------|----------------------------|----------------------------|----------------------------|---------------------------------------|

Personal Protective Equipment:

| | | | |
|---|----------------------------|---|---------------------------------------|
| X | Hard Hat | X | Safety Eyewear (Type): Safety glasses |
| X | Safety Boots | X | Respirator (Type): Standby APR |
| X | Orange Vest | X | Filter Type: Organic vapor |
| X | Hearing Protection | X | Gloves (Type): nitrile/vinyl |
| | Tyvek Coveralls | | Other: |
| | 5 Minute Escape Respirator | | |

Other Emergency/Safety Equipment:

| | | | | | |
|---|-------------------|---|-------------------|---|---------------|
| X | 15 Minute Eyewash | X | Fire Extinguisher | X | Barricades |
| X | First Aid Kit | | No Smoking Signs | | Traffic Cones |

List of Emergency Phone Numbers:

Police: Albany Police Department **Phone:** (510) 525-7300

Fire Department: Albany Fire Department **Phone:** (510) 528-5771

Hospital: Alta Bates Hospital **Phone:** (510) 869-6777
(attach hospital route map)

Address: 2450 Ashby Avenue, Berkeley, California

Emergency Route: Outside of entrance to EASY, take Second Street south to Gilman Street, proceed to San Pablo Avenue, turn right. Proceed to Ashby Avenue (Hwy 13), turn left. Hospital is at 2450 Ashby Avenue.

1. Emergency Procedures (should be modified as required for incident)

The following standard emergency procedures will be used by onsite personnel. The Site Safety Officer shall be notified of any on-site emergencies and be responsible for ensuring that the appropriate procedures are followed.

Personnel Injury: The Site Safety Officer and Project Manager should evaluate the nature of the injury, and the affected person should be decontaminated to the extent possible prior to movement. The onsite Safety Officer shall initiate the appropriate first aid, and contact should be made for an ambulance and with the designated medical facility (if required). No persons shall re-enter the work zone until cause of

the injury or symptoms is determined and remedied. If the cause of the injury or loss of the injured person does not affect the performance of site personnel, operations may continue, with the on-site Safety Officer initiating the appropriate first aid and necessary follow-up.

Fire/Explosion: Upon notification of a fire or explosion on site, all site personnel will assemble upwind at a safe distance. The fire department shall be alerted and all personnel moved to a safe distance from the involved area.

Personal Protective Equipment Failure: If any site worker experiences a failure or alteration of protective equipment that affects the protection factor, that person and his/her buddy shall immediately leave the Exclusion Zone. Re-entry shall not be permitted until the equipment has been repaired or replaced.

Other Equipment Failure: If any other equipment on-site fails to operate properly, the Project Team Leader and Site Safety Officer shall be notified and then determine the effect of this failure on continuing operations on-site. If the failure affects the safety of personnel or prevents safe completion of site activity, all personnel shall leave the work zone until the situation is evaluated and appropriate actions taken.

Accident Report Form: Write down all circumstances surrounding the incident which caused the injury including, but not limited to: time of day, working conditions (weather, etc.), how long it had been since the last rest period occurred, what the person was doing when injured, what all other personnel onsite were doing, what level of protection was being used, if all safety procedures were being followed, etc. All team members that witnessed the incident should write down their recollections of the incident and give them to the Designated Site Safety Officer, who shall then fill out an IC Accident Report form (Attached). This report should be submitted to the Corporate Health & Safety Officer and the Project Manager.

In all situations when an onsite emergency results in evacuation of the Work Zone, personnel shall not re-enter until:

1. The conditions resulting in the emergency have been corrected.
2. The hazards have been reassessed.
3. The Site Health and Safety Plan has been reviewed.
4. Site personnel have been briefed on any changes in the Site Health and Safety Plan.

2. Personal Monitoring

The following personal monitoring will be in effect on site:

Air monitoring for VOCs will be conducted using a photoionization detector (PID). If PID readings in the breathing zone are sustained above 15 ppm, air purifying respirators with organic vapor cartridges will be worn.

All site personnel have read the above plan and are familiar with its provisions.

| Title | Name | Signature | Date |
|--------------------------------|----------------|----------------------|---------|
| Site Safety Officer | James Ackerman | | |
| Project Manager | Carl Taylor | | |
| IC Health & Safety Coordinator | Evelyn Ransom | <i>Evelyn Ransom</i> | 4/25/95 |
| Other Site Personnel | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Tailgate safety meetings will be conducted at the start of each day's work activities. A record of attendance will be maintained by the Site Safety Officer.

ACCIDENT REPORT

* Name of Injured Person: _____

SS No.: _____

Occupation: _____

Address: _____

Nature of Injury: _____

Name and Addresses of Witness(es): _____

Extent of Damage: _____

Where were you when accident occurred? _____

State how accident occurred: _____

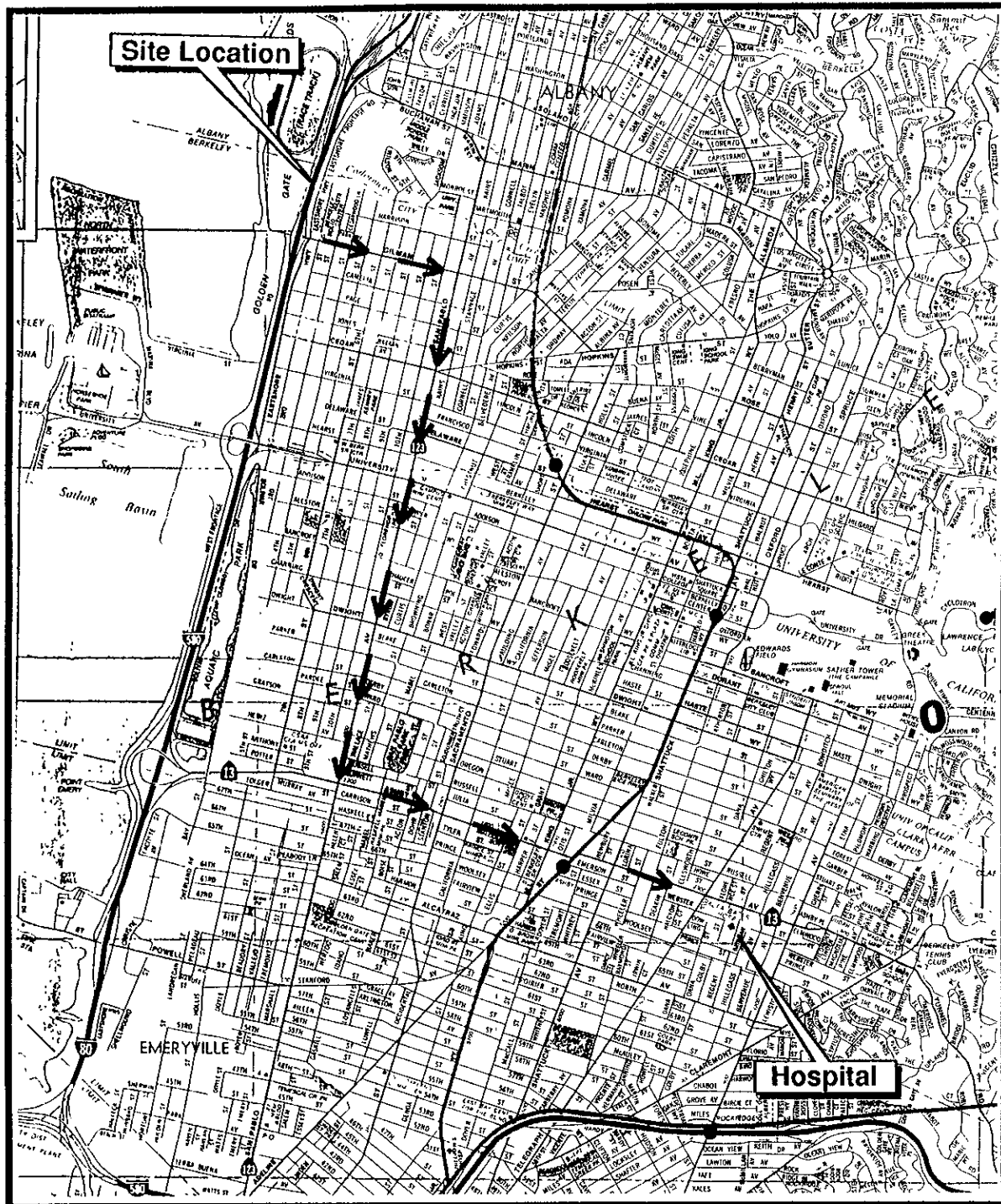
Employee's Signature

Project Manager

Date

Health & Safety Supervisor

* If more than one person injured, list others on additional sheet.



Approximate Scale In Feet
 0 2640'

Reference:
 California State Automobile Association
 Oakland, Berkeley
 Dated: July, 1992



Industrial Compliance

A Subsidiary of SP
 Environmental Systems, Inc.



| | |
|------------------------|---------------------------|
| Project No.: 05100728 | Date: 07/26/95 |
| Drawn By: Patti Decker | Checked By: Evelyn Ransom |

**ROUTE TO HOSPITAL
 SOUTHERN PACIFIC TRANSPORTATION COMPANY
 EUROPEAN AUTO SALVAGE YARD
 ALBANY, CALIFORNIA**

Figure:

1

Page No.:

2

Scale:

as shown



Industrial Compliance

A Subsidiary of
SP Environmental Systems, Inc.

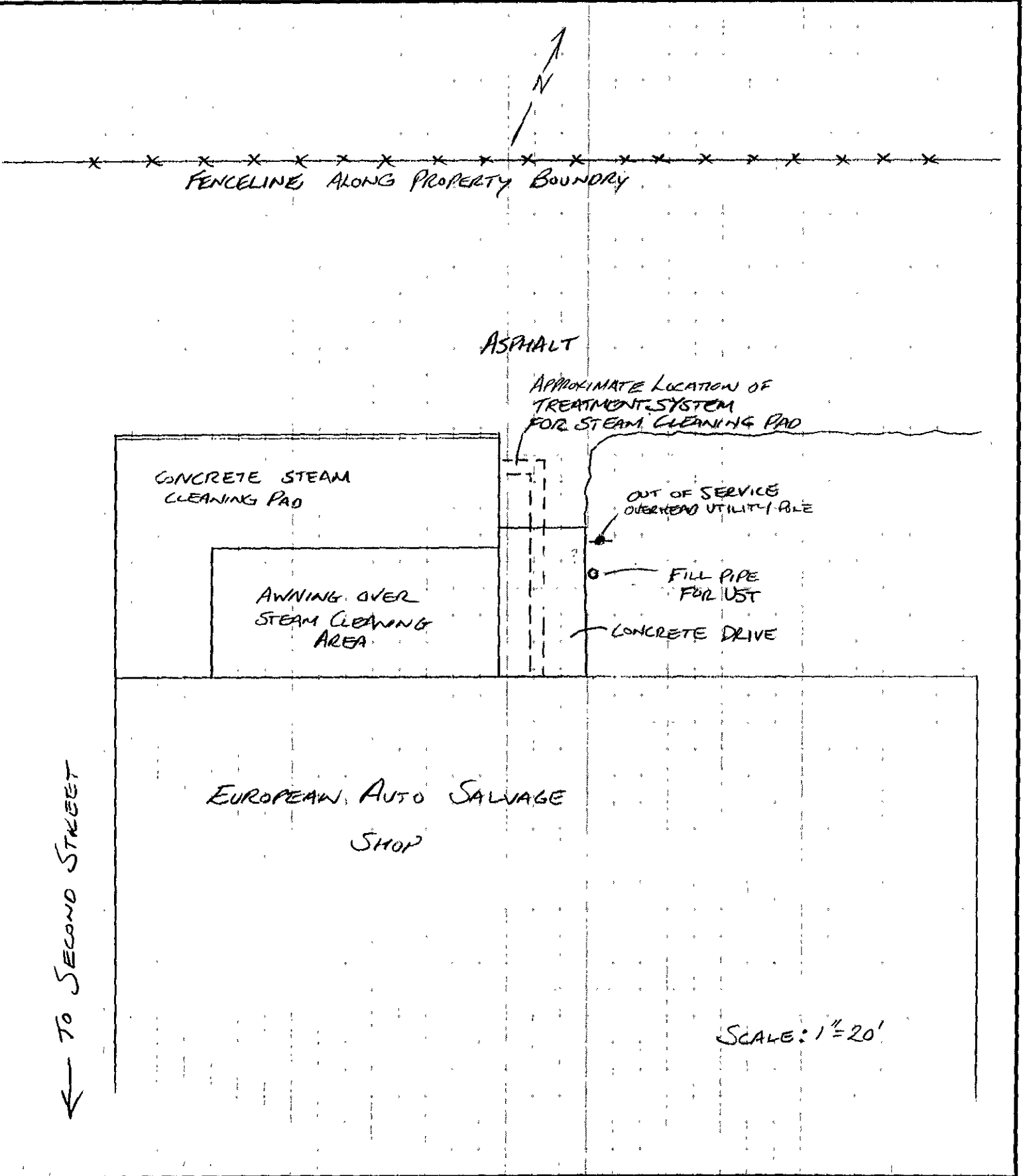


SHEET 1 OF 1 JOB NO. 05100-728

PROJECT EUROPEAN AUTO SALVAGE UST

BY JAMES ACKELMAN DATE 7/20/95

CHECKED BY _____ DATE 1/1



← TO SECOND STREET

SCALE: 1"=20'

5446

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM A



COMPLETE THIS FORM FOR EACH FACILITY/SITE

| | | | | |
|--------------------|--|---|---|--|
| MARK ONLY ONE ITEM | <input checked="" type="checkbox"/> 1 NEW PERMIT | <input type="checkbox"/> 3 RENEWAL PERMIT | <input type="checkbox"/> 5 CHANGE OF INFORMATION | <input type="checkbox"/> 7 PERMANENTLY CLOSED SITE |
| | <input type="checkbox"/> 2 INTERIM PERMIT | <input type="checkbox"/> 4 AMENDED PERMIT | <input type="checkbox"/> 6 TEMPORARY SITE CLOSURE | <input checked="" type="checkbox"/> 8 TANK REMOVED |

I. FACILITY/SITE INFORMATION & ADDRESS - (MUST BE COMPLETED)

| | | | | |
|--|--|---|---------------------|---|
| DBA OR FACILITY NAME European Auto Salvage | | NAME OF OPERATOR Southern Pacific Transportation Co. | | |
| ADDRESS 1075 Second Street | | NEAREST CROSS STREET Harrison Street | PARCEL # (OPTIONAL) | |
| CITY NAME Albany | | STATE CA | ZIP CODE 94702 | SITE PHONE # WITH AREA CODE (510) 238-9540 |
| <input checked="" type="checkbox"/> BOX TO INDICATE <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LOCAL-AGENCY DISTRICTS* <input type="checkbox"/> COUNTY-AGENCY* <input type="checkbox"/> STATE-AGENCY* <input type="checkbox"/> FEDERAL-AGENCY* | | | | |
| * If owner of UST is a public agency, complete the following: name of Supervisor of division, section, or office which operates the UST | | | | |
| TYPE OF BUSINESS | | IF INDIAN RESERVATION OR TRUST LANDS | | # OF TANKS AT SITE |
| <input type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input type="checkbox"/> 4 PROCESSOR <input checked="" type="checkbox"/> 5 OTHER | | <input type="checkbox"/> | | ONE |
| | | E. P. A. I. D. # (optional) | | |

EMERGENCY CONTACT PERSON (PRIMARY)

EMERGENCY CONTACT PERSON (SECONDARY) - optional

| | | | |
|--|--|----------------------------|------------------------|
| DAYS: NAME (LAST, FIRST) Taylor, Carl | PHONE # WITH AREA CODE (510) 238-9540 | DAYS: NAME (LAST, FIRST) | PHONE # WITH AREA CODE |
| NIGHTS: NAME (LAST, FIRST) Taylor, Carl | PHONE # WITH AREA CODE (510) 238-9540 | NIGHTS: NAME (LAST, FIRST) | PHONE # WITH AREA CODE |

II. PROPERTY OWNER INFORMATION - (MUST BE COMPLETED)

| | | | | |
|---|--|---|-------------------|--|
| NAME Southern Pacific Transportation Co. | | CARE OF ADDRESS INFORMATION Randall Smith | | |
| MAILING OR STREET ADDRESS One Market Plaza | | <input checked="" type="checkbox"/> box to indicate <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> FEDERAL-AGENCY | | |
| CITY NAME San Francisco | | STATE CA | ZIP CODE 94105 | PHONE # WITH AREA CODE (415) 541-2559 |

III. TANK OWNER INFORMATION - (MUST BE COMPLETED)

| | | | | |
|--|--|---|-------------------|--|
| NAME OF OWNER Southern Pacific Transportation Co. | | CARE OF ADDRESS INFORMATION Randall Smith | | |
| MAILING OR STREET ADDRESS One Market Plaza | | <input checked="" type="checkbox"/> box to indicate <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> LOCAL-AGENCY <input type="checkbox"/> STATE-AGENCY <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> COUNTY-AGENCY <input type="checkbox"/> FEDERAL-AGENCY | | |
| CITY NAME San Francisco | | STATE CA | ZIP CODE 94105 | PHONE # WITH AREA CODE (415) 541-2559 |

IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER - Call (916) 322-9669 if questions arise.

TY(TK) HQ 44-009363

V. PETROLEUM UST FINANCIAL RESPONSIBILITY - (MUST BE COMPLETED) - IDENTIFY THE METHOD(S) USED

| | | | | |
|---|--|--------------------------------------|--------------------------------------|--|
| <input checked="" type="checkbox"/> box to indicate | <input checked="" type="checkbox"/> 1 SELF-INSURED | <input type="checkbox"/> 2 GUARANTEE | <input type="checkbox"/> 3 INSURANCE | <input type="checkbox"/> 4 SURETY BOND |
| | <input type="checkbox"/> 5 LETTER OF CREDIT | <input type="checkbox"/> 6 EXEMPTION | <input type="checkbox"/> 99 OTHER | |

VI. LEGAL NOTIFICATION AND BILLING ADDRESS

Legal notification and billing will be sent to the tank owner unless box I or II is checked.

CHECK ONE BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR LEGAL NOTIFICATIONS AND BILLING: I. II. III.

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

| | | |
|--|----------------------------------|----------------------------------|
| OWNER'S NAME (PRINTED & SIGNED) Carl Taylor | OWNER'S TITLE Project Manager | DATE - MONTH/DAY/YEAR 7-26-95 |
|--|----------------------------------|----------------------------------|

LOCAL AGENCY USE ONLY

| | | | |
|--------------------------|-------------------------------|---------------------------------------|-----------------|
| COUNTY # [] [] | JURISDICTION # [] [] [] | FACILITY # [] [] [] [] [] [] | 9-18-95 (na) |
| LOCATION CODE - OPTIONAL | CENSUS TRACT # - OPTIONAL | SUPVISOR - DISTRICT CODE - OPTIONAL | |

THIS FORM MUST BE ACCOMPANIED BY AT LEAST (1) OR MORE PERMIT APPLICATION - FORM B, UNLESS THIS IS A CHANGE OF SITE INFORMATION ONLY.

OWNER MUST FILE THIS FORM WITH THE LOCAL AGENCY IMPLEMENTING THE UNDERGROUND STORAGE TANK REGULATIONS

NOT REGISTERED WITH STATE !!

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK PERMIT APPLICATION - FORM B



COMPLETE A SEPARATE FORM FOR EACH TANK SYSTEM.

| | | | | |
|---------------------------|---|---|---|---|
| MARK ONLY ONE ITEM | <input type="checkbox"/> 1 NEW PERMIT | <input type="checkbox"/> 3 RENEWAL PERMIT | <input type="checkbox"/> 5 CHANGE OF INFORMATION | <input type="checkbox"/> 7 PERMANENTLY CLOSED ON SITE |
| | <input type="checkbox"/> 2 INTERIM PERMIT | <input type="checkbox"/> 4 AMENDED PERMIT | <input type="checkbox"/> 6 TEMPORARY TANK CLOSURE | <input checked="" type="checkbox"/> 8 TANK REMOVED |

DBA OR FACILITY NAME WHERE TANK IS INSTALLED: _____

I. TANK DESCRIPTION COMPLETE ALL ITEMS -- SPECIFY IF UNKNOWN

| | |
|--|---|
| A. OWNER'S TANK I. D. # TANK ONE | B. MANUFACTURED BY: UNKNOWN |
| C. DATE INSTALLED (MO/DAY/YEAR) UNKNOWN | D. TANK CAPACITY IN GALLONS: > 1500 |

II. TANK CONTENTS IF A-1 IS MARKED, COMPLETE ITEM C.

| | | |
|---|---|---|
| A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT | <input checked="" type="checkbox"/> 4 OIL <input type="checkbox"/> 80 EMPTY <input type="checkbox"/> 95 UNKNOWN | B. <input type="checkbox"/> 1 PRODUCT <input checked="" type="checkbox"/> 2 WASTE |
| C. <input type="checkbox"/> 1a REGULAR UNLEADED <input type="checkbox"/> 1b PREMIUM UNLEADED <input type="checkbox"/> 2 LEADED | | <input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 4 GASAHOL <input type="checkbox"/> 5 JET FUEL <input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D. BELOW) |
| D. IF (A.1) IS NOT MARKED, ENTER NAME OF SUBSTANCE STORED _____ | | C. A. S. #: _____ |

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOXES A, B, AND C, AND ALL THAT APPLIES IN BOX D AND E

| | | |
|--|---|--|
| A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALL <input type="checkbox"/> 2 SINGLE WALL | <input type="checkbox"/> 3 SINGLE WALL WITH EXTERIOR LINER <input type="checkbox"/> 4 SECONDARY CONTAINMENT (VAULTED TANK) | <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER |
| B. TANK MATERIAL (Primary Tank) <input type="checkbox"/> 1 BARE STEEL <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 9 BRONZE | <input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 10 GALVANIZED STEEL | <input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 7 ALUMINUM <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 99 OTHER |
| C. INTERIOR LINING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 5 GLASS LINING | <input type="checkbox"/> 2 ALKYD LINING <input type="checkbox"/> 6 UNLINED | <input type="checkbox"/> 3 EPOXY LINING <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 PHENOLIC LINING <input type="checkbox"/> 99 OTHER |
| IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES ___ NO ___ | | |
| D. CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 5 CATHODIC PROTECTION | <input type="checkbox"/> 2 COATING <input type="checkbox"/> 91 NONE | <input type="checkbox"/> 3 VINYL WRAP <input checked="" type="checkbox"/> 95 UNKNOWN <input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 99 OTHER |
| E. SPILL AND OVERFILL SPILL CONTAINMENT INSTALLED (YEAR) _____ OVERFILL PREVENTION EQUIPMENT INSTALLED (YEAR) _____ | | |

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND OR U IF UNDERGROUND, BOTH IF APPLICABLE **NA**

| | | | | |
|--------------------------------------|---|---|--|--------------------------------------|
| A. SYSTEM TYPE | A U 1 SUCTION | A U 2 PRESSURE | A U 3 GRAVITY | A U 99 OTHER |
| B. CONSTRUCTION | A U 1 SINGLE WALL | A U 2 DOUBLE WALL | A U 3 LINED TRENCH | A U 95 UNKNOWN A U 99 OTHER |
| C. MATERIAL AND CORROSION PROTECTION | A U 1 BARE STEEL | A U 2 STAINLESS STEEL | A U 3 POLYVINYL CHLORIDE (PVC) | A U 4 FIBERGLASS PIPE |
| | A U 5 ALUMINUM | A U 6 CONCRETE | A U 7 STEEL W/ COATING | A U 8 100% METHANOL COMPATIBLE W/FRP |
| | A U 9 GALVANIZED STEEL | A U 10 CATHODIC PROTECTION | A U 95 UNKNOWN | A U 99 OTHER |
| D. LEAK DETECTION | <input type="checkbox"/> 1 AUTOMATIC LINE LEAK DETECTOR | <input type="checkbox"/> 2 LINE TIGHTNESS TESTING | <input type="checkbox"/> 3 INTERSTITIAL MONITORING | <input type="checkbox"/> 99 OTHER |

V. TANK LEAK DETECTION

| | | | | |
|---|---|--|---|--|
| <input type="checkbox"/> 1 VISUAL CHECK | <input type="checkbox"/> 2 INVENTORY RECONCILIATION | <input type="checkbox"/> 3 VADOZE MONITORING | <input type="checkbox"/> 4 AUTOMATIC TANK GAUGING | <input type="checkbox"/> 5 GROUND WATER MONITORING |
| <input type="checkbox"/> 6 TANK TESTING | <input type="checkbox"/> 7 INTERSTITIAL MONITORING | <input type="checkbox"/> 91 NONE | <input checked="" type="checkbox"/> 95 UNKNOWN | <input type="checkbox"/> 99 OTHER |

VI. TANK CLOSURE INFORMATION

| | | |
|--|---|---|
| 1. ESTIMATED DATE LAST USED (MO/DAY/YR) UNKNOWN | 2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING < 10 GALLONS | 3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> |
|--|---|---|

THIS FORM HAS BEEN COMPLETED UNDER PENALTY OF PERJURY, AND TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT

| | |
|---|---------------------|
| APPLICANT'S NAME (PRINTED & SIGNATURE) Carl Taylor | DATE 7-26-95 |
|---|---------------------|

LOCAL AGENCY USE ONLY THE STATE I.D. NUMBER IS COMPOSED OF THE FOUR NUMBERS BELOW

| | | | | |
|---------------|-------------------------|----------------|------------------------|--------|
| STATE I.D.# | COUNTY # | JURISDICTION # | FACILITY # | TANK # |
| | | | | |
| PERMIT NUMBER | PERMIT APPROVED BY/DATE | | PERMIT EXPIRATION DATE | |

THIS FORM MUST BE ACCOMPANIED BY A PERMIT APPLICATION - FORM A, UNLESS A CURRENT FORM A HAS BEEN FILED.
FILE THIS FORM WITH THE LOCAL AGENCY IMPLEMENTING THE UNDERGROUND STORAGE TANK REGULATIONS

NOT REGISTERED WITH STATE; NO ID #

File - PAM

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

Certified Mail # 2 773 036 424

Dept. of Environmental Health +
1131 Harbor Bay Parkway ;
Suite 250
Alameda, CA 94502 - 6577
cc 430-451

June 15, 1995

Greg Sheppard
Southern Pacific Lines
One Market Plaza
San Francisco CA 94105

RE: Underground Storage Tank at 1075 2nd St., Albany CA 94702

NOTICE OF LEGAL OBLIGATION

Dear Mr. Sheppard:

On January 24, 1994, this Department and Albany Fire Department inspected the above reference property to verify the presence of an underground tank, which apparently had not been used for many years. The current business operator, European Auto Salvage (EAS) does not seem to have ever used the tank.

On February 8, 1995 this Department issued a letter directing Southern Pacific Lines to properly monitor or close the tank. On March 3, 1995, this Department received a copy of a letter dated March 1, addressed to the operators of EAS and issued by James B. Horstman of Southern Pacific Real Estate Enterprises. This letter indicated that SPREE's expectation was that EAS would remove the tank.

On May 4, 1995, accompanied by Captain Tom Watkins of the Albany Fire Department, I met with John Landstra of EAS at the subject property. The tank was still in place, and Mr. Landstra said that he did not believe the tank removal to be his responsibility. He said that he does not own the property or the tank and that he has never operated the tank.

California law requires that the **tank owner or operator** must properly monitor or close tanks not intended for future use. The tank is not in operation and is not being monitored, yet no application has been made to this office for closure.

Greg Sheppard
Southern Pacific Lines
June 15, 1995
Page 2 of 2

Pursuant to the California Code of Regulations, Title 23, Division 3, Chapter 16, you must perform one of the following actions by July 30, 1995;

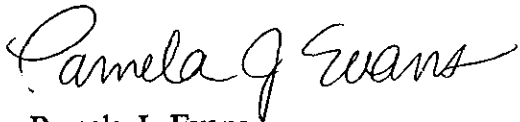
- 1) Submit a tank closure plan to this Department (blank form and guidelines enclosed),
or
- 2) Apply for a permit to operate the tank.

If it is your intention to close the underground tank rather than put it into operation, the tank should be properly closed by September 30, 1995.

The Health & Safety Code of California, Section 25299, provides for penalties of up to \$5,000 per day for failure to properly operate or close an underground storage tank.

You may contact me with any questions concerning tank closure or operation at (510)567-6770.

Sincerely,



Pamela J. Evans
Senior Hazardous Materials Specialist

Enclosure

c: Kevin Tinsley, ACDEH
Captain Tom Watkins, Albany Fire Department
Gil Jensen, Alameda County District Attorney
John Landstra, EAS

Z 773 036 424



Receipt for Certified Mail

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

| | |
|---|----|
| Sent to | |
| Greg Sheppard | |
| Street and No | |
| One Market Plaza | |
| P.O., State and ZIP Code | |
| San Francisco CA 94105 | |
| 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, March 1983



Southern Pacific
Real Estate Enterprises

ONE MARKET PLAZA · SUITE 912 · SAN FRANCISCO, CA 94105 · TEL. (415) 541-2673 · FAX (415) 541-1044

March 1, 1995

LARRY H. PHIPPS
Vice President and
Regional Director

In reply, please refer to:

L - Berkeley Landstra

Messrs. William Landstra
and James Breazeale
1075 Second St.
Berkeley, CA 94710

Gentlemen:

Refer to George Lindsay's letter of July 31, 1992, copy attached, requiring you to remove the underground tank on land you lease from Southern Pacific in Albany, California.

In subsequent conversations with Mr. Lindsay you stated you do not own the tank; however, the lease is for use of lessee-owned improvements and our position is that you acquired all improvements from previous lessee. Southern Pacific does not own the tank.

Attached is letter dated February 8, 1995 from Alameda County Health Care Services Agency requiring a tank closure plan be performed or an application for a permit to operate the tank be made.

Southern Pacific looks to you, as lessee, to comply with the Agency's plans. Your cooperation will be appreciated. Please call either John Lynch at (415) 541-2657 or myself at (415) 541-2661 if you have any questions.

Very truly yours,

James B. Horstman
As Agent For
Southern Pacific Transportation Company

JBH/jrp
D:\DATA\LANDSTRA.JBH

xc: Mr. Roel Merigillano
Hazardous Material Specialist
Alameda Health Care Services Agency
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502-6577

R.T. Smith, SP Environmental
J.G. Sullivan

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

2400 LEAFY STREET, OAKLAND, CALIF. 94612



Slide 5446

BARBARA D. ALLEN, Assistant Agency Director

Certified Mail # Z 773 036 420

February 8, 1995

Alameda County CC4530
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

Southern Pacific Lines
Mr. Greg Sheppard, Director of Envrn. Projects
Southern Pacific Building
One Market Plaza
San Francisco, CA 94105

RE: Underground Storage Tank (UGT) located at 1075 2nd Street,
Albany, CA 94710 in which property is currently being
leased to European Auto Salvage Yard (EASY).

Dear Mr. Sheppard:

On January 24, 1994, an investigation was conducted at the above property revealed presence of one UGT. The Albany Fire Department had informed this department of its presence during their Urban run-off inspection. Our department does not have any records of this tank.

The investigation conducted by this department and Albany Fire Department revealed that the tank has not been in use for many years per current operator. Current operator (EASY) has never used the UGT. Also, the current operator was informed that the UGT may contain some hazardous material/waste which smells of thinner/solvent from an inspection conducted by a Southern Pacific Lines personnel. In addition, the UGT is situated near a creek and during the inspection a sheen was noticeable on the standing water on top of where the UGT is buried and soil staining was also observed. The UGT seems to have been buried without a concrete cover. The fill pipe, which is capped protrudes at least one foot from the ground and is only inches away from a driveway in which forklifts enter and exit.

Pursuant with the California Code of Regulations (CCR), Title 23, Division 3, Chapter 16 Underground Storage Tank Regulations, you must perform one of the following actions;

1. Submit a tank closure plan to this department in accordance with the requirements of Title 23 (CCR), Article 7, section 2760, or
2. Apply for a permit to operate the tank, as required by Article 10, section 2710 of the same regulations.

page 2 of 2
Feb. 8, 1995

Due to the current situation of the UGT, there may be a possibility that the tank may be leaking and the possibility of the tank being damaged if the fill pipe is run into. Please contact this department within 30 days concerning your intentions and to obtain the necessary instructions and forms.

The California Health and Safety Code, section 25299 states that any owner or operator of an underground storage tank is liable for civil penalties of not less than five (\$500) hundred dollars and not more than five (\$5,000) thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank.

If you have any questions concerning this matter, please contact me at (510) 567-6752.

Sincerely,



Roel Meregillano, REHS
Hazardous Materials Specialist

cc: Files

Ariu Levi-N. Team Mgr.

Tom Watkins-Albany Fire Dept.

John Lauster-EASY

Gil Jensen-Alameda Co. Deputy District Attorney

UGTSOP.ALB

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 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:

**Southern Pacific Lines
 Mr. Greg Sheppard
 Director of Envrn. Projects
 One Market Plaza
 San Francisco, CA 94105**

4a. Article Number

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

Greg Sheppard

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

Thank you for using Return Receipt Service.

ALAMEDA COUNTY, DEPARTMENT OF
 ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

white -env.health
 yellow -facility
 pink -files

II, III

Site ID # 344 Site Name EASY Mercedes Today's Date 7/24/95

Site Address 1075 2nd Street
 City Albany Zip 94706 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:

There is a underground storage tank (UST) of hazardous material in it, possible solvent located at this address. Operators had informed that the property owner is Southern Pacific and they are responsible for because they have never used it.

1) Please provide to this dept. correspondence regarding the UST with Southern Pacific

This dept. will pursue w/ Southern Pacific the removal or permitting of tank.

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan Sids. 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. MATLS

- 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 | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 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 Gndwater One time soils |
| | 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater 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 _____ |
| | <input type="checkbox"/> 7. Precs Tank Test 2643 |
| | Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing. 2646 |
| <input type="checkbox"/> 10. Ground Water. 2647 | |
| New Tanks | <input type="checkbox"/> 11. Monitor Plan 2632 |
| | <input type="checkbox"/> 12. Access Secure 2634 |
| | <input type="checkbox"/> 13. Plans Submit 2711 |
| | Date: _____ |
| <input type="checkbox"/> 14. As Built 2635 | |
| Date: _____ | |

Contact: JOHN LAUSTER
 Title: MANAGER
 Signature: John Lauster

Inspector: Rod Musgill
 Signature: _____

II, III

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS

2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CA 94244-2120

(916) 227-4325
FACSIMILE (916) 227-4349



ALOG
HAZMAT

95 JAN -9 PM 3: 37

JAN 06 1995

LOCAL OVERSIGHT PROGRAM AGENCIES

PRIMARY/SECONDARY RESPONSIBILITY FOR TANK CLEANUPS

We have received numerous inquiries and petitions concerning the designation of primary/secondary responsible parties. As you may or may not be aware, there have been a number of orders adopted by the State Board dealing with this issue. In order to be consistent with the decisions made in these orders, we are adding language to the 1995-97 contract dealing with primary/secondary responsible party identification. We have enclosed the draft language for your information and would like your comments/feedback. Please provide your comments to Lori Casias by January 31, 1995.

Also enclosed for your information is a memorandum from our Office of the Chief Counsel which discusses this issue.

If you have any questions, please call Lori at (916) 227-4325.

Sincerely,

Mike Harper, Chief
Local Oversight Program

Enclosures

B. TASK 2: IDENTIFY AND NOTIFY OWNER

3. ...Each notice must be sent to the Responsible Party or Parties by way of certified mail return receipt requested. The Contractor shall notify each Responsible Party of the names and addresses of other Responsible Parties on those sites which have multiple Responsible Parties and the criteria by which a determination of secondary Responsible Party may be made. If a Responsible Party requests that they be considered secondarily responsible, then the Contractor shall make a determination of secondary responsibility if:
 - a. The primary Responsible Party is performing corrective action and
 - b. It is clear that the party seeking secondary status did not in any way initiate or contribute to the actual discharge.

The notice to the Responsible Party shall indicate that, if the primary Responsible Party fails to perform corrective action, then the secondary Responsible Party will be considered a primary Responsible Party.

Exhibit G shall be used at federally funded sites when the Contractor notifies a Responsible Party of its obligation to reimburse not more than 150 percent ...

o r a n d u m

: James G. Giannopoulos
Supervising Engineer
Division of Clean Water Programs

Date: SEP 22 1994



Ted Cobb
Senior Staff Counsel

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901 P Street Sacramento, CA 95814
Mail Code G-8

ject : PRIMARY/SECONDARY RESPONSIBILITY FOR TANK CLEANUPS

QUESTION

How should the Local Oversight Program address the primary versus secondary responsibility question when dealing with multiple parties in an underground tank cleanup case?

ANSWER

As in other cases reviewed by the State Water Resources Control Board (SWRCB), persons whose only involvement with a cleanup site is present ownership should generally be placed in a position of secondary responsibility so long as the primarily responsible parties are actively engaged in cleaning up the site.

DISCUSSION

In a series of orders issued by the SWRCB, the issue of primary and secondary responsibility for the cleanup of a contaminated site has been addressed several times. Before discussing when it is appropriate to bifurcate the cleanup responsibility, it is important to explain what it means to be named as "secondarily responsible" for a site.

In most cleanup orders, a list of tasks, together with benchmarks or completion dates, is set forth. Failure to meet any of those dates can lead to sanctions of various sorts. In many cases, several parties are held collectively responsible for meeting those deadlines, even though only one or two of them may be doing the actual work. Because the other parties may not be directly involved in either conducting or paying for the work, they

have no control over the timely completion of the tasks. The SWRCB has determined that, for those parties, it may be unreasonable to impose sanctions when a deadline is missed. Rather, they should be informed that the other parties have failed to comply and given an extension of time in which to complete the task themselves.

A typical example involves the primarily responsible party "A" and the secondarily responsible party "B". The order requires "A" to prepare a site characterization plan by July 1. The order goes on to say that, should "A" fail to prepare the plan by July 1, the Regional Water Quality Control Board (RWQCB) will notify "B" of that fact and "B" will be given 90 days from the date of the notice to prepare such a plan. Thus, if "A" does not comply, on July 2 the RWQCB has three alternatives. It can turn to "B" for compliance, pursue "A" for civil liability, or both. The only thing that the two-level liability structure would prevent at that juncture is pursuing "B" for civil liability.

In 1986, in its Vallco Park order (see below), the SWRCB established a three-part test under which a current landowner may be considered secondarily liable for a cleanup.

1. Is the primarily responsible party carrying out the cleanup?
2. Is it clear that the current landowner did not in any way initiate or contribute to the actual discharge of the waste?
3. Is the current landowner limited in its ability to conduct the cleanup because control of the property is in other hands?

Later orders have modified these criteria somewhat.

- The third part of the test, lack of control, has been largely abandoned.
- Current lessees/sublessors who meet the first two parts of the test are treated like current landowners, if they are to be held responsible at all.
- Governmental agencies are given special consideration for secondary status so long as they are actively working to get their lessees to pursue a cleanup and have the authority to require remediation.

It is vital to note that this principle never has been and never should be used to determine degrees of either culpability or responsibility among those who initiated, contributed to, or allowed a discharge of waste. (It is important that such issues be left to courts or arbitrators who have both expertise and experience in resolving such matters.) No one who is simply "less guilty" can lay claim to a position of secondary responsibility for a cleanup. Secondary liability is based on the combined notion of full

legal responsibility through ownership or control together with complete lack of culpability.

What follows is a short summary of each order issued by the SWRCB with regard to the secondary liability issue.

1. *SOUTHERN CALIFORNIA EDISON--WQ 86-11*

Edison leased some property to another energy company. The RWQCB issued waste discharge requirements to the tenant and named Edison as a co-discharger. Day-to-day responsibility for compliance was placed on the tenant. Edison objected to being named at all. The SWRCB agreed with the RWQCB and affirmed the decision.

2. *VALLCO PARK, LTD.--WQ 86-18*

Vallco leased the property for a long term but was named as a secondarily responsible party on a cleanup order issued to its tenant. Vallco objected but the SWRCB held that Vallco could not escape responsibility for its own property and that a secondary position was appropriate.

3. *U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE--WQ 87-5*

The RWQCB issued waste discharge requirements to the tenant and named the Forest Service as a co-discharger. The Forest Service objected but the SWRCB affirmed. It held that the Forest Service could properly be named on the permit but that the RWQCB "should not seek enforcement of the waste discharge requirements against the Forest Service unless [the tenant] fails to comply."

4. *PRUDENTIAL INSURANCE COMPANY OF AMERICA--WQ 87-6*

Prudential leased the property for a very long term but was named on a cleanup order issued to the tenants. Prudential did not object to being named but claimed that the RWQCB had abused its discretion by not placing Prudential in a position of secondary responsibility. The SWRCB agreed that it was unfair to hold Prudential directly and immediately responsible for the cleanup in view of its minimal control, lack of involvement in the actual discharge, and the progress made by the tenants in cleaning up the property.

5. *WILLIAM SCHMIDL--WQ 89-2*

Mr. Schmidl was named as a secondarily responsible party to his tenant on a cleanup order. The SWRCB affirmed that decision.

6. *ARTHUR SPITZER, ET AL.--WQ 89-8*

In a very complex case, the SWRCB held that a long-term lessee/sublessor should be treated as if it were a landowner for purposes of assessing secondary responsibility.

7. *SAN DIEGO UNIFIED PORT DISTRICT--WQ 89-12*

The RWQCB named both the tenant and the Port District in a cleanup order. The Port wanted to be placed in a secondary position. The SWRCB rejected that request because the cleanup was not proceeding and the Port had exercised considerable control over the site during the time of the discharge.

8. *SAN DIEGO UNIFIED PORT DISTRICT--WQ 90-3*

The RWQCB issued waste discharge requirements to the tenant and the Port District. The Port asked to be held secondarily responsible for compliance with the terms of the permit. The SWRCB found that such was the actual intent of the RWQCB and approved that assignment.

9. *WENWEST, ET AL--WQ 92-13*

Wenwest is another factually complex case in which the SWRCB placed two parties, the current landowner and the current lessee, in a position of secondary responsibility. In the order, the State Board retraces some of the history of secondary responsibility.

The basic principles of secondary responsibility that can be seen through this line of case are as follows:

1. The current landowner can never be left out of the cleanup order. The landowner must stand in line ahead of the taxpayers when it comes to responsibility for dealing with the site.
2. Fairness dictates that current landowners who acquired the property after the activities that caused the pollution have ceased should not be treated the same as those that either carried out or allowed the activity.
3. If the primarily responsible parties are not carrying out the cleanup, the secondary responsibility issue is moot.
4. Parties holding leaseholds that have many of the attributes of ownership can be treated as if they are landowners for these and other purposes.

SEP 22 1994

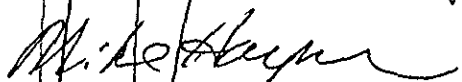
5. Secondary status is never available to anyone who either carried out or permitted the polluting activity.

the draft language for your information and would like your comments/feedback. Please provide your comments to Lori Casias by January 31, 1995.

Also enclosed for your information is a memorandum from our Office of the Chief Counsel which discusses this issue.

If you have any questions, please call Lori at (916) 227-4325.

Sincerely,



Mike Harper, Chief
Local Oversight Program

Enclosures

9-2-93 [initials] w/JE + these two people.
They agreed to submit schedule + updates.

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9-28-93 No word ... Spoke w/M. Dockum
of IC. He'll have the info to me by 10-
9-30-93 sp w/Tanya Mussolite of IC

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