

ALBORG, VEILUVA & CANNATA LLP
ATTORNEYS AT LAW

Michael J. Veiluva
mveiluva@avclaw.com

File No.: 800419

October 5, 2001

OCT 10 2001

FIRST CLASS MAIL

Eva Chu
Alameda County Health Care Services
Environmental Health Division
1131 Harbor Bay Parkway, Suite 250
Alameda CA 94502-6577

Re: 5481 Brisa Street, Livermore
Walter Kivett, Trustee of the Beverly Kivett Trusts
Tri-Valley Bekins Transportation and Storage

Dear Ms. Chu:


This office has been assisting Walter Kivett, the trustee of the Beverly Kivett Trusts A and B, which own the above-described property leased by Tri-Valley Bekins Transportation and Storage.

This certifies that all owners of the above-referenced property have received notice of your department's notice of intent to issue a no further action notice, or in the alternative, a closure letter.

Please do not hesitate to contact me, should you have any questions.

Very truly yours,

ALBORG, VEILUVA & CANNATA LLP



MICHAEL J. VEILUVA

MJV:use
cc: Walter & Jewell Kevitt

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

RO0002434

September 26, 2001

Beverly Kivett Trust
c/o Walter Kivett
1015 Regeo Ct
Lafayette, CA 94549

**SUBJECT: INTENT TO MAKE A DETERMINATION THAT NO FURTHER ACTION IS REQUIRED
OR ISSUE A CLOSURE LETTER FOR 5481 BRISA STREET, LIVERMORE, CA**

Dear Mr. Kivett:

This letter is to inform you that Alameda County Environmental Protection (LOP) intends to make a determination that no further action is required at the above site or to issue a closure letter. Please notify this agency of any input and recommendations you may have on these proposed actions within 20 days of the date of this letter.

In accordance with section 25297.15 of Ch. 6.7 of the Health & Safety Code, you must provide certification to the local agency that all of the current record fee title owners have been informed of the proposed action. Please provide this certification to this office within 20 days of the date of this letter.

If you have any questions about these proposed actions, please contact me at (510) 567-6762.

Sincerely,

eva chu
Hazardous Materials Specialist

c: Chuck Headlee, RWQCB
Danielle Stefani, Livermore-Pleasanton FD

email: Mike Veiluva

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

ENVIRONMENTAL HEALTH SERVICES
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1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
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RO0002434

July 3, 2001

Mr. Edward Loss
Tri-Valley Transportation, Inc.
5481 Brisa Street
Livermore, CA 94550

RE: Work Plan Approval for 5481 Brisa Street, Livermore, CA

Dear Mr. Loss:

I have completed review of Gettler-Ryan Inc.'s July 2001 *Work Plan for Limited Subsurface Investigation* prepared for the above referenced site. The proposal to advance a soil boring northwest of the former tank pit is acceptable. In addition to analyzing soil and groundwater for TPHg, TPHd, BTEX, and MTBE, please include the analysis of groundwater for total dissolved lead. The water sample should be pre-filtered in the field, or may be collected in non-preserved bottles for the laboratory to filter. Sufficient water should also be collected, in the event analysis for semi-volatile organic compounds is warranted (ie, if elevated TPHd is detected).

Field work should commence within 60 days of the date of this letter, **or by September 7, 2001**. Please provide 72 hours advance notice of field activities. If you have any questions, I can be reached at (510) 567-6762.

A handwritten signature in black ink, appearing to read 'eva chu', with a long horizontal line extending to the right.

eva chu
Hazardous Materials Specialist

c: Walter Kivett, 1015 Regeo Court, Lafayette, CA 94549
Andrew Smith, Gettler-Ryan, 6747 Sierra Ct, Suite J, Dublin, CA 94568

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

RO0002434

May 4, 2001

Mr. Walter Kivett
Beverly Kivett Trust
1015 Regeo Court
Lafayette, CA 94549

Mr. Ed Loss
Tri Valley Transportation
5481 Brisa Street
Livermore, CA 94550

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

RE: **PSA for 5481 Brisa Street, Livermore, CA**


Dear Messrs. Kivett and Loss:

I have completed review of Gettler-Ryan Inc.'s April 2001 report, *Soil Sampling During UST Removal at Tri-Valley Transportation*, prepared for the above referenced site. When two underground storage tanks (USTs) were removed in February 2001, soil samples collected beneath the tanks contained up to 960 parts per million total petroleum hydrocarbons as diesel (ppm TPHd) and 680 ppm TPH as gasoline. The southwest corner of the pit, where contaminated soil was identified, was overexcavated, removing approximately 10 cubic yard of soil. Based on the analytical results of the confirmation soil samples collected at 15 to 17.5 feet below grade, it appears that most of the petroleum-impacted soil was removed from the former UST excavation.

When the UST and product piping were removed, soil samples were not collected from beneath fuel dispensers. At this time, additional investigations are required to determine if soil beneath the dispensers and if groundwater was impacted by the fuel release at the site. Such an investigation shall be in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWOCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A. The PSA proposal is due **within 60 days** of the date of this letter.

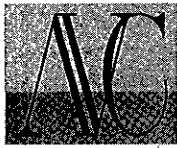
Please be advised that this is a formal request for technical reports pursuant to Title 23, CCR, Section 2722(c). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

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


Yeva chu
Hazardous Materials Specialist

attachment

trivalley-1



ALBORG, VEILUVA & CANNATA LLP
ATTORNEYS AT LAW

Michael J. Veiluva
mveiluva@avclaw.com

File No.: 800419

May 3, 2001

MAY 07 2001

FIRST CLASS MAIL

Eva Chu
Alameda County Health Care Services
Environmental Health Division
1131 Harbor Bay Parkway, Suite 250
Alameda CA 94502-6577

Re: 5481 Brisa Street, Livermore
Walter Kivett, Trustee of the Beverly Kivett Trusts
Tri-Valley Bekins Transportation and Storage

Dear Ms. Chu:

This office is assisting Walter Kivett, the trustee of the Beverly Kivett Trusts A and B, which own the above-described property leased by Tri-Valley Bekins Transportation and Storage.

For your information, I am enclosing a cost-sharing agreement entered into between the Kivett Trusts and Bekins concerning the replacement of the storage tank on the property and responsibility for compliance with environmental directives. Pursuant to the Agreement, Bekins assumed direct responsibility for the matters associated with the tank removal and closure.

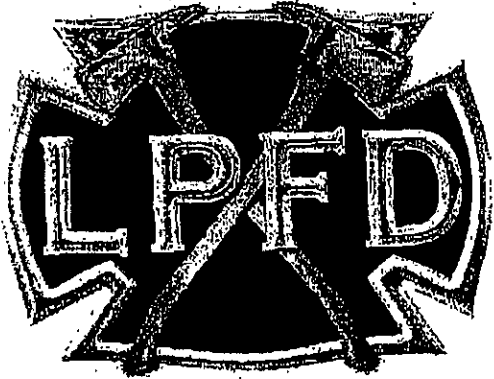
Please do not hesitate to contact me, should you have any questions or concerns.

Very truly yours,

ALBORG, VEILUVA & CANNATA LLP

MICHAEL J. VEILUVA

MJV:use



FAX COVER SHEET

Livermore-Pleasanton Fire Department
4550 East Avenue
Livermore, CA 94550
Phone: (925) 454-2361
Fax (925) 454-2367

To: Eva Chu From: Julie Wyman
Company: _____ # of Pages: 3
Fax: _____ Date: 4/28/01

NOTES:

UNIFIED PROGRAM CONSOLIDATED FC UNDERGROUND STORAGE TANKS - FACILITY

TANKS

(one page per site) Page 1 of 5

TYPE OF ACTION (Check one item only)

<input type="checkbox"/> 1. NEW SITE PERMIT	<input type="checkbox"/> 3. RENEWAL PERMIT	<input type="checkbox"/> 5. CHANGE OF INFORMATION specify change local use only _____	<input type="checkbox"/> 7. PERMANENTLY CLOSED SITE
<input type="checkbox"/> 2. AMENDED PERMIT	<input type="checkbox"/> 4. TEMPORARY SITE CLOSURE	<input checked="" type="checkbox"/> 8. TANK REMOVED	

I. FACILITY / SITE INFORMATION

BUSINESS NAME (Same as FACILITY NAME or DBA - Doing Business As) TRI VALLEY TRANSPORTATION STORAGE FACILITY ID# _____

NEAREST CROSS STREET SABO BRISA ST. AT LA RIBERA ST.

BUSINESS TYPE 1. GAS STATION 3. FARM 5. COMMERCIAL
 2. DISTRIBUTOR 4. PROCESSOR 6. OTHER

TOTAL NUMBER OF TANKS REMAINING AT SITE NONE

Is facility on Indian Reservation or trustlands? Yes No

*If owner of UST is a public agency: name of supervisor of division, section or office which operates the UST (This is the contact person for the tank records.) _____

II. PROPERTY OWNER INFORMATION

PROPERTY OWNER NAME BEVERLY KIVETT TRUST PHONE (925) 937-8944

MAILING OR STREET ADDRESS 1015 REGeo CT.

CITY LAFAYETTE STATE CA ZIP CODE 94549

PROPERTY OWNER TYPE 1. CORPORATION 2. INDIVIDUAL 4. LOCAL AGENCY / DISTRICT 6. STATE AGENCY
 3. PARTNERSHIP 5. COUNTY AGENCY 7. FEDERAL AGENCY

III. TANK OWNER INFORMATION

TANK OWNER NAME BEVERLY KIVETT TRUST PHONE (925) 937-8944

MAILING OR STREET ADDRESS 1015 REGeo CT.

CITY LAFAYETTE STATE CA ZIP CODE 94549

TANK OWNER TYPE 1. CORPORATION 2. INDIVIDUAL 4. LOCAL AGENCY / DISTRICT 6. STATE AGENCY
 3. PARTNERSHIP 5. COUNTY AGENCY 7. FEDERAL AGENCY

IV. BOARD OF EQUALIZATION UST STORAGE FEE ACCOUNT NUMBER

TY (TK) HQ 44- 032566 Call (916) 322-9669 if questions arise

V. PETROLEUM UST FINANCIAL RESPONSIBILITY

INDICATE METHOD(S) 1. SELF-INSURED 4. SURETY BOND 7. STATE FUND
 2. GUARANTEE 5. LETTER OF CREDIT 8. STATE FUND & CFO LETTER
 3. INSURANCE 6. EXEMPTION 9. STATE FUND & CD

VI. LEGAL NOTIFICATION AND MAILING ADDRESS

Check one box to indicate which address should be used for legal notifications and mailing. Legal notifications and mailings will be sent to the tank owner unless box 1 or 2 is checked.

1. FACILITY 2. PROPERTY OWNER 3. TANK OWNER

VII. APPLICANT SIGNATURE

Certification - I certify that the information provided herein is true and accurate to the best of my knowledge.

SIGNATURE OF APPLICANT Edward John Loss, CFO DATE 12/12/00 PHONE (925) 606-3099

NAME OF APPLICANT (print) Edward John Loss, CFO TITLE OF APPLICANT CFO

STATE UST FACILITY NUMBER (For local use only) _____ 1998 UPGRADE CERTIFICATE NUMBER (For local use only) _____

RECEIVED
 FILED TO LOCAL GOVT MECHANISM
 12/22/2000
 PREVENTION

Livermore - Pleasanton



Fire Department

April 27, 2001

Eva Chu
Alameda County Health Care Services
Environmental Health Division
1131 Harbor Bay Parkway, Suite 250

Subject: 5481 Brisa Street, Livermore
Tri-Valley Transportation

Dear Ms. Chu:

We are requesting that your office oversee the site investigation and mitigation of 5481 Brisa Street, Livermore, CA. We have received the results from the April 20, 2001 underground tank closure, which indicate that contamination is present, and further investigation and mitigation may be needed. Per our phone conversation I have not included a copy of the final tank closure report from the consultant as you stated you had a copy at your office.

Thank you for your assistance on this project. If you have any questions, please feel free to contact me at 925-454-2336.

Sincerely,

Julie Wyman
Hazardous Materials Inspector

Cc: Beverly Kivett Trust
1015 Regeo Ct., Lafayette, CA 94549

Rich Colwell
Tri-Valley Transportation
5481 Brisa St., Livermore, CA. 94550

4550 East Avenue Livermore, California 94550

Fire Administration
(925) 454-2361

Fax (925) 454-2367

Fire Prevention Bureau
(925) 454-2362



GETTLER-RYAN INC.

March 2, 2001

MAR 06 2001

Ms. Eva Chu
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502-6577

**Subject: Tri Valley Transportation, 5481 Brisa Street Livermore, CA 94550
Underground Storage Tank removal**

SHD 2915

Ms Chu:

At your request, I am sending you a copy of the UST Unauthorized Release Form for the UST removal at the subject site. A report summarizing the UST removal, overexcavation and soil sampling is forthcoming.

If you have any questions regarding the enclosed form, or any questions about the work that occurred at the site please feel free to call Gettler - Ryan Inc. at: (925) 551-7444 ext. 127 (for Andrew Smith) or ext 123 (for Doug Lee).

Sincerely,
Gettler-Ryan Inc.

Andrew Smith
Staff Geologist

Enclosures: UST Unauthorized Release/ Contamination Site Report

UST report coming next week

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 checked="" 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 02/26/01		CASE #		SIGNED: <i>[Signature]</i> DATE: 4/26/01		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT HAIG KEVORK		PHONE (925) 551-7555		SIGNATURE <i>[Signature]</i>	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OTHER CONSULTING ENGINEER		OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/>		COMPANY OR AGENCY NAME GETTLER-RYAN INC.	
	ADDRESS 6747 SIERRA CT, Ste J, DUBLIN, CA 94568					
RESPONSIBLE PARTY	NAME TRI VALLEY TRANSPORTATION		CONTACT PERSON EDWARD LOSS		PHONE (925) 606-3099	
	ADDRESS 5481 BRISA STREET, LIVERMORE, CA 94550					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) TRI VALLEY TRANSPORTATION		OPERATOR		PHONE ()	
	ADDRESS 5481 BRISA STREET, LIVERMORE, CA					
	CROSS STREET LA RIBERA STREET					
IMPLEMENTING AGENCIES	LOCAL AGENCY LIVERMORE - PLEASANTON FIRE DEPT.		AGENCY NAME		CONTACT PERSON MS. DANIELLE STEFANI	
	REGIONAL BOARD				PHONE (925) 454-2338	
SUBSTANCES INVOLVED	(1) NAME TOTAL PETROLEUM HYDROCARBONS AS DIESEL IN SOIL AT 13 FEET				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN	
	(2) <input type="checkbox"/> UNKNOWN					
DISCOVERY/ABATEMENT	DATE DISCOVERED 02/20/01		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL			
	DATE DISCHARGE BEGAN UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input 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 checked="" type="checkbox"/> OTHER REMOVED CONTAMIN. SOIL			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 02/12/01					
SOURCE/ CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> CORROSION <input type="checkbox"/> OTHER			
	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input 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					
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input checked="" type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> OTHER (OT)					
COMMENTS	INITIALLY, FOLLOWING UST REMOVAL, TPH as DIESEL WAS DETECTED BENEATH ONE END OF THE DIESEL TANK AT CONCENTRATIONS OF 960 PPM AT 13 FEET AND 200 PPM AT 15 FEET. ON 2/12/01, SOIL WAS OVEREXCAVATED TO ≈ 17.5 FEET AND TPH-DIESEL WAS AT 8.2 PPM.					

MEMORANDUM AGREEMENT

1. Tri-Valley Bekins Transportation & Storage ("Bekins") are lessees of commercial property located at 5481 Brisa Street, Livermore ("Property") which is owned by lessors Beverly B. Kivett Trust A and B, Walter Kivett, Trustee ("Kivett").

2. Underground storage tanks are presently located on the Property. The Property is subject to recent directives by local agencies to upgrade and/or repair the tanks and/or associated equipment.

3. The parties wish to comply with local agency directives as follows:

A. Bekins shall immediately arrange for upgrade and/or replacement of the storage tanks and obtain bids for such work consistent with all regulatory directives and conditions applicable to the work. Bekins shall be solely responsible for the course and completion of the work including compliance with all applicable laws and agency directives.

B. All bids shall be promptly presented to Kivett in writing for approval, said approval to not be unreasonably withheld.

C. Kivett agrees to pay 50% of all expenses and costs rendered by third party ^{the} ~~contractors~~ ^{of \$20,000 by Walter Kivett} ~~contractors~~ pertaining to said work, up to \$30,000, ^(Eighty thousand) to cover upgrades, replacement, repair, equipment, as well as costs of disposal, monitoring and sampling if necessary associated with the storage tanks.

D. The tanks and all equipment, improvements and accessories related to said tanks in any form shall be the property of Kivett, but repaired and maintained by Bekins in compliance with all applicable laws during the term of any lease, or any assignee of said lease.

Lessor: Walter Kivett (Trustee) 8 Dec. '2000
Walter Kivett (Trustee)

Lessee: TRI-VALLEY BEKINS TRANSPORTATION and STORAGE

Bill Colwell
Bill Colwell

Richard Colwell
By
Vice-President
Its