LETTER OF TRANSMITTAL

TO: Alar	meda County De	epartment o	·f	DATE : 2/23/04		JOB NO. P92057.3
	ironmental Heal			ATTENTION:	Ms. Eva Chew	
118	1 Harbor Bay Pa	arkway		RE: Former Un	nocal Service Statio	on/Nahas Property
Ala	meda, CA 94502	2		Castro Val	ley, CA	
VE ARE S	SENDING YO	OU .				
X] Attached		[] Under	separate cover		via <u>Mail</u>	the following items
] Final Rep	orts	[] Draft	reports	[] Plans	[] Sample	s [] Specifications
] Copy of le	etter	[] Chang	ge order	[]		
COPIES	DATE	N	0.		DESCRIPTION	
*						
						_
THESE A	RE TRANSM	IITTED a	s checked below:			
] For appr] For your] As reque	use		[] For review [] Approved [] Approved	as submitted		[] Return for Corrections
						ng with the installation
of well W	-101which wa	s part of a	feasability study	for soil and grou	ndwater remedia	tion at the subject site.
Relevant	sections of the	report are	highlighted for	your reference.		
						<u> </u>
					Tay Hil	ed Estanda

AGENCY

DAVID J. KEARS, Agency Director



April 24, 2001

STID 650

Mr. Randy Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546 ENVIRONMENTAL HEALTH SERVICES

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

RE: (FORMER) TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Nahas:

I have completed review of the case file for the subject site. Such review included the most recent file entries: the April 5, 2000 Life Springs Environmental, Inc. ("Life Springs") soil remediation closure report and October 18, 2000 BSK & Associates 3rd quarter 2000 semi-annual groundwater monitoring report. The work documented in the cited Life Springs report reflects the final stages of soil excavation, treatment and disposal stemming from the November 1998 removals of three underground storage tanks (UST) from the site.

The body of work conducted to date demonstrates that the bulk of hydrocarbon-impacted soil has been identified and removed from the site following numerous phases of excavation that occurred in the wake of the 1998 removals of the UST, hydraulic lift, and grease trap. Approximately 36 tons of oil-impacted soil was transported to BFI's Vasco Road landfill in December 1999. Approximately 175 yds³ of "treated" soil was reused at the site to restore of the former waste oil UST and grease trap excavations to final grade.

At this time, please continue to adhere to a semi-annual schedule of post-remediation monitoring, sampling, and reporting. However, well MW-5 need not be sampled any longer, as samples collected from this well have shown no impacts from gasoline compounds since 1994. We would recommend that water levels still be measured in this well to aid in determining groundwater gradients. Target analytes shall continue to be the entire gasoline suite – TPH-gas, BTEX, and MtBE. Any "tentative" detection of MtBE shall be followed by confirmation using EPA Method 8260 on the sample showing the highest concentration.

Mr. Randy Nahas

Re: 20405 Redwood Rd., Castro Valley

April 24, 2001 Page 2 of 2

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

Sincerely,

Scott/O. Seery, CHMM

Hazardous Materials Specialist

c: Chuck Headlee, RWQCB

Dave Deaner, SWRCB (UST Fund)

Alex Eskandari, BSK & Associates, 1181 Quarry Lane, Bldg. 300, Pleasanton, CA 94566

ALAMEDA COUNTY HEALTH CARE SERVICES

AGENCY





November 2, 1999

ENVIRONMENTAL HEALTH SERVICES
1131 Harbor Bay Parkway, Suite 250

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

334

STID 650

Mr. Randy Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

RE: (FORMER) TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Nahas:

I have completed review of the August 17 and October 26, 1999 Life Springs Environmental, Inc. ("Life Springs") status reports for the latest stages of site restoration, sampling, and soil remediation associated with the subject site. The work documented in the Life Springs reports stems from the November 1998 removals of three underground storage tanks (UST) from the site.

Life Springs reports that final samples were collected from the three fuel UST stockpiles, a reported total of ~175 yds³, in September of this year following several months of actively-managed on-site aeration. Final stockpile samples were analyzed for the presence of fuel compounds. Life Springs reports that only a maximum of 8.0 mg/kg of total petroleum hydrocarbons as diesel fuel (TPH-D) were detected in these stockpile samples. All other target analytes were below laboratory detection limits.

The fuel UST stockpiles are proposed for reuse to complete restoration of the site. This use is acceptable based on data presented in the cited Life Springs reports.

Life Spring also reports that all soil excavated from the waste oil UST pit and beneath the separator sump will be transported as non-hazardous waste to the BFI Vasco Road Landfill in Livermore. This destination is appropriate based on the type and concentration of compounds (e.g., lead, PNA's) remaining in those stockpiles.

In response to a request from Mr. Ken Meleen (Life Springs), permission is granted for the permanent destruction of well MW-4. You may recall that correspondence from this office dated March 9, 1998 granted prior approval for the destruction of this and several others of the on-site wells in anticipation of extensive over-excavation associated with the (then) pending UST closures. Such extensive over-excavation did not occur, nor were any of the noted wells removed, although I understand that at least two were damaged and will require repair.

Mr. Nahas

RE: 20405 Redwood Road, Castro Valley

November 2, 1999

Page 2 of 2

Finally, please reinstate a semi-annual schedule of well sampling, monitoring, and reporting. You are requested to initiate this effort during the first quarter of 2000, adhering to a 1st and 3rd quarter schedule. The initial sampling event is also to include off-site wells MW-5, -6, and -7. Target analytes shall continue to be the entire gasoline suite – TPH-gas, BTEX, and MtBE. Any "tentative" detection of MtBE shall be followed by confirmation using EPA Method 8260 on the sample showing the highest concentration.

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

Sincerely,

Scott O. Seery, CHMM

Hazardous Materials Specialist

c: Chuck Headlee, RWQCB
 Robert Weston, ACDEH
 James deGeorgio, SWRCB (UST Fund)
 Ken Meleen, Life Springs Environmental, Inc.
 3275 Stevens Creek Blvd., #208, San Jose, CA 95117

June 8, 1999

Mr. Randall E. Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

Regarding:

Underground Tank Closures - Property at 20405 Redwood Road

Castro Valley, California

Dear Mr. Nahas:

Pursuant to your request of last Thursday, I was able to find our original field ticket for the 2nd groundwater pumpout performed on November 20, 1998. I discussed this with Tim Liggett of Excel Environmental Services, and he replied that this episode of pumping, which produced 423 gallous of course misaged groundwater, was included on a general manifest as part of a milk-run load. Tim further advised me that the manifest number was indicated on the field ticket (Manifest # 97383539) and that he would research his records and send me a copy of this manifest.

Tim did find his copy of the manifest and sent me a copy by Fax. Copies of both our field ticket and the Excel Manifest (dated 11-18-98) are attached.

I trust this information will allow you to prepare a proper response to the State Agency that directed their inquiry to you. Please call if you have further questions.

Sincerely,

Life Springs Environmental, Inc.

Kenneth L. Meleen, P.E.

Enclosures

cc: Scott Seery (w/Enclosures)

57:E Nd 6- NOT 66

MOITO 3 TO 8 4

EXCEL ENVIRONMENTAL SERVICES

1141 Catalina Dr. Ste. 162
Livermore, CA 94550
EPA #CAL000170148
800 376-6008

3	900 376-8008		
STOMER'S		DATE	
WE .	48-243-929	2 //-	20-98
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·	JOB RT MAKAS CO. CASTRO VALLEY		
	CASTRO VALLEY		 -
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141 GA FAITH DR. #16	2 LIVERMORD C	m. 11550		. / le/e		
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EXCELENCE AMERICAN SERVICES	1/ALDOQ1	79148		11-1-11-11		
7. Transporter 2 Company Name	8. US EPA ID Number	·				
7: Designated Facility. Name and Site Address 910150 011	10, US EPA ID Number			September 1		4 / 40
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A						
I MORGERCY PRIME 800-3	76-6000		d (abana	L	-ame and are de	selfied, packs
15. GENERATOR'S CERTIFICATION: I hereby declare that the continuous and labeled, and one in all respects in proper centrifit	tents of this consignment are full ion for transport by highway as	conding to applicable	internation	aj and national gov	eramont regulation	ris.
If I am a large quantity generator, I certify that I have a pre-	gram in place to induce the va	lume and toxisity of t	vasia gener	rec to the dugree	have determined	to be econo
procisoble and that I have selected the processor treation of and the environment; OR, if I am a small quantity generator,	if treatment, Morage, et dispose , I have mode a good faith clia	i turrently available : it to minimize my we	tié Beuosa). IO we myicy	on and solar the b	est waste manage	mant method
evallable to me and that I can offerd: Pristret/Typed blame	Signosure				yiorth,	Der Der
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17. Transporter I Acknowledgement of Receipt of Materials Priental/Types Name	Signature				Month	/ Posy S
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19. Transporter 2 Advisewindgament of Receipt at Moterials Printed/Typed Name	Signature				Month	Day
100						
19. Discrepancy indication Space						
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20. Facility Owner or Operator Certification of receipt of hazard	ious materials compad by this m	anifost except as pare	d in Hear 19		Month	Day

DTSC-8022A (4/97) - 59A 8700-27

Green: TRANSPORTER RETAINS

Life Springs

Environmental, Inc.

3275 Stevens Creek Blvd., #208, San Jose, CA 95117

408-243-9292

PAX 408-243-9696

ENVIRONMENTAL CONSULTING ENGINEERS
General Engineering Contractor's License No. 709780

FAX COVER SHEET

Date: November 12, 1998

Time Sent:

IR:15 pm

Sending this Page to:

Scott Seery, Alameda County Environmental Health Services

FAX Number: (510) 337-9335

Subject: Confirm Schedule for R.T. Nahas Tank Closure Project

Comments:

71.

Last Tuesday I advised you that we plan on pulling the tanks at the R.T. Nahas property on Wednesday, November 18, 1998. We are still holding to this date, but would like to move your inspection time up from 1:00 to 11:00 am. We fully expect to have the tanks properly inerted and ready to move at that time. Please confirm that this adjusted time is acceptable to you.

On the same site, we have two hydraulic hoists that we propose to remove. Is there any permit, inspection or soil sampling requirements related to this work? If so, please advise by phone or return FAX (I had to have the scanner replaced in our Fax Machine).

Thanks for your assistance.

TRANSMISSION FROM:

Kenneth L. Meleen, P.E. Phone: (408) 243-9292 Fax: (408) 243-9696

white -env.health yellow -facility pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENUIRONMENTAL HEALTH

Hazardous Materials Inspection Form

1131 Harbor Bay Pkwy Alameda CA 94502 510/567-6700

11, 111

ı	Site ID # 650 Site Name Treus Unocal Today's Date 1/18/8
	Site Address Reduced Rd.
	City Castro Valley Zip 94546 Phone
	MAX AMT stored > 500 lbs, 55 gal., 200 cft.? #-12:45
	Inspection Categories: 3:66 - 4:15
	I. Haz. Mat/Waste GENERATOR/TRANSPORTERI. Hazar dous Materials Business Plan, Acutely Hazar dous MaterialsIII. Under ground Storage Tanks
İ	* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C) * Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)
	Comments: Ox-5, for to cirtuess neuronal of 2 fuel and one
	waste oil USTs. Fine Dant was not present during removal.
7	6 LEL O2 was checked w/ Gastech. O2 was 2 5% in one true
1	tank and < 10% in the other. LEL was checked (although
İ	w/o benefit of air hyposs value) and was < 5% (indicated) in
	each. Vent standpipes were removed and USTs allowed
	to be lifted from the excavation
	South tank . bare steel construction, Heavy pitting and steel Russian
. 24	noted in scattered location along both welded seams and
	section lines radiating around The tank circumference. Atthough
	near penetrations were sean, is through soing bales were noted.
1:40	waste oil - Oz come. <5%: LEL 0%. This tank was also bare
" 'T	steel construction. Heavy comosion and throughgoing hales were noted
	Oily residue was observed confing the base of the tank.
2:00	North tank - bore steel construction. Moderate pitting locally, particularly
	alone The "water line." No holes observed.
	all he like water me.
	V = ///
	Contact Key Weleen
	Title Inspector
•	Signature Signature Signature
_	

page 1 of 2

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11:4

12:00

RLAMEDA COUNTY, DEPARTMENT OF ENUIRONMENTAL HEALTH

Hazardous Materials Inspection Form

1131 Harbor Bay Pkwy Alameda CA 94502 510/567-6700

11, 111

Site ID # 650 Site Name 1805 Jucca Today's Date 1/16/98
Site Address 233 Reduced Rd.
City 20 tra 1/2/24 Zip 94546 Phone
MAX AMT stored > 500 lbs, 55 gal., 200 cft.? // - /2:45
Inspection Categories: I. Haz. Mat/Waste GENERATOR/TRANSPORTERII. Hazar dous Materials Business Plan, Acutely Hazar dous MaterialsIII. Under ground Storage Tanks
* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)
<u>Comments:</u> was to contuess removed of 2 feel and one
waste oil USTs. Fix Tapt was not present during removal.
% LAL/O2 was directed as Gasteln. O2 was < 5 % in one f
think and < 10% in The other. LET was checked Colflangle
w/o bone ft of on hypors volume) and was < 5% (indicated) in.
each. Peut standpipes were remained and USTS allowed
to ken lifted from the executation
Support to the state of the sta
noted to scattered location along both welderd seams and
section lines productive appear the tank circumference. Atthough
meny penetrotions were seen, in through going lates were noted.
under oil - 1/2 cmc. <5%; LEL 0%. This tank was also born
Oly willes was observed rooting the base of the tank.
Doubt tout - knie steel construction. Wholevok ritting locally, particularly
alone the "water line." No holes observed.
Contact Key Melegy II, III
Contact
Title Inspector Signature Signature

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ALAMEDA COUNTY, DEPARTMENT OF ENUIRONMENTAL HEALTH

1131 Harbor Bay Pkwy Alameda CA 94502 510/567-6700

Hazardous Materials Inspection Form

11, 111

Site ID # 650 Site Name Trens Unocal Today's D.	ate 11 / 18/ 98
Site Address 2575 Redwood Rd	
City Castro Valley Zip 94.5% Phone	
MAX AMT stored > 500 lbs, 55 gal., 200 cft.?	PA N
Inspection Categories: i. Haz. Mat/Waste GENERATOR/TRANSPORTER	N X
II. Hazardous Materials Business Plan, Acutely Hazardous Materials	x x x × x
III. Under gr ound Storage Tanks	T ust
* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)	/ pit
Comments:	
	·········
Sampling,	
1) waste ail UST - a single samule was cathected for	
	m the base of
	esidue and strong
odor were evident in sampled material.	
fuel tank pet	
To propose the fuel UST excavation for sampling	The Sound back fil
was excavated from the pit. Apparent GW had	welled into the origin
excavation and pooled in the tank inverts in the back	kfill material. The
see (which had exhibited a product sheen) did not ve	
excavation. However, slight Gw seeps were seen	
f the pit ~ 11/2" BG - 12' BG.	
Sidewall samples (4) were collected - two (2) for	ion each side of
The pit adjacent each (former) tent and. A	bettom sample was
also collected. Sampled material appeared to be some	du silt - silh cla
GW was observed on surfaces of fractures of stiff soi	(unaforial when broken
Dispensors/ piping frenches Samples were collected for	reath on disperson (4
and Three others (3) where there were elborus or "	Ts." A Farth
sample was collected from the location of an albow of	7, 10-4, 1-1
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Contact Kgn Me Leen	<u> </u>
Title Kennell J. Melen Inspector S.	ま ソ / /
**************************************	/Sepy
Signature Signature	(Seery)

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ALAMEDA COUNTY, DEPARTMENT OF ENUIRONMENTAL HEALTH

1131 Harbor Bay Pkwy Alameda CA 94502 510/567-6700

Hazardous Materials Inspection Form

II, III

Site ID # 650 Site Name Trens Unicol Today's	Date_1/_/8/_98
Site Address Redwood Rd	
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MAX AMT stored > 500 lbs, 55 gal., 200 cft.?	× (x)
Inspection Categories:	y S
L. Haz. Mat/Waste GENERATOR/TRANSPORTER II. Hazar dous Materials Business Plan, Acutely Hazar dous Materials	x x X
III. Under ground Storage Tanks	^
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* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)	
Comments:	
Sampling:	· · · · · · · · · · · · · · · · · · ·
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I fine trace por	
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Edw Carlie both & big to a gradue & stone) did not a	
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The pit adjocant each (forms) text and. A	lestom sample uses
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GW was observed on surfaces of from turns of stiff s	soil instant whom broken.
3 Dispussed piping tranches François were collected 6	emento es dispensar (4)
and three others (3) where there were elterns or	Ts. A Fourth
Formale was solder ted from the heating of an elbow of	old Steel pipinglorg shane
V. B. I	
Contact Supplied Seed	1, 111
Title Inspector	
Signature Signature	

- Agency copy -

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICES
1131 HARBOR BAY PARKWAY, RM 250
ALAMEDA, CA 94502-6577
PHONE # 510/567-6700

CONTRACTOR OF CONTRACTOR CONTRACTOR CONTRACTOR OF SECURITIES OF CONTRACTOR OF CONTRACT 要素性を受験が、中央の数の音をあれている。 かまり かいない かいまま AND THE CONTRACTOR OF THE PROPERTY OF THE PROP These beginning by the beginning the property of the property of the party of the p **製造 基金の はいかな から ではなって かって まっと はらんなり 香味** the state of the second of the North Into Department or Years 12 found prior to the federator issuance of a) permit to operate, by permitting etc. So the statement and section of the The copy of the elegant being must be on the tot and the second was the second to the second with the second to th **一方の一方のないできる。 これのはないできる。 これのできる。 これのない** ALL THE ALCOHOLD IN THE ONE DECISION AND IS ON PAR DESCRIPTION STATES OF STAT THERE IS A FIRMWORL PENALTY FOR NOT OSTABLING THESE HISPECTIONS. Street of the state of the stat Stamount of Tank(s) and Phylin 大田子の 中田田子の の経済は経済のな and all applicable leves and regulations. Context Specialist: Set First transction District Co SHEET WESTERN 2. A. C. (1969).

UNDERGROUND TANK CLOSURE PLAN

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

1.	Name of Business R.T. Nahas Property	/ (Formerly Tien	UNOCAL 76 Service Station		
	Business Owner or Contact Person	(PRINT) Randall	E. Nahas		
2.	Site Address 20405 Redwood Road				
	City Castro Valley	Zip <u>94546</u>	Phone <u>Inactive</u>		
3.	Mailing Address <u>c/o Owner</u>				
	City	Zip	Phone		
4.	Property Owner R.T. Nahas Company				
	Business Name (if applicable) R.T	'.Nahas Company			
	Address 20630 Patio Drive		· · · · · · · · · · · · · · · · · · ·		
	City, State <u>Castro Valley</u> , CA				
5.	Generator name under which tank will be manifested				
	R.T.Nahas Company				
	EPA ID# under which tank will be	manifested C A	A C O O 1 4 6 5 7 8 4		

6.	Contractor Life Springs Environmental, Inc.
	Address 3275 Stevens Creek Blvd., #208
	City San Jose CA 95117 Phone (408) 243-9292
	License Type A HAZ ID# 709780
7.	Consultant (if applicable) Life Springs Environmental, Inc.
	Address 3275 Stevens Creek Blvd., #208
	City, State San Jose, CA 95117 Phone (408) 243-9292
8.	Main Contact Person for Investigation (if applicable)
	Name Kenneth Mleeen Title Field Supervisor/Chief Engineer
	Company <u>Life Springs Environmental</u> , Inc.
	Phone (408) 243-9292 Cell Phone: (408) 981-3776
9.	Number of underground tanks being closed with this plan
	Length of piping being removed under this plan Feet (+/-)
	Total number of underground tanks at this facility (**confirmed with owner or operator)
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 <u>Excell Environmental Services</u> EPA I.D. No. <u>CAC000170148</u>
	Hauler License No3662 License Exp. Date February 28, 1999
	Address 1141 Catalina Drive, Suite 162
	City <u>Livermore</u> State <u>CA</u> Zip <u>94550</u>
	b) Product/Residual Sludge/Rinsate Disposal Site
	Name Alviso Oil EPA ID# CACOO0161743
	Address 5002 Archer Street
	City Alviso State CA Zip 95002

	c) Tank and Piping Transporter
	Name <u>Ecology Control Industries</u> EPA I.D. No. CAD009466392
	Hauler License No. 1533 License Exp. Date March 1999
	Address 20846 Normandie Avenue
	City <u>Torrance</u> State <u>CA</u> Zip 94801
	d) Tank and Piping Disposal Site
٠	Name Ecology Control Industries EPA I.D. No. CAROS 466392
	Address 255 Parr Blvd.
	City <u>Richmond</u> State <u>CA</u> Zip 94801
11.	Sample Collector
	Name <u>Kenneth Meleen</u>
	Company Life Springs Environmental, Inc.
	Address 3275 Stevens Creek Blvd., #208
	City <u>San Jose</u> State <u>CA</u> Zip <u>95117</u> Phone (408) 243-9292
12.	Laboratory
	Name <u>Chromalab, Inc.</u>
	Address 1220 Quarry Lane
	City Pleasanton State CA Zip 94566-4756
	State Certification No. 1094
13.	Have tanks or pipes leaked in the past? [X] No[] Unknown[]
	If yes, describe. Revised Corrective Action Plan dated June 14, 1996 by Philip
	Environmental describes detection of petroleum hydrocarbons in soil and groundwater
	beneath the site, and groundwater impacted by phase separated hydrocarbons.
14.	Describe methods to be used for rendering tank(s) inert:
	Vapor displacement with dry ice (CO ₂) at the rate of 15 pounds per 1,000 gallons
	of tank capacity. OR PER FIRE DEPT REQUIREMENTS

Before tanks are pumped out and inerted, all associated piping must be flushed back into the tank(s). All accessible piping must then be removed. Inaccessible piping must be permanently plugged using grout.

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 have a functional combustible gas indicator on-site to verify that the tank(s) is inerted.

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

	·		
Capacity	Tank Use History include date last used (estimated)	Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
10,000 Gallon South Tank #1 10,000 Gallon North Tank #2 300 Gallon Waste Oil Tank	Installed 1964 Stored Gasoline Tanks pumped out and shut down in 1996 Installation Date unknown, but probably in 1964 when station was built	Soil - 2 samples per each 10,000 gallon tank + 1 sample below waste oil tank Groundwater - 1 "grab" sample of any groundwater that enters excavation Sample analyses will be available for groundwater pumped from MW-101	Each end at 13' BCS* for 10,000 gallon tanks ** Fill end of waste oil tank at 6' BGS*
	* Note:	auticipated that fuel usTs are sitting in grown Heuce, sidewall samples wi	*BGS - Below Ground Surface ad water. Il be required it so.

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)

Initial excavation for UST removal:

Clean Overburden - 180 Cubic Yards

Contaminated Soil - 90 Cubic Yards

Remedial Excavation - 1,000 Cubic Yards

Sampling Plan

After Remediation: 1 sample (comprised of 4 separate composited samples) per each 50 cubic yards of material treated

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? [X] yes [X] no [X] unknown

If yes, explain reasoning Clean upper overburden soil that is uncontaminated

(as determined in the field using a PID) will be used for backfill, placed over clean granular import.

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without <u>prior</u> approval from this office. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling activities.

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
	Petroleum Hydro- carbons as Gasolin (TPHg), Benzene Toluene, Ethyl Benzene, Total Xylenes (BTEX), Methyl Tert-Butyl Ether (MTBE)	5030 - 3550- S	SW846 8020A NOV 1990/8015M	(mg/Kg) TPHg: 1.0 BTEX: 0.005 MTBE: 0.005
,	TPH-G and Breeze Petroleum Hydro- carbons as Diesel (TPHd)	EX (63 abow) 3550 -3510	(63 above) 8015M	TPHd: 1.0
	LUFT Metals Petroleum Hydro- carbons as Motor Oil (TPHo)	-3050 3510-	6010 (7000 Series) - 8015M 5520	0.005 TPHo: 50
	CL HC's SVOC's	3510 -3510	8010 8270	CL HC's: 0.01 SVOC's: 0.01

X SEE ATTACHED Table #2

18. Submit Worker's Compensation Certificate copy

Name of Insurer Exemption filed 4/1/97 with Contractors State License Board Copy Attached

- 19. Submit Plot Plan ***(See Instructions)***
 See Work Plan
- 20. Enclose Deposit (See Instructions)

Attached

- 21. Report all 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	Life Springs Environmental, Inc.
Name of Individual	Kenneth L. Meleen
Signature Kenne	th L. Milen Date November 4, 1998
PROPERTY OWNER OR MOS	T RECENT TANK OPERATOR (Circle one)
Name of Business	R.T. Nahas Company
Name of Individual	Randall E. Nahas
Signature	Jall November 4, 1998

INSTRUCTIONS

General Instructions

- * Three (3) copies of this plan plus attachments and a deposit must be submitted to this Department.
- * Any cutting into tanks requires local fire department approval.
- * One complete copy of your approved plan must be at the construction site at all times; a copy of your approved plan must also be sent to the landowner.
- * State of California Permit Application Forms A and B are to be submitted to this office. One Form A per site, one Form B for each removed tank.

Line Item Specific Instructions

2. SITE ADDRESS

Address at which closure is taking place.

- 5. <u>EPA I.D. NO. under which the tanks will be manifested</u> EPA I.D. numbers may be obtained from the State Department of Toxic Substances Control, 916/324-1781.
- 6. CONTRACTOR

Prime contractor for the project.

10. STATE REGISTERED HAZARDOUS WASTE TRANSPORTERS/FACILITIES

- a) All residual liquids and sludges are to be removed from tanks before tanks are inerted.
- c) Tanks must be hauled as hazardous waste.
- d) This is the place where tanks will be taken for cleaning.

15. TANK HISTORY AND SAMPLING INFORMATION

Use History - This information is essential and must be accurate. Include tank installation date, products stored in the tank, and the date when the tank was last used.

Material to be sampled - e.g. water, oil, sludge, soil, etc.

Location and depth of samples - e.g. beneath the tank a maximum of two feet below the native soil/backfill interface, side wall at the high water mark, etc.

16. <u>CHEMICAL METHODS AND ASSOCIATED DETECTION LIMITS</u>
See attached Table 2.

17. SITE HEALTH AND SAFETY PLAN

A <u>site specific</u> Health and Safety plan must be submitted. We advocate the site health and safety plan include the following items, at a minimum:

- a) The name and responsibilities of the site health and safety officer;
- b) An outline of briefings to be held before work each day to appraise employees of site health and safety hazards;
- c) Identification of health and safety hazards of each work task. Include potential fire, explosion, physical, and chemical hazards;
- d) <u>For each hazard</u>, identify the action levels (contaminant concentrations in air) or physical conditions which will trigger changes in work habits to ensure workers are not exposed to unsafe chemical levels or physical conditions;
- e) Description of the work habit changes triggered by the above action levels or physical conditions;
- f) Frequency and types of air and personnel monitoring along with the environmental sampling techniques and instrumentation - to be used to detect the above action levels. Include instrumentation maintenance and calibration methods and frequencies;
- g) Confined space entry procedures (if applicable);
- h) Decontamination procedures;
- i) Measures to be taken to secure the site, excavation and stockpiled soil during and after work hours (e.g. barricades, caution tape, fencing, trench plates, plastic sheeting, security guards, etc.);
- j) Spill containment/emergency/contingency plan. Be sure to include emergency phone numbers, the location of the phone nearest the site, and directions to the hospital nearest the site;
- k) Documentation that all site workers have received the appropriate OSHA approved trainings and participate in appropriate medical surveillance per 29 CFR 1910.120; and
- 1) A page for employees to sign acknowledging that they have read and will comply with the site health and safety plan.

The safety plan must be distributed to all employees and contractors working in hazardous waste operations on site. A complete copy of the site health and safety plan along with any standard operating procedures shall be on site and accessible at all times.

NOTE: These requirements are <u>excerpts</u> from 29 CFR Part 1910.120(b)(4), Hazardous Waste Operations and Emergency Response; Final Rule, March 6, 1989. Safety plans of certain underground tank sites may need to meet the <u>complete</u> requirements of this Rule.

19. PLOT PLAN

The plan should consist of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale;
- b) North Arrow;
- c) Property Lines;
- d) Location of all Structures;
- e) Location of all relevant existing equipment including tanks and piping to be removed and dispensers;
- f) Streets;
- g) Underground conduits, sewers, water lines, utilities;
- h) Existing wells (drinking, monitoring, etc.);
- i) Depth to ground water; and
- j) All existing tank(s) and piping in addition to the tank(s) being removed.

20. <u>DEPOSIT</u>

A deposit, payable to "Treasurer of Alameda County" for the amount indicated on the Alameda County Underground Storage Tank Fee Schedule, must accompany the plans.

21. Blank Unauthorized Leak/Contamination Site Report forms may be obtained in limited quantities from this office or from the San Francisco Bay Regional Water Quality Control Board (510/286-1255). Larger quantities may be obtained directly from the State Water Resources Control Board at (916) 739-2421.

22. TANK CLOSURE REPORT

The tank closure report should contain the following information:

- a) General description of the closure activities;
- b) Description of tank, fittings and piping conditions. Indicate tank size and former contents; note any corrosion, pitting, holes, etc.;
- c) Description of the excavation itself. Include the tank and excavation depth, a log of the stratigraphic units encountered within the excavation, a description of root holes or other potential contaminant pathways, the depth to any observed ground water, descriptions and locations of stained or odor-bearing soil, and descriptions of any observed free product or sheen;
- d) Detailed description of sampling methods; i.e. backhoe bucket, drive sampler, bailer, bottle(s), sleeves
- e) Description of any remedial measures conducted at the time of tank removal;
- f) To-scale figures showing the excavation size and depth, nearby buildings, sample locations and depths, and tank and piping locations. Include a copy of the plot plan prepared for the Tank Closure Plan under item 19;
- g) Chain of custody records;
- h) Copies of signed laboratory reports;
- i) Copies of "TSDF to Generator" Manifests for all hazardous wastes hauled offsite (sludge, rinsate, tanks and piping, contaminated soil, etc.); and
- j) Documentation of the disposal of/and volume and final destination of all non-manifested contaminated soil disposed offsite.

TABLE #2

RECOMMENDED MINIMUM VERIFICATION ANALYSES FOR UNDERGROUND TANK LEAKS

HYDROCARBON LEAK	SOIL ANALYSIS	WATER ANALYSIS
Unknown Fuel	TPH G GCFID(5030) TPH D GCFID(3550) BTX&E 8020 or 8240 TPH AND BTX&E 8260	TPH G GCFID(5030) TPH D GCFID(3510) BTX&E 602, 624 or 8260
Leaded Gas	TPH G GCFID (5030) BTX&E 8020 OR 8240 TPH AND BTX&E 8260 TOTAL LEAD AA	TPH G GCFID(5030) BTX&E 602 or 624 TOTAL LEAD AA
	Optional TEL DHS-LUFT EDB DHS-AB1803	TEL DHS-LUFT EDB DHS-AB1803
Unleaded Gas	TPH G GCFID(5030) BTX&E 8020 or 8240 TPH AND BTX&E 8260	
Diesel, Jet Fuel and Kerosene	TPH D GCFID(3550) BTX&E 8020 or 8240 TPH AND BTX&E 8260	
Fuel/Heating Oil	TPH D GCFID(3550)	TPH D GCFID (3510)
	BTX&E 8020 or 8240 TPH AND BTX&E 8260	BTX&E 602, 624 or 8260
Chlorinated Solvents	CL HC 8010 or 8240 BTX&E 8020 or 8240 CL HC AND BTX&E 8260	
Non-chlorinated Solvents	TPH D GCFID(3550) BTX&E 8020 or 8240 TPH AND BTX&E 8260	
Waste and Used Oil or Unknown (All analyses must be completed and submitted)	TPH G GCFID(5030) TPH D GCFID(3550) TPH AND BTX&E 8260 O & G 5520 D & F	TPH G GCFID(5030) TPH D GCFID(3510 O & G 5520 B & F
	BTX&E 8020 or 8240 CL HC 8010 or 8240	8260
		TALS: Cd, Cr, Pb, Zn, Ni

^{*} If found, analyze for dibenzofurans (PCBs) or dioxins (PCP)

Reference: Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites, 10 August 1990

Tri-Regional Board Staff Recommendations Preliminary UST Site Investigations

EXPLANATION FOR TABLE #2: MINIMUM VERIFICATION ANALYSIS

- 1. OTHER METHODOLOGIES are continually being developed and as methods are accepted by EPA or DHS, they also can be used.
- 2. For DRINKING WATER SOURCES, EPA recommends that the 500 series for volatile organics be used in preference to the 600 series because the detection limits are lower and the QA/QC is better.
- 3. APPROPRIATE STANDARDS for the materials stored in the tank are to be used for all analyses on Table #2. For instance, seasonally, there may be five different jet fuel mixtures to be considered.
- 4. To AVOID FALSE POSITIVE detection of benzene, benzene-free solvents are to be used.
- 5. TOTAL PETROLEUM HYDROCARBONS (TPH) as gasoline (G) and diesel (D) ranges (volatile and extractible, respectively) are to be analyzed and characterized by GCFID with a fused capillary column and prepared by EPA method 5030 (purge and trap) for volatile hydro- carbons, or extracted by sonication using 3550 methodology for extractable hydrocarbons. Fused capillary columns are preferred to packed columns; a packed column may be used as a "first cut" with "dirty" samples or once the hydrocarbons have been characterized and proper QA/QC is followed.
- 6. TETRAETHYL LEAD (TEL) analysis may be required if total lead is detected unless the determination is made that the total lead concentration is geogenic (naturally occurring).
- 7. CHLORINATED HYDROCARBONS (CL HC) AND BENZENE, TOLUENE, XYLENE AND ETHYLBENZENE (BTX&E) are analyzed in soil by EPA methods 8010 and 8020 respectively, (or 8240) and in water, 601 and 602, respectively (or 624).
- 8. OIL AND GREASE (O & G) may be used when heavy, straight chain hydrocarbons may be present. Infrared analysis by method 418.1 may also be acceptable for O & G if proper standards are used. Standard Methods" 17th Edition, 1989, has changed the 503 series to 5520.
- 9. PRACTICAL QUANTITATION REPORTING LIMITS are influenced by matrix problems and laboratory QA/QC procedures. Following are the Practical Quantitation Reporting Limits:

	SOIL PPM	WATER PPB
TPH G	1.0	50.0
TPH D	1.0	50.0
BTX&E	0.005	0.5
O & G	50.0	5,000.0

Based upon a Regional Board survey of Department of Health Services Certified Laboratories, the Practical Quantitation Reporting Limits are attainable by a majority of laboratories with the exception of diesel fuel in soils. The Diesel Practical Quantitation Reporting Limits, shown by the survey, are:

ROUTINE		MODIFIED PROTOCOL
<pre>≤ 10 ppm ≤ .5 ppm ≤ 1 ppm</pre>	(19%)	<pre>≤ 10 ppm (10%) ≤ 5 ppm (21%) ≤ 1 ppm (60%)</pre>

When the Practical Quantitation Reporting Limits are not achievable, an explanation of the problem is to be submitted on the laboratory data sheets.

- 10. LABORATORY DATA SHEETS are to be signed and submitted and include the laboratory's assessment of the condition of the samples on receipt including temperature, suitable container type, air bubbles present/absent in VOA bottles, proper preservation, etc. The sheets are to include the dates sampled, submitted, prepared for analysis, and analyzed.
- 11. IF PEAKS ARE FOUND, when running samples, that do not conform to the standard, laboratories are to report the peaks, including any unknown complex mixtures that elute at times varying from the standards. Recognizing that these mixtures may be contrary to the standard, they may not be readily identified; however, they are to be reported. At the discretion of the LIA or Regional Board the following information is to be contained in the laboratory report:

The relative retention time for the unknown peak(s) relative to the reference peak in the standard, copies of the chroma- togram(s), the type of column used, initial temperature, temperature program is C/minute, and the final temperature.

12. REPORTING LIMITS FOR TPH are: gasoline standard \leq 20 carbon atoms, diesel and jet fuel (kerosene) standard \leq 50 carbon atoms. It is not necessary to continue the chromatography beyond the limit, standard, or EPA/DHS method protocol (whichever time is greater).

EPILOGUE

ADDITIVES: Major oil companies are being encouraged or required by the federal government to reformulate gasoline as cleaner burning fuels to reduce air emissions. MTBE (Methyl-tertiary butyl ether), ETHANOL (ethyl alcohol), and other chemicals may be added to reformulate gasolines to increase the oxygen content in the fuel and thereby decrease undesirable emissions (about four percent with MTBE). MTBE and ethanol are, for practical purposes, soluble in water. The removal from the water column will be difficult. Other compounds are being added by the oil companies for various purposes. The refinements for detection and analysis for all of these additives are still being worked out. If you have any questions about the methodology, please call your Regional Board representative.

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)	
(11 known)	
R.T.Nahas Company (Formerly Tien UNOCAL 76 S	ervice Station)
Name of Sit	
20405 Redwood Road	
Street Addre	SS
Castro Valley, CA 94546	
City, State & Zi	p Code
I designate the following person o	r buginess to resoive
any refund due at the completion o	f all deposit/refund
projects:	
Life Springs Environmental, Inc.	
Name	
3275 Stevens Creek Blvd., #208	
Street Address	·
San Jose, CA 95117	
City, State & Zip Code	
1/ -1/1/2	
Kemill L. Mileen	November 4, 1998
Signature of Payor	Date
Kenneth I. Meleen	Life Springs Environmental, Inc
Name of Payor	Company Name of Payor
(PLEASE PRINT CLEARLY)	
	·

RETURN FORM TO:

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

rev.11/01/96;closure.pln/RW;Lp





This certification is the property of the Business Name: LIFE SPRINGS ENVIRONMENTAL INC

WITNESS my hand and official soul field.

WITNESS my hand and official soul field.

WITNESS my hand and official soul field.

Registrar of Contractors.

Qualifier: KENNETH LEROY MELEEN

License No.: 709780

Business Name: LIFE SPRINGS ENVIRONMENTAL INC

WITNESS my hand and official soul field.

Registrar of Contractors.

A 6720



6720



State of California ONTRACTORS STATE LICENSE BOARD **ACTIVE LICENSE**



Entity CORP

LIFE SPRINGS ENVIRONMENTAL INC

Explication Date 07/31/1999





CONTRACTORS STATE LICENSE BOARD

9835 GOETHE ROAD, SACRAMENTO, CALIFORNIA MAILING ADDRESS: P.O. BOX 26000 SACRAMENTO, CALIFORNIA 95826 (916) 255-3900



EXEMPTION FROM WORKERS' COMPENSATION

Pursuant to Section 7125.1 of the Business and Professions Code, prior to issuance of a new license or reinstatement, reactivation, or renewal of an existing license, and as a condition of continued maintenance of an existing license, the applicant or licensee must have on file a Certificate of Workers' Compensation Insurance or a Certification of Self-Insurance from the Director of Industrial Relations. If the applicant or licensee has no employees, an exemption certificate must be submitted, certifying under penalty of perjury that he/she does not employ any person in any manner to be subject to the Workers' Compensation laws of California. A certificate or exemption is not required on an inactive license.

COMPLETE THIS EXEMPTION CERTIFICATE ONLY IF YOU DO NOT EMPLOY ANY PERSON

NOTE: If the license is qualified by a Responsible Managing Employee (RME), an exemption certificate cannot be submitted.

OUT-OF-STATE CONTRACTORS: If you do not hire employees who reside in California, check this box [] and send the completed exemption certificate and a Certificate of Workers' Compensation Insurance which covers the employees from your state who are working in California. Note: If California does not have a reciprocity agreement with your state, you will be required to purchase a California Workers' Compensation policy to cover your employees while working in California.

PLEASE TYPE OR PRINT IN INK. FORMS COMPLETED IN PENCIL ARE NOT ACCEPTABLE. Send the completed certificate to the Contractors State License Board (CSLB) at the address above.

LICENSE NUMBER OR PENDING APPLICATION NUM	IBER
709780	
FULL NAME OF BUSINESS (AS IT CURRENTLY APP	EARS ON THE RECORDS OF THE CSLB)
LIFE SPRINGS ENVIRONMENTAL INC	
BUSINESS HAS/HAD NO EMPLOYEES AS OF (MON	TH/DAY/YEAR):
April 1, 1997	
If this date is older than 90 days, we will use the date the	notice is received at our headquarters office as the effective date.
DAYTIME BUSINESS TELEPHONE NUMBER	EVENING TELEPHONE NUMBER
(408) 243–9292	(415) 965–2439
THE COURSE AND ADDRESS OF THE POOR OF	CALIFE FOR DISCIPLINARY ACTION
FALSIFICATION OF ANY DOCUME	ENT IS CAUSE FOR DISCIPLINARY ACTION

On April 1, 1997	at San Jose,	Santa Clara,	California
Date - Month/Day/Year	City	County	State
any person in any manner so	as to become subject to t I sent a Certificate of Wo	the Workers' Compensation laws rkers' Compensation Insurance of	e named business does not employ s of California. I further certify that or a Certification of Self-Insurance ect to the Workers' Compensation
aws of California. SIGNATURE OF OWNER, PA	RTNER, OR OFFICER	Termell of PA	Eleen
		Kenneth L. Meleen, Vice	
PRINT OR TYPE NAME OF T	HE PERSON SIGNING		

THIS EXEMPTION WILL REMAIN ON FILE UNTIL YOU NOTIFY THE CSLB OF ANY CHANGES. PURSUANT TO SECTION 7083 OF THE BUSINESS AND PROFESSIONS CODE, FAILURE TO NOTIFY THE CSLB OF ANY CHANGES WITHIN 90 DAYS IS GROUNDS FOR DISCIPLINARY ACTION.

HEALTH CARE SERVICES

AGENCY



DAVID J. KEARS, Agency Director

March 9, 1998

Mr. Randy Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546 ENVIRONMENTAL HEALTH SERVICES ENVIRONMENTAL PROTECTION (LOP) 1131 Harbor Bay Parkway, Suite 250 Alameda, CA 94502-6577 (510) 567-6700 FAX (510) 337-9335

RE: (FORMER) TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr Nahas:

I have completed a review of the case file for the subject site which encompassed, among others, the following entries:

- o Addendum to Revised Corrective Action Plan January 20, 1998, BSK & Associates
- o Revised Corrective Action Plan June 14, 1996, Philip Environmental Services
- o Source Removal Work Plan February 12, 1996, Philip Environmental Services
- o Feasibility Study December 11, 1995, BSK & Associates

The June 14, 1996 Philip Environmental Services ("Philip") revised corrective action plan (RCAP) proposes completion of certain tasks intended to facilitate restoration of this site to a condition necessary to foster commercial redevelopment. The scope of proposed remedial activities are substantially based on the reported completion of a Tier 2 risk-based corrective action (RBCA) evaluation. It is also reported that the Groundwater Services, Inc. Tier 2 RBCA Tool Kit software was used in calculating site-specific target levels (SSTL) employing select site specific input parameters. Exposure pathways evaluated were: 1) vapor intrusion from soil and ground water into commercial buildings, and 2) volatilization from both media to outdoor air.

Calculated SSTLs are presented. It is unclear, however, which exposure pathways each SSTL value represents (e.g., vapor flux to indoor air vs. outdoor air), as none of the calculations or worksheets used to derive SSTLs are provided in the report. It is unknown which potential receptor populations (i.e., on- or off-site) were reflected in calculating SSTLs. Cumulative risks are not shown. Absent data clarification, the presented SSTLs can not be used as a means of establishing soil remediation goals during excavation of the UST pit and surrounding area.

Mr. Nahas

RE: 20405 Redwood Road, Castro Valley

March 9, 1998 Page 2 of 3

Soil remediation goals referenced in the January 28, 1998 BSK & Associates (BSK) addendum are based on the Philip SSTLs. As it currently stands, the Philip SSTLs can not be used for establishing cleanup goals for this site. Consistent with current State and Regional Water Board policy, however, and as a minimum remediation goal, soil which may prove a future source of substantial ground water degradation, or appears to present an increased exposure risk, is to be excavated during UST post-closure activities where doing so may be accomplished in a cost-effective manner. Consistent with this approach, such would entail removal of soils saturated with gasoline, at a minimum.

We anticipate the scope of overexcavation, therefore, to be limited to those areas immediately surrounding the UST pit, the dispenser pads, and along the vent and product pipeline trenches. We do not anticipate, however, the need to remove substantial volumes of clean overburden in order to "chase" or excavate contaminated soils within the capillary zone. It does not appear appropriate, therefore, to excavate a "test pit" in the area of boring SP-1 as proposed in the cited Philip document.

The referenced BSK addendum proposes direct measurement of vapor flux into the vadose zone as a means of calculating potential risks to receptors located in off-site commercial structures immediately south of the site. As long as this soil vapor investigation includes the evaluation of potential preferential vapor pathways (i.e., utility trenches), this appears to be a prudent and appropriate course of action at this site. Mitigation or remediation measures may then be evaluated depending on what is revealed.

Future <u>on-site</u> receptor populations may be provided an additional layer of protection (after excavation of gasoline-saturated soil) by implementing mitigation measures during redevelopment of the site. The simplest, most cost-effective measure would be to install vapor barriers below slab-on-grade foundations during construction. Vapor barriers would effectively preclude entry of hydrocarbon vapors into the new structures.

Post remediation monitoring is appropriate. Final new well locations, if any, can be determined after UST closures and soil excavation have been completed. It appears appropriate to abandon wells MW-2, -3, -4, and -101 in preparation for and contemporaneous with UST closures and soil excavation. However, only the abandonment of well MW-4 may require overdrilling/grouting. Because of their proximity to areas anticipated for overexcavation, it appears the remaining wells may be "abandoned" by removal during the excavation phase.

Mr. Nahas

RE: 20405 Redwood Road, Castro Valley

March 9, 1998 Page 3 of 3

The post-UST closure and -excavation soil sampling protocol presented in the cited Philip proposal appear appropriate.

Methyl-tert butyl ether (MtBE) is to be added, however, to the suite of target compounds for soil samples collected within the fuel UST/dispenser excavation.

Ground water "remediation" which occurs during excavation activities should be limited to removal of accumulations of free-phase product (FP), only. Any FP removed from the excavation and stored or treated on-site will require adherence to applicable flammable liquid storage protocols, including security, setbacks from property lines, and signage, among others. Discharge of any treated ground water will, of course, require permit from the local sewer district.

Proposed total BTEX cleanup/screening levels (1.0 pm) and sampling protocol for excavated soil subject to reuse as backfill material appear reasonable and, hence, acceptable.

We do not anticipate building restrictions for commercial redevelopment of the site should health-protective criteria be applied. This office has successfully coordinated with the Alameda County Building Department on other redevelopment projects located at other former leaking UST sites in the greater Castro Valley area.

Thank you for your patience during this review process. As you are aware, a separate UST closure application must be completed and a permit issued before this work may begin. In addition, a bonafide SVS work plan is to be submitted and approved prior to initiation of this work.

Please notify this office when UST closure and excavation activities are finally scheduled.

Sincerely

Scott Ol Seery, CHMM

Hazardous Materials Specialist

c: Mee Ling Tung, Director
 Stephen Hill, RWQCB
 Ed Laudani, Alameda County Fire Department
 Robert Weston, ACDEH
 James deGeorgio, SWRCB (UST Fund)

(916) 227-7728

(SWRCB) S82004.

(916) 227-7728

Discussed w.p. and why.

He felt PAP (95) was oldwanted new. Marke 505
instead? It any thing-will
want to review (AP).

lawyer says:

2/8/96

This is a high visle" case because Gw is unpaded, and Trave is "free product" in sail +

D wants my approval of Flillips Env. co.p. (have not soon it yet)

4/16/96

Call to Chris Woma:

I informed her trat, because the RBCA weak would lead to a final CAP ocapa, it would be tre classic "cont-before. The-house" issue to approve the CAP w/o the RDCA neverts. She will check w/ the UST Find V) office (Chris Stevens) to see if I need to address a letter nografic tree RBCA work.



Cal/EPA

OCT 2 2 1997

1 #650

ENVIR HARRIETAL PROTECTION

97 08T 24 PM 3: 46



Governor

State Water Resources **Control Board**

Division of

Programs

Clean Water

Frank Tien

c/o: Christine K. Noma, Esq.

P O Box 2047

Oakland, CA 94604

Mailing Address: P.O. Box 944212 Sacramento, CA 94244-2120

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF REMOVAL FROM PRIORITY LIST, CLAIM NUMBER 11993, SITE ADDRESS: 20405 REDWOOD RD, CASTRO VALLEY 94546

2014 T Street. Suite 130 Sacramento, CA 95814 (916) 227-4539 FAX (916) 227-4530

On September 19, 1997, a "Notice of Proposed Removal From Priority List" was sent to you. The Notice informed you that because it appears you are not incurring any corrective action costs, your claim is not eligible for reimbursement from the Underground Storage Tank Cleanup Fund. The Notice also informed you that if you did not agree with the determination, you could request a review within thirty (30) calendar days from the date of the Notice.

World Wide Web http://www.swreb.ca. gov/~cwphome/ fundhome.htm

> Since you did not exercise your right of appeal within the time specified, your claim is not eligible for participation in the Underground Storage Tank Cleanup Fund and is hereby removed from the Priority List.

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

Sincerely,

on Marke fr Dave Deaner, Manager

Underground Storage Tank Cleanup Fund

Enclosure

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



Cal/EPA

JUN 20 1997

Governor

State Water Resources **Control Board**

Division of Clean Water **Programs**

Mailing Address: P.O. Box 944212 Sacramento, CA 94244-2120

2014 T Street, Suite 130 Sacramento, CA 95814 (916) 227-4307 FAX (916) 227-4530

World Wide Web: http://www.swrcb.ca. gov/~cwphome/ fundhome.htm

RANDALL NAHAS R. T. NAHAS COMPANY 20630 PATIO DR CASTRO VALLEY, CA 94546

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 007829, FOR SITE ADDRESS: 20405 REDWOOD RD, CASTRO VALLEY

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$100,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

It is very important that you read the terms and conditions listed in the enclosed LOC. Claims filed with the Underground Storage Tank Cleanup Fund far exceed the funding available and it is very important that you make use of the funding that has been committed to your cleanup in a timely manner.

Consequently, if you do not submit your first reimbursement request for corrective action costs which you have incurred within ninety (90) calendar days from the date of this letter, your funds will automatically be deobligated. Once deobligated, any future funds for this site will be obligated subject to availability of funds at such time when we receive your reimbursement request.

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work (form enclosed). If you have any questions on obtaining preapproval of your costs or the three bid requirement, please call Steve Marquez, our engineer assigned to claims in your Region, at (916) 227-0746. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.



R. T. NAHAS COMPANY Page 2

The following documents needed to submit your reimbursement request are enclosed:

- "Reimbursement Request Instructions" package. Retain this package for future reimbursement requests. These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are samples of completed reimbursement request forms and spreadsheets.
- "Bid Summary Sheet" to list information on bids received which must be completed and returned.
- "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
- "Reimbursement Request" forms which you must use to request reimbursement of costs incurred.
- "Spreadsheet" forms which you must use in conjunction with your reimbursement request.
- "Claimant Data Record" (Std. Form 204) which must be completed and returned with your first reimbursement request.

We continuously review the status of all active claims. If you do not submit a reimbursement request or fail to proceed with due diligence with the cleanup, we will take steps to withdraw your LOC.

If you have any questions regarding the enclosed documents, please contact Anna Torres at (916) 227-4388.

Sincerely,

Dave Deaner, Manager

UST Cleanup Fund Program

Enclosures

CC:

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





Cal/EPA

State Water Resources Control Board

MAR 2 6 1997

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Division of Clean Water Programs

Mailing Address: P.O. Box 944212 Sacramento, CA 94244-2120

2014 T Street, Suite 130 Sacramento, CA 95814 (916) 227-4484 FAX (916) 227-4530

World Wide Web: http://www.swrcb.ca. gov/~cwphome/ fundhome.htm Mr. Frank Tien c/o Christine K. Noma, Esq. Wendel, Rosen, Black & Dean Attorneys at Law P.O. Box 2047 Oakland, CA 94604

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), CLAIM NO. 11993, FOR SITE ADDRESS: 20405 REDWOOD RD, CASTRO VALLEY

97 MAR 31 PM 31 35

stin #650 505

Pete Wilson

Governor

This letter serves a two-fold purpose, first to accept the subject claim for placement on the Priority List, and secondly, to respond to some of the issues in your January 21, 1997 letter.

Section 2810(a), Cal. Code Regs., title 23 provides "Only a current or former owner or operator of an underground storage tank or a residential tank may file a claim against the Fund. Only the following owners and operators may file claims:...(6) An owner or operator who has paid or will pay for the costs claimed". Section 2812.2 provides that to be reimbursable, costs must be "incurred by or on behalf of a claimant". Section 2812.2 was intended to prevent circumvention of the priority system. For example, a priority "B" claimant filing a claim for costs paid by a priority "C" claimant.

Implementing legislation intended for claims to be prioritized to ensure that those eligible claimants who are the least financially capable of proceeding with cleanup will receive reimbursement from the Fund before other claimants who have the financial strength to "carry" a cleanup until reimbursement is received. In determining the priority of a claim, the Fund looks at the priority of the tank owners and operators at the time of discovery of the contamination, the priority of the tank owners and operators at the time of application to the Fund, and the priority of the claimant and any joint claimants. The priority of the claim then takes on the priority of the lowest of these parties unless there are circumstances which convince the Fund that such treatment would be inconsistent with the priority scheme mandated by the statutes.

The application included an agreement entered into on September 16, 1996, between Nahas and Mr. Tien which acknowledges that Nahas has made all payments for reimbursable work and that all reimbursement from the Fund shall be payable to Nahas. The costs incurred by Nahas were incurred without any undertaking on the part of Mr. Tien to be responsible for these costs and therefore were not incurred on behalf of Mr.



Tien and cannot be claimed for reimbursement by him. The Fund can only reimburse Mr. Tien for eligible corrective action costs that he has directly paid for. Please advise whether he has actually paid any costs of cleanup for which he will be requesting reimbursement under his claim.

Even if an agreement had been made between Nahas and Mr. Tien prior to the costs having been incurred, I do not consider Nahas as paying costs "on behalf" of Mr. Tien. In this case, Nahas either became the legal tank owner at the end of the Unocal lease or the "de facto" tank owner. A "de facto" tank owner is the owner of the real property on which the tank was situated, where the legal tank owner abandoned the property and the tank and the cleanup responsibility devolved on the landowner. Mr. Tien's application identified him as the operator and the "de facto" tank owner. However, unless Mr. Tien purchased the tanks from Unocal, he was not the legal tank owner nor the "de facto" tank owner. In this case, Nahas is considered the owner of the tanks and since Nahas is a Priority "C" claimant, the subject claim has been placed in Priority "C".

The settlement agreement wherein Nahas received monies from a number of insurance companies in settlement of a lawsuit seeking damages by reason of environmental contamination will have no impact on Mr. Tien's claim.

As you correctly point out, Mr. Tien received no payment from the insurance companies. The subject of the settlement agreements with the insurance companies and any impact on possible reimbursements to Nahas will be the subject of separate correspondence to Nahas under their claim.

Nahas should seek recovery of the costs that they have paid under their claim and priority.

Nahas paid for the costs of cleanup, received a settlement from the insurance companies due to the contamination, filed claim no. 7829 as the owner of the tanks, and should seek recovery of their costs under their claim.

If you have any questions regarding this letter, please contact me at (916) 227-4539.

Sincerely,

ORIGINAL SIGNED BY

Cheryl Gordon, Analyst Claims Review Unit



cc: Mr. Steve Morse RWQCB, Region 2 2101 Webster St., Ste. 500 Oakland, CA 94612

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

STATE OF CALIFORNIA - CALIFORNIA ENVIRONME

PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD DIVISION OF CLEAN WATER PROGRAMS

2014 T STREET, SUITE 130 P.O. BOX 944212 SACRAMENTO, CALIFORNIA 94244-2120 (916)227-0742 (916)227-4530 (FAX)

April 23, 1996

Mr. Randall E. Nahas R. T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

Post-it® Fax Note 7671	Date 4/24 pages ► /
" Scatt Seery	From Christopher
Co./Dept.	Co. Steven
Phone #	Phone #
Fax #	Fax e



Dear Mr. Nahas:

PRE-APPROVAL OF CORRECTIVE ACTION COST ESTIMATE, Claim No. 7829, 20405 Redwood Road, Castro Valley

I have reviewed your request, received on April 9, 1996, for pre-approval of corrective action costs; I will place these documents in your file for future reference. I have included another copy of the "Cost Pre-Approval Request" form; you can obtain additional copies of the form from me.

With the following provisions, the actual costs of conducting the work proposed in the Philip Environmental, March 18, 1996 proposal, and approved by the County of Alameda Health Care Services Agency (County), will be eligible for reimbursement. The total cost pre-approved as eligible for the Tier 2 ASTM risk assessment is \$2,611.

- The actual costs and scope of work performed must be consistent with those in the original cost estimate and the provisions of this letter.
- The work products must be acceptable to the County and the Regional Water Quality Control Board.

In addition, it is my opinion that it is unnecessary to obtain three bids for this contract; the Fund's three bid requirement is waived for this contract.

However, let me point out that it is the Fund's policy that you must obtain at least three bids from qualified firms before proceeding to any soil or ground water cleanup. Recent changes in the legislation governing the Fund require that the Fund provide you with assistance in procuring contractor and consultant services for corrective action. If you need any assistance in contracting for corrective action services, don't hesitate to call on me.

Please remember that it is still necessary to submit the actual cost of the work as explained in the <u>Reimbursement Request Instructions</u> to confirm that the costs are consistent with this estimate before you will be reimbursed.

I have included also a copy of Mr. Giannopoulos' letter advising you that you have the right to appeal to the SWRCB any action or inaction on the part of an LOP agency.

Please call if you have any questions; I can be reached at the above number.

Sincerely,

Christopher Stevens

Underground Storage Tank Cleanup Fund Program

Attachments (2)

CC:

Mr. Scott Seery w/o attachments

by fax: (510) 337-9335



1111 Broadway Twenty-Fourth Floor Oakland, California 94607

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

April 9, 1996

VIA TELECOPIER AND U.S. MAIL (916) 227-4530

Christopher Stevens UST Clean Up Fund 2014 T Street Sacramento, CA 95814

Re:

Claimant: R.T. Nahas Company

Claim No. 7829

Dear Mr. Stevens:

This office represents R.T. Nahas Company, Class C claimant. R.T. Nahas Company has been working with Philip Environmental to prepare a source removal corrective action work plan for its site. A meeting was held on February 28, 1996 with Scott Seery of the Alameda County Health Care Services Agency to review the corrective action plan.

At that meeting, Mr. Seery indicated that he would first like to see our consultant? perform a Tier 2 ASTM risk assessment and revise the source removal workplan pursuant to the results of that assessment. Since Philip Environmental has already prepared the first draft of the source removal workplan, we request a waiver of the three bid requirement for purposes of allowing Philip Environmental to perform the Tier 2 ASTM risk assessment and make the appropriate revisions to the source removal work plan. Enclosed is a copy of budget estimate by Philip Environmental of \$2,611 to conduct that work.

We will also be seeking pre-approval and a bid waiver for the work itself, and are presently in the process of obtaining a letter approving the CAP from Alameda County.

In the meanwhile, we would appreciate your approval of at least the Tier 2 ASJM/revision tasks as soon as possible so that we may proceed with the corrective action work as quickly as possible. (Our time schedule is to begin work by June 15, 1996.)

Thank you for your attention to this matter.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN

Christine K. Noma

CKN:pmm

cc:

Scott Seery Randy Nahas Kahled Rahman



1111 Broadway Twenty-Fourth Floor Oakland, California 94607

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

April 5, 1996

VIA TELECOPIER

Scott Seery Alameda County Health Care Services Agency 1131 Harbor Bay Parkway Alameda, CA 94502

Re:

R.T. Nahas Company

Site: Tien's Unocal Station,

20405 Redwood Road, Castro Valley, California

Dear Scott:

R.T. Nahas Company will be seeking preapproval of the source removal work plan being proposed by Philip Environmental Services Corporation. However, during our meeting with you to discuss the corrective action plan, you had indicated that you would like a Tier 2 ASTM Risk Assessment added to the corrective action plan.

In order for R.T. Nahas Company to obtain preapproval of the work proposed by Philip Environmental from the California Underground Storage Tank Clean Up Fund staff, we need to obtain an approval letter from you for the corrective action plan with the revisions.

Accordingly, we would appreciate your preparing such an approval letter on your letterhead and faxing it back to us as soon as possible. A proposed draft of such an approval letter is enclosed for your reference.

Scott Seery April 5, 1996 Page 2

Thank you for your courtesy and attention to this matter.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN

Christine K. Noma

CKN:pmm

cc: Randy Nahas



Facsimile Cover Sheet

To: Scott Seery

Company: Alameda County Health Care Services

Phone: 510-567-6783 **Fax:** 510-337-9335

From: Khaled Rahman

Company: Philip Environmental

Phone: 510-420-7910 Fax: 510-658-7990

Date: February 12, 1996

Pages including this cover page: 27

Original will not follow
Original will follow by: Regular Mail

____Overnight

Mr. Seery,

Attached is the text, figures and tables of the Source Removal Work Plan for the Nahas/Tien/Unocal site located at 20405 Redwood Road in Castro Valley. Two copies including the appendices have been mailed to your attention. We look forward to meeting with you later this month.

Do not hesitate to call if you have any questions or comments.

Thank you,

Khaled Rahman



1111 Broadway Twenty-Fourth Floor Oakland, California 94607

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

February 7, 1996

Scott Seery Alameda County Health Care Services Agency 1131 Harbor Bay Parkway Alameda, CA 94502

Re: Owner:

R.T. Nahas Company

Site:

Frank Tien's Unocal Station

20405 Redwood Road, Castro Valley, California

Dear Mr. Seery:

As you know, this office represents R.T. Nahas Company, the owner of the above-referenced property. Since September, 1994, R.T. Nahas Company has been involved in litigation against Unocal and Frank Tien seeking reimbursement of the costs of investigating the hydrocarbon contamination at the site. R.T. Nahas Company also has an application pending with the Underground Storage Tank Clean Up Fund for reimbursement of costs associated with the investigation and remediation of the hydrocarbon plume.

As you may recall, shallow groundwater contamination exists at the site. The area with the heaviest contamination is in the immediate downgradient direction of the tanks. A groundwater well was not installed in this area due to the existence of perched groundwater. It was feared that the free product found in this perched aquifer would contaminate the underlying shallow groundwater aquifer. The soils in this area are also saturated with gasoline.

At your request, R.T. Nahas Company's consultant, BSK Environmental performed a feasibility study as to remedial options. BSK's feasibility study was reviewed by Khaled Rahman, R.G., the Project Manager for Philip Environmental, a consulting firm retained by the operator, Frank Tien. Based upon this study, Philip has recommended that the most feasible remedial option is to remove the tanks and excavate the shallow soils in

Scott Seery February 7, 1996 Page 2

those areas heavily impacted with the gasoline contamination in order to remove the source of contamination and stabilize the fuel leak plume. Philip has proposed a work plan which would entail the excavation of contaminated soil and groundwater skimming.

We understand that Mr. Rahman has sought your comments as to the proposed work plan. You apparently indicated that you were concerned as to the effect of the Lawrence National Livermore Laboratory (LLNL) report conclusions, and whether any action was required. On that issue, recently, William Nagle the special mediator in the litigation, Rand Chritton, counsel for Frank Tien and I had a conversation with Victor Perez, legal counsel with the State Water Resources Control Board regarding the LLNL Report. Essentially, Mr. Perez confirmed that it was the policy of the UST Staff, State Water Resources Control Board that the ultimate decision as to the extent of remediation to be required at a site would continue to rest with the local regulators.

Walt Pettit, Executive Director of the State Water Resources Control Board recommended that active remediation be replaced with monitoring if the fuel leak plume is stable. Thereafter, in follow up, the California Regional Water Quality Control Board for the San Francisco Bay Region issued a memorandum to oversite agencies on January 5, 1996. The Regional Board's guidance indicates that while closing low risk soil only cases and managing low risk groundwater cases through natural bioremediation is the preferred remedial alternative, higher risk sites may require immediate action and remediation.

The Unocal Station does not constitute a low risk soil case since groundwater has been impacted. Nor is the site a low risk groundwater case in view of the free product and the gasoline saturated shallow soils which will continue to serve as a source of hydrocarbon contamination into the groundwater. It would seem therefore appear that the fuel leak plume has not yet been stabilized. Accordingly, it would seem that the work plan proposed by Philip Environmental would be the most cost efficient approach to stabilizing the fuel leak plume so as to render the site a low risk groundwater case consistent with the LLNL Report.

At this time, settlement of the litigation between R.T. Nahas Company, Unocal and Frank Tien is contingent upon reaching an agreement as to the appropriate remedial action to be undertaken at the site. The purpose of a meeting with you will be to discuss the proposed work plan by Philip Environmental and

Scott Seery February 7, 1996 Page 3

to review with you the status of future remediation at the site. We understand that tentatively a meeting has been scheduled for February 28, 1996 at 9:30 a.m. We therefore appreciate your serious attention to this matter at the upcoming meeting.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN

Christine & Noma

CKN:pm

cc: Randy Nahas

Rand Chritton, Esq.

Khaled Rahman

Peter Turner, Esq.

RAFAT A. SHAHID, Assistant Agency Director

April 13, 1995

STID 650

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

Mr. Randall Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA

RE: TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Nahas:

I have completed a review of the case file for this site, up to, and including, the January 31, 1995 BSK & Associates quarterly monitoring report, as submitted under R.T. Nahas cover dated February 1, 1995. The cited report recommends a change in sampling frequency for many of the wells in the well network associated with the investigation at this site.

Although a change in sampling frequency may be warranted for certain of the wells, more importantly, additional actions are required at this stage of the investigation. Pursuant to provisions of Section 2720 et seq. of Article 11, Corrective Action Requirements, Title 23, California Code of Regulations (CCR), a corrective action plan (CAP) must be developed for this site. During the development stages of a CAP, several issues must be taken into account, including, among others, the following:

- o assessment of the impacts
- o feasibility study of remedial alternatives
- o applicable cleanup levels
- o characteristics of the contaminant
- o hydrogeology of the site
- o cost-benefit analysis evaluating remedial alternatives

Your attention is directed to Article 11 of 23 CCR for the specific requirements and elements of a CAP.

The requested CAP is due within 90 days of the date of this letter, or by July 12, 1995.

Mr. Randall Nahas RE: 20405 Redwood Rd., Castro Valley April 13, 1995 Page 2 of 2

To facilitate the development of your CAP in the presence of current ground water data, please instruct your consultant to sample <u>all</u> wells in the network <u>during the present (2nd) quarter</u>, preferably before the end of April. Such data will likely better represent the "high-water" conditions expected as a result of the recent rains.

All samples, with exception of that which is collected from MW-7, should be analyzed for TPH-G and BTEX. To account for potential PCE interference, only analyze for the presence of BTEX in the sample collected from MW-7. The sample from MW-4 need not be analyzed for waste oil constituents (i.e., oil and grease, diesel) from this point forward.

Future sampling and monitoring may follow a **semi-annual** schedule, affected during the 1st and 3rd quarters of the year. Target analytes shall continue to be as noted above at this time. Increased or decreased sampling and monitoring frequencies may be warranted as this project progresses through the implementation stage of the pending CAP.

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

Sincerely,

و هزگ کار آ

Scott/O/Seery, CHMM

Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Agency Director

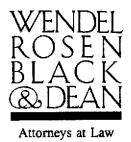
Gil Jensen, Alameda County District Attorney's Office

Sum Arigala, RWQCB

Alex Eskandari, BSK & Associates,

1181 Quarry Ln., Building 300

Pleasanton, CA 94566



ALCO HAZMAT

96 Alig 31 PH 2: 45

1111 Broadway Twenty-Fourth Floor Oakland, California 94607

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

August 30, 1994

Jeffory J. Scharff Scharff & Greben 400 Capital Mall, Suite 1100 Sacramento, CA 95814

Re: Tien's Unocal

Regional Water Quality Control Board

File No. 2223.09(SA)

Dear Mr. Scharff:

Your letter dated August 25, 1994 addressed to Mr. Arigala is incorrect with respect to Tien's Unocal. My client R.T. Nahas Company has fully delineated the hydrocarbon plume with the installation of seven monitoring wells. The outer edge of the plume does not extend beyond monitoring well seven which is located in the asphalt parking lot between the Safeway Store and your client's drycleaner. Monitoring well five and six which are also located on Mr. Saroni's property have no TPH contamination and BTEX contamination below action levels and drinking water standards. Accordingly, the contamination from the gas station is minimal and does not extend, at levels above the drinking water standard, beyond the Tien Unocal property.

However, because of the existence of slightly elevated levels of benzene in the ground water on Tien's Unocal property, R.T. Nahas Company has been continuing quarterly monitoring on the gas station property and semi-annual monitoring of monitoring wells five and six on Mr. Saroni's property.

We enclose for your information a copy of the ground water analysis history on the site from August 1990 through July 1994. Your conclusion that the Tien's Unocal hydrocarbon plume has not been delineated or is not being addressed is incorrect. Similarly, your statement that the Regional Board has eliminated R.T. Nahas Company's and Mr. Tien's obligation with respect to

WENDEL, ROSEN, BLACK & DEAN

Jeffory J. Scharff August 30, 1994 Page 2

the petroleum hydrocarbon contamination plume is also incorrect. To the contrary, R.T. Nahas Company continues to comply with the requirements of the Alameda County Health Care Services Agency with respect to monitoring the hydrocarbon plume. Please note, therefore that Tien's Unocal Station is currently in full compliance with all requirements of the Regional Water Quality Control Board and the Alameda County Local Oversight Program with respect to the hydrocarbon contamination existing at the station.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN

Christine K. Noma

CKN:pm

cc: Randall E. Nahas Karen Nardi, Esq. Frank Tien

Scott Seery, Alameda County Care Services Agency

Gil Jensen Sum Arigala Scharff & Greben

ATTORNEYS AT LAW

WELLS FARGO CENTER

400 CAPITOL MALL, SUITE 1100 SACRAMENTO, CALIFORNIA 95814 TELEPHONE (916) 558-6192 FACSIMILE (916) 447-2414

JAN ADAM GREBEN JEFFORY J. SCHARFF

August 25, 1994



VIA FACSIMILE 510-286-1380

Mr. Sum Arigala California Regional Water Quality Control Board San Francisco Bay Region 2101 Webster Street, Suite 500 Oakland, CA 94612

Re: Your File No. 2223.09 (SA)

Dear Mr. Arigala:

I am writing in response to the 6/27/94 correspondence from Stephen R. Ritchie, Executive Officer, for the property located at 20457 Redwood Road, Castro Valley, California. The letter requests a report discussing historical PCE use and a work plan for assessing vertical and lateral extent of soil and groundwater PCE contamination.

There are several matters which I bring to the Board's attention regarding the request for investigation which are set forth as follows:

1. Financial Considerations.

As you are no doubt aware from experience with other dry cleaning facilities, the financial wherewithal of individual dry cleaning operations is quite limited. They are the true embodiment of small businesses with modest revenues, relatively high overhead due to the labor intensive nature of the operations, thereby resulting in modest profitability. As such, the substantial financial commitment and expenditure required for full scale environmental investigations is, as a practical matter, quite limited.

In this case, some of the operators may have recourse to insurance policies and those avenues are being explored. Unfortunately, it appears that records prior to 1989 have either been misplaced or destroyed by Howard Kelly. As you are aware, Mr. Kelly passed away in 1992 and, as a result, much of the knowledge and information within his possession is no longer available. Efforts are being made to exhaust all possible means of obtaining any financial assistance that may be available.

Mr. Sum Arigala August 25, 1994 Page 2

2. Reported PCE Levels.

The 6/27/94 letter recites the various levels of PCE that have been identified in Monitoring Well 7 (MW 7). MW 7 was originally sampled in November 1992 using methods that were apparently intended to screen out petroleum hydrocarbons. There is concern regarding the methodology utilized that reported the PCE levels of 14,000 parts per billion.

As you are aware, subsequent samples were conducted in April 1993. Those results reported substantially lower levels -- 2,900 parts per billion PCE -- in MW 7. I note, however, these lower levels were omitted in your 6/27/94 correspondence.

3. <u>Tien's Hydrocarbon Plume</u>.

I also note that as of December 1992, Tien's Unocal has ceased delineation of the hydrocarbon plume. Ostensibly, this was on the basis of the discovery of PCE in MW 7. Nevertheless, this should not mitigate nor ameliorate Tien's obligation as a discharger to complete its groundwater investigation for purposes of petroleum hydrocarbon contamination. Insofar as I am aware, the same has not been done and, in fact, your 6/27/94 letter to Randall Nahas and Frank Tien (File No. 2223.09 (SA)) would seem to eliminate such an obligation with respect to petroleum hydrocarbon contamination. Such a position is without legal basis.

4. Request for Information.

As noted in my previous correspondence and Petition for Review, the 6/27/94 correspondence purports to be a legal designation of potentially responsible party status, apparently under the authority of Water Code §13304. However, none of the applicable statutory or regulatory requirements appear to have been invoked and, as such, the determination is legally infirm and, at best, premature. Nonetheless, the request for information as set forth on page 3 is set forth in the attached Appendix A.

5. Work Plan Request.

With respect to the work plan for assessing vertical and lateral extent of soil and groundwater PCE contamination, the parties identified in the 6/27/94 correspondence are attempting to work out a shared agreement. I anticipate Mr. Kelly being the informally designated party to respond to the Board's request. In order to fully satisfy the Board's requirements for a work plan, it would be appropriate to schedule a meeting between Board staff and the consultants in order to define the parameters which the Board desires to be included for the soil and groundwater investigation. To that end, please contact me at your earliest convenience to schedule a mutually agreeable time for such a meeting.

Mr. Sum Arigala August 25, 1994 Page 3

As always, I appreciate the opportunity to comment on and respond to the Board's correspondence. We look forward to working with the Board on this matter.

Should you have any further questions, please contact me. Otherwise, I look forward to scheduling a time for the consultants to meet to develop an acceptable work plan.

Sincerely,

Jeffory J. Scharff

JJS:af

Enclosure

cc:

Bill Kelly

Karen Nardi Marshall Steel

Randall Nahas

Frank Tien Scott Seery

Gil Jensen

Christine Noma, Esq.

clients\kelly\arigala.3

APPENDIX A

Marshall Steel Cleaners 20457 Redwood Road Castro Valley, California

Historical PCE Use, Storage and Disposal Practices

The following is submitted pursuant to the 6/27/94 request for submittal of technical reports concerning Marshall Steel Cleaners located at 20457 Redwood Road, Castro Valley, California.

As an initial comment, Howard Kelly acquired Marshall Steel Cleaners in 1974 from Marshall Steel, Jr. The information which is provided in this technical report reflects the operation of Howard Kelly & Son, Inc., dba Marshall Steel Cleaners. Additional information regarding the predecessor operation should properly be directed to Marshall Steel.

1. <u>Dry Cleaning Equipment</u>.

When Howard Kelly originally acquired Marshall Steel Cleaners in 1974, a Detrex split pocket 30 pound dry cleaning machine transfer unit was in use. Thereafter, in approximately 1975, the Detrex unit was replaced with a Vic Strato 60 pound unit. Both the Detrex and Vic units were serviced by a PerCombo 3000 filter unit with cooker, as well as a 40 pound Hoyt reclaimer. In 1980-81, the Hoyt reclaimer was replaced with an 80 pound unit. Until 1991, a Hoyt single carbon absorber was utilized. In 1991, the aforementioned equipment was replaced with a 50 pound Columbia dry-to-dry refrigerated heat pump closed loop non-vented unit. At that time, secondary containment was also installed. Installation of the Columbia unit eliminated all the aforementioned equipment.

All of the equipment identified was operated in accordance with operating manuals following all precautions and safety procedures. Marshall Steel Cleaners has an impeccable compliance record as documented through inspections conducted by Alameda County and the Bay Area Air Quality Management District.

Equipment Operation principals.

As a general comment, both the Detrex and Vic units operated much as a home washing machine. The difference being that dry cleaning solvent in lieu of water was used as the means of cleaning the garments. These machines are referred to as transfer units, since the clothes are transferred to the reclaimer. A reclaimer is akin to a home laundry dryer. However, it is capable of recovering solvent through the carbon absorber and capturing the same for reuse within the dry cleaning process. The PerCombo filter unit was a continuous filter and with the cooker generating dry filter powder residue.

APPENDIX A

Upon installation of the Columbia unit, solvent is contained within the machine, and filter residue, as well as constituents from the solvent installation process, are generated into material commonly referred to as sludge.

3. <u>PCE Sewer Discharges</u>.

During the operation of Marshall Steel Cleaners by Howard W. Kelly, Inc., there are no known discharges of PCE to the sewer system. Separator water, which in trace amounts of PCE, was routinely disposed of down the drain until changes in regulation precluded such disposal practices.

4. Other PCE Discharges.

A review of the operational history of Marshall Steel Cleaners by Howard W. Kelly & Sons, Inc., to date, has not identified any incidents of spillage or discharges, including the 1980 fire. In 1980, the adjacent store, a meat market, caught fire which crossed over through the roof to the dry cleaning store. The fire burned down from the ceiling towards the ground and was stopped before actually reaching ground level. To the best of the parties' knowledge, there was no solvent loss as a result of the 1980 fire.

5. PCE Concentrations in Separator Water.

No separator water was ever sampled or analyzed and, as a result, there is no information available responsive to the request for historic PCE concentrations in discharged unit separator water.

6. <u>Inventory Control/Accounting Procedures</u>.

There are no inventory controls or accounting procedures regarding PCE usage and/or purchases. Annual solvent usage prior to installation of the Columbia dry-to-dry unit is estimated at approximately 350 gallons per year. It is estimated that the large majority of this solvent loss occurred due to the use of the PerCombo filter units. These have proven to be relatively inefficient in their recovery of solvent, and a substantial amount of solvent was lost through the dry filter powder on a weekly basis.

Upon installation of the Columbia dry cleaning unit, a ten-fold reduction in solvent usage occurred. Usage is presently estimated at 30 gallons per year.

7. Waste Handling and Disposal Practices.

As noted above, separator water was routinely disposed of down the drain until changes in regulations precluded such disposal methods. Thereafter, third party hauling services were retained for the disposal of waste water and, upon installation of the Columbia unit, solvent distillates. Presently, an estimated 11-12 gallons of distillates every 90 days.

APPENDIX A

These materials are placed in 16 gallon steel drums, which are removed by the waste hauler, Safety-Kleen.

8. Waste Disposal Records.

Attached hereto as Exhibit "1" are available waste disposal records reflecting materials generated and disposed of through third party haulers.

clients\kelly\appendix.a

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

July 7, 1994

Mr. Bill Roache California Insurance Group 1320 Harbor Bay Parkway, Ste. 130 Alameda, CA 94502

RE: MARSHALL STEEL CLEANERS, 20457 REDWOOD ROAD, CASTRO VALLEY

Your Policy # BOP223629

Dear Mr. Roache:

With respect to your June 6, 1994 correspondence, attached please find a copy of the June 27, 1994 request from the San Francisco Bay Regional Water Quality Control Board (RWQCB) for the submittal of technical reports following determinations made in the wake of a February 15, 1994 Pre-Enforcement Review Panel meeting. Please note that the RWQCB has taken over the lead for this case with respect to the investigation of the apparent solvent release. Please direct future inquiries regarding this specific issue to Mr. Sum Arigala of the RWQCB at (510) 286-0434.

Sincerely,

Scott O. Seery, CHMM

Senior Hazardous Materials Specialist

attachment

cc: Rafat A. Shahid, Assistant Agency Director

Sum Arigala, RWQCB

William Kelly, Marshall Steel Cleaners

20457 Redwood Road

Castro Valley, CA 94546

Consider Name 1 and/or 2 for additional services. Consider Name 1 and/or 2 for additional services. Print your name and address on the reverse of this form so that we can turn this card to you. Attach this form to the front of the mailpiece, or on the back if space ses 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	1. Addressee's Address 2. Restricted Delivery	Complete 1 and/or 2 for additional services. • Complete Issue 3, and 4a & b. • Print your name and address on the reverse of this form so the return this card to you. • Attach this form to the front of the mellpiece, ot on the back is does not permit. • Write "Return Receipt Requested" on the mailpiece below the article the Return Receipt will show to whom the article was delivered a subsequed.	if space 1. Addressee's Address icle number. 2. Restricted Delivery
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION 2101 WEBSTER STREET, SUITE 500 OAKLAND, CA 94612 (510) 286-1255



JUN 2 7 1994

File NO.: 2223.09(SA)

William Kelly, an individual dba Marshall Steel Cleaners 20457 Redwood Road Castro Valley, CA 94546

William Kelly Howard W. Kelly & Son, Inc. dba Marshall Steel Cleaners 20457 Redwood Road Castro Valley, CA 94546

William and Eva Kelly, successors in interest to the Estate of Howard W. Kelly c/o Marshall Steel Cleaners 20457 Redwood Road Castro Valley, CA 94546

Marshall Steel, Jr. dba Steel-Castro Valley Company P.O. Box 915 Pebble Beach, CA 93953

Joseph and Josephine Saroni 4747 Proctor Road Castro Valley, CA 94546 A HAZON

RE: Legal Designation of Responsible Party and Request for Submittal of Technical Reports Resulting from the Alameda County Department of Environmental Health's Pre-Enforcement Review Panel Meeting of February 15, 1994.

Dear Mr. and Mrs. Saroni, Mrs. Kelly, and Messrs. Kelly and Steel:

It has been brought to my attention by Regional Board staff that ground water proximal to Marshall Steel Cleaners, located at 20457 Redwood Road, Castro Valley, has been polluted by an apparent release or releases of perchloroethylene (PCE). It is my understanding that staff of the Alameda County Health Department (ACHD) have been attempting since 1993 to identify the likely source of the PCE pollution and those parties potentially responsible for assessing its extent and affecting a cleanup.

Pre-Enforcement Review Panel

Page 2 of 4

A Pre-Enforcement Review Panel (PERP) meeting was held at the ACHD offices on February 15, 1994, attended by Mr. Rich Hiett of my staff. This meeting was in follow-up to a previous meeting held at the ACHD offices on February 2, 1993. It is my understanding that the panel were presented information additional to, and which was acquired since, that 1993 meeting.

Such additional information included the results of the subsequent collection and analyses of ground water samples for the presence of halogenated volatile organic compounds (HVOC). The samples, including requested duplicate samples, were collected from wells located both up- and downgradient of the subject site by individuals acting as agents of the involved parties. The noted wells were originally emplaced during the course of an underground storage tank (UST) release investigation begun at Tien's Unocal, 20405 Redwood Road. Hydropunch points were also temporarily emplaced and sampled at Tien's Unocal in an attempt to identify whether Tien's Unocal was a potential source of PCE initially noted in ground water sampled from well MW-7, located downgradient of the subject site.

The data submitted and considered to date do not suggest that Tien's Unocal is a potential source of the elevated levels (up to 14,000 parts per billion [ppb]) of PCE detected in MW-7. Ground water sampled during November 1993 from monitoring well MW-4, located directly adjacent to the waste oil UST at Tien's Unocal, exhibited only trace concentrations of PCE (0.7 ppb) and trichloroethylene (TCE)(0.9 ppb), the first time since this well's 1989 installation that HVOCs have been detected. Further, hydropunch point SP-2, emplaced directly downgradient of the Tien's Unocal service garage, failed to identify the presence of any HVOCs in sampled ground water.

Hydropunch point SP-1, however, emplaced approximately 20 feet north of the rear wall of Marshall Steel Cleaners, encountered ground water contaminated by PCE (22 ppb), in addition to several apparent PCE degradation products, including TCE (20 ppb). Ground water sampled during March 1993 from well MW-5, located cross-gradient, well MW-6, located cross- to downgradient, and well MW-7, located downgradient of Marshall Steel Cleaners, exhibited PCE concentrations of 0.8, 3.5 and 3700 ppb, respectively. TCE was also detected in MW-7 at a concentration of 210 ppb. These data strongly suggest that the source of the PCE detected in ground water is associated with a release or releases from the dry cleaner facility, Marshall Steel Cleaners.

Page 3 of 4

Pursuant to the Regional Board's authority under Section 13 304 of the California Water Code, you are hereby found to be a responsible party as a result of your direct or indirect affiliation with the ownership or operation of the dry cleaner facility, and/or ownership of the property on which the dry cleaner facility is located. As a Responsible Party, you are required to conduct soil and ground water investigations to determine both vertical and horizontal extent of contamination resulting from the release(s), among other tasks outlined below.

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

- 1) A report discussing historical PCE use, storage and disposal practices at the facility, including, but not necessarily limited to: historic dry cleaning equipment use by <u>all</u> current and former operators at the site, discussion of equipment operation principles, all known or suspected PCE discharges to the sanitary sewer system, all other known or suspected PCE discharges (including those resulting from the 1980 fire), historic PCE concentrations in discharged unit separator water, historic inventory controls and accounting procedures, historic hazardous waste handling and disposal practices, waste disposal records, etc.
- 2) A work plan for assessing the vertical and lateral extent of soil and ground water PCE contamination.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

If you have any questions regarding the contents of this letter, please contact Mr. Sum Arigala of my staff at (510) 286-0434.

Sincerely,

stevéń R. Ritchie Executive Officer

Pre-Enforcement Review Panel

Ralph Saroni

Page 4 of 4

CC: Gil Jensen, Alameda County District Attorney's Office,
Consumer & Environmental Protection Division.

Ed Laudani, Alameda County Fire Department
Mary Fredette, Castro Valley Sanitary District
Scott Seery, ACHD
Britt Johnson, ACHD
Robert L. Falk, Morrison & Foerster
Jeffory J. Scharff, Scharff & Greben
Christine K. Noma, Wendel, Rosen, Black, Dean & Levitan
Karen J. Nardi, McCutchen, Doyle, Brown & Enersen
Randall Nahas, R.T. Nahas Company
William Kelly, Marshall Steel Cleaners
Melita Elmore, Safeway Holdings Company, Inc.

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

In	Re	The	Prop	perty	Known	As	:)
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Notice of Official Action By the San Francisco Bay Regional Water Quality Control Board

Dear Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service. The San Francisco Bay Regional Water Quality Control Board will retain responsibility for enforcing the terms of this Official Action. All communication with respect to this action should be directed to the RWQCB.

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

I <u>Scott Seery</u>, do hereby certify that I served <u>William Kelly</u>
dba Marshall Steel Cleaners with a copy of the
attached Notice of Official Action by the Regional Board by
certified mailer # P 029 244 608.

Dated: 7-6-94

(signature)

P 029 244 608

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

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

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

I <u>Scott Seery</u>, do hereby certify that I served <u>William</u>

<u>Kelly, Howard W. Kelly & Son, Inc. dba Marshall Steel</u>

<u>Cleaners</u> with a copy of the attached <u>Notice of Official</u>

<u>Action by the Regional Board</u> by certified mailer # <u>P 029 244</u>

607.

Dated: 7-6-94

(signature)

P 029 244 607



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

In Re The Property Known As:)
20457 Redwood Road)
Castro Valley, CA 94546

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

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The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service. The San Francisco Bay Regional Water Quality Control Board will retain responsibility for enforcing the terms of this Official Action. All communication with respect to this action should be directed to the RWQCB.

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

I <u>Scott Seery</u>, do hereby certify that I served <u>William and</u>

<u>Eva Kelly c/o Marshall Steel Cleaners</u> with a copy of the attached <u>Notice of Official Action by the Regional Board</u> by certified mailer # <u>P 386 338 452.</u>

Dated: 7-6-94

(signature)

P 386 338 452

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

In Re The Property Known As:)

20457 Redwood Road
Castro Valley, CA 94546

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

Dear Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service. The San Francisco Bay Regional Water Quality Control Board will retain responsibility for enforcing the terms of this Official Action. All communication with respect to this action should be directed to the RWQCB.

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

I <u>Scott Seery</u>, do hereby certify that I served <u>Marshall</u>

<u>Steel, Jr. dba Steel-Castro Valley Company</u> with a copy of the attached <u>Notice of Official Action by the Regional Board</u> by certified mailer # <u>P 029 244 600.</u>

Dated: 7-6-94

(signature)

P 029 244 600



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

In Re The Property Known As:)
20457 Redwood Road
Castro Valley, CA 94546

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

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I <u>Scott Seery</u>, do hereby certify that I served <u>Joseph and</u>

<u>Josephine Saroni</u> with a copy of the attached <u>Notice of</u>

<u>Official Action by the Regional Board</u> by certified mailer #_

<u>P 386 338 396.</u>

Dated: 7-6-94

(signature)

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

In Re The Property Known As:)
Tien's Unocal)
20405 Redwood Road)
Castro Valley, CA 94546)

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

Dear Sirs:

The attached Official Notice of Legal Determinations has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply with future directives by calling me at (510) 271-4320.

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

I <u>Scott Seery</u>, do hereby certify that I served <u>Randall Nahas</u> with a copy of the attached <u>Official Notice of Legal</u>

Determinations by the <u>Regional Board</u> by certified mailer

P 386 338 397.

Dated: 7-6-94

(signature)

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

In Re The Property Known As:)
Tien's Unocal
20405 Redwood Road
Castro Valley, CA 94546

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

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

I <u>Scott Seery</u>, do hereby certify that I served <u>Frank Tien</u> with a copy of the attached <u>Official Notice of Legal</u>

<u>Determinations by the Regional Board</u> by certified mailer

<u>P 386 338 398.</u>

Dated: 7-6-94

(signature)

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION 2101 WEBSTER STREET, SUITE 500 OAKLAND, CA 94612 (510) 286-1255



JUN 2 7 1994

File No.: 2223.09(SA)

e No.: 2223.09(SA)

HAZHAT

Mr. Randall Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

Mr. Frank Tien Tien's Unocal 20405 Redwood Road Castro Valley, CA 94546

RE: Legal Determinations Resulting from the Alameda County
Department of Environmental Health's Pre-Enforcement Review
Panel Meeting of February 15, 1994.

Dear Messrs. Nahas and Tien:

It has been brought to my attention by Regional Board staff that ground water proximal to Marshall Steel Cleaners, located at 20457 Redwood Road, Castro Valley, has been polluted by an apparent release or releases of perchloroethylene (PCE). It is my understanding that staff of the Alameda County Health Department (ACHD) have been attempting since 1993 to identify the likely source of the PCE pollution and those parties potentially responsible for assessing its extent and affecting a cleanup.

A Pre-Enforcement Review Panel (PERP) meeting was held at the ACHD offices on February 15, 1994, attended by Mr. Rich Hiett of my staff. This meeting was in follow-up to a previous meeting held at the ACHD offices on February 2, 1993. It is my understanding that the panel were presented information additional to, and which was acquired since, that 1993 meeting.

Such additional information included the results of the subsequent collection and analyses of ground water samples for the presence of halogenated volatile organic compounds (HVOC). The samples, including requested duplicate samples, were collected from wells located both up- and downgradient of the subject site by individuals acting as agents of the involved parties. The noted wells were originally emplaced during the course of an underground storage tank (UST) release investigation begun at Tien's Unocal, 20405 Redwood Road. Hydropunch points were also temporarily emplaced and sampled at Tien's Unocal in an attempt to identify whether the station was a potential source of PCE initially noted in ground water sampled from well MW-7, located downgradient of the dry cleaner facility.

Pre-Enforcement Review Panel

Page 2 of 2

The data submitted and considered to date do not suggest that Tien's Unocal is a potential source of the elevated levels (up to 14,000 parts per billion) of PCE detected in MW-7. These data do strongly suggest, however, that the source of the PCE detected in ground water is associated with the dry cleaner facility, Marshall Steel Cleaners.

Pursuant to the Regional Board's authority under the California Water Code, based on evidence currently available, you are hereby found not to be a responsible party with respect to the PCE release at this time. However, you are regarded as a responsible party, as defined by Title 23 of the California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2720, with respect to the continued assessment and potential cleanup of the gasoline release from your site. Any requests for additional information pursuant to California Water Code Section 13267(b) are reserved at this time.

If you have any questions regarding the contents of this letter, please contact Mr. Scott Seery of ACHD at (510) 271-4530.

Sincerely,

Steven R. Ritchie Executive Officer

cc: Gil Jensen, Alameda County District Attorney's Office, Consumer & Environmental Protection Division.

Ed Laudani, Alameda County Fire Department

Kevin Graves, RWQCB Scott Seery, ACHD

Britt Johnson, ACHD

Robert L. Falk, Morrison & Foerster Jeffory J. Scharff, Scharff & Greben

Christine K. Noma, Wendel, Rosen, Black, Dean & Levitan

Karen J. Nardi, McCutchen, Doyle, Brown & Enersen

Randall Nahas, R.T. Nahas Company

William Kelly, Marshall Steel Cleaners

Melita Elmore, Safeway Holdings Company, Inc.

Ralph Saroni

MEMORANDUM

DATE: June 8, 1994

TO: Sum Arigala

FROM: Scott Seery

SUBJ: Marshall Steel Cleaners, 20457 Redwood Road, Castro Valley

Tien's Unocal, 20405 Redwood Road, Castro Valley

Attached please find copies of the DRAFT letters regarding the above sites and a site map. By way of introduction, this case, or better, these cases, evolved during the investigation of a gasoline release at the noted Unocal station. As the investigation expanded downgradient from the gas station, three wells were emplaced on adjoining properties: two (2) on property owned by the Saroni's, and one (1) on property owned by Safeway. Water sampled from one of the three wells, MW-7, was found to have a "hit" in the TPH-G range, but was accountable as only a single peak in the chromatogram. HVOCs were suspected. Subsequent analyses revealed up to 14,000 ug/l PCE, and a slew of apparent PCE degradation products.

An active dry cleaning business (Marshall Steel) is located directly midway between well MW-7 and the Unocal station. A meeting between all the PRPs and affected parties, and their attorneys, occurred during early 1993. The consensus was that additional, "split" samples would be collected from each of the three downgradient wells, including MW-7, by technicians representing each of the PRPs and analyzed at the laboratories of their choice. This round of analyses generated similar concentrations of PCE et al in all samples.

A "hydropunch" survey was conducted at the expense of the Unocal station owner (at the insistence of the attorney representing the operator of the dry cleaner) to determine whether the station was a potential source of the PCE. The results, summarized in the attached DRAFT letters, do not suggest that the station is a source of PCE.

Rich Hiett, who was present at the February PERP meeting, and Kevin Graves, with whom I've discussed this case at length, have agreed with my request to separate the gasoline investigation from that of the PCE investigation. Hence, ACDEH will continue to handle the UST case at the Unocal site; the RWQCB will handle the PCE case.

As with the prior PERP letter, both DRAFT letters are to be transcribed to RWQCB letterhead for Steve Ritchie's signature, and sent directly to each addressee, as well as to each cc: listed, including myself. ACDEH will subsequently attach a cover letter to a copy of the RWQCB letter and (again) send to each addressee under certified mailer.

Finally, it was previously agreed that a CAO would be issued should the RPs fail to comply with the requests of the attached letter.

c: Gil Jensen



June 6, 1994

Department of Environmental Health 80 Swan Way Room 200 Oakland, California 94621

Attention: Mr. Scott Seery

Re: Our Insured:

Harold Kelly & Sons

dba Marshall Steele Cleaners

Our Policy Number:

BOP223629

Location:

20480 Redwood Road

Castro Valley, California

Date of Loss:

1-19-93

Dear Mr. Seery:

You will recall that you spoke with Mr. Gray of this office a while ago and informed him that you determined one of the wells to be contaminated downstream from the strip wall. You also indicated that you would have further evidence of contamination by the end of the month, which was in April.

We would like to have a copy of your report regarding this matter. We would also like be put on your mailing list.

Sincerely,

Branch Claim Representative

California Capital Insurance Company

BR:cdus51af94030206 4-4002

McCUTCHEN, DOYLE, BROWN & ENERSEN COUNSELORS AT LAW SAN FRANCISCO WASHINGTON, D.C. LOS ANGELES THREE EMBARCADERO CENTER SAN FRANCISCO, CALIFORNIA 94111-40821 MAY 12 PH 1:11 TAIPE SAN JOSE AFFILIATED OFFICE TELEPHONE (415) 393-2000 WALNUT CREEK BANGKOK FACSIMILE (415) 393-2286 May 11, 1994 DIRECT DIAL NUMBER (415) 393-2050 Gilbert Jensen, Esq. Office of the Alameda County District Attorney

Office of the Alameda County District Attorney 7677 Oakport, Suite 400 Oakland, CA 94621

Dear Mr. Jensen:

You requested that we provide information to help in locating the company that previously operated the Marshall Steel Cleaners on Redwood Road in Castro Valley. As set forth in our letter of April 18, 1994, the Steel-Castro Valley Co., a California corporation, leased the Redwood Road property from the Soranis in 1965. The lease was signed by Marshall Steel, Jr.

We do not have any definitive information about Steel-Castro Valley Co. or its successors. Enclosed is information we were able to obtain from the California Secretary of State database and local telephone directories. Some of it may prove useful.

Yours sincerely,

Jaidi

Karen / Nardi

Enclosure

cc: Mr. Seery (w/ensl.)

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*** THIS DATA IS FOR INFORMATION PURPOSES ONLY. CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE OFFICE OF THE CALIFORNIA SECRETARY OF STATE. ***

CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

NAME: "STEEL-CASTRO VALLEY CO.

Marshall Steel, Jr

TYPE OF CORPORATION: ARTICLES OF INCORPORATION (DOMESTIC)

CORPORATE STATUS: DISSOLVED

DATE OF INCORPORATION/QUALIFICATION: 01/10/1957

MAILING ADDRESS: B. O. BOZ WIS

, PERSLE BEACH, CA 93989

REGISTERED OFFICE: CA

STATEMENT OF OFFICERS FILE NUMBER: 100573

STATEMENT OF OFFICERS FILE DATE: 06/11/74

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CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

CORPORATE NUMBER: 331982

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LEVEL 1 - 2 OF 8 DOCUMENTS

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CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

NAME: BERTHA J. STEEL PARTER CO.

TYPE OF CORPORATION: ARTICLES OF INCORPORATION (DOMESTIC)

CORPORATE STATUS: DISSOLVED

DATE OF INCORPORATION/QUALIFICATION: 09/22/1947

REGISTERED OFFICE: CA

CORPORATE NUMBER: 220525

HISTORY:

DATE: 01/15/1964

TRANSACTION: CERTIFICATE OF ELECTION TO DISSOLVE

AMENDMENT NO: D0041315

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CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

DATE:

01/16/1964

TRANSACTION:

CERTIFICATE OF AMENDMENT

COMMENT:

NAME CHANGE FROM: MARGENLE SPERE

OTHER CORP NO: 00220525

AMENDMENT NO: A0045095

DATE:

09/25/1964

TRANSACTION:

CERTIFICATE OF DISSOLUTION

AMENDMENT NO: D0045678

ENTER LEXDOC TO ORDER COPIES OF THE ORIGINAL FILING AND RELATED DOCUMENTS

NAME: TRANS-WESTERN SERVICE INDUSTRIES, THE

TYPE OF CORPORATION: ARTICLES OF INCORPORATION (DOMESTIC)

CORPORATE STATUS: SUSPENDED

DATE OF INCORPORATION/QUALIFICATION: 12/05/1963

FTB SUSPENSION DATE: 08/01/1991

FTB SUSPENSION CODE: SUSPENDED

MAILING ADDRESS: 4225 PARK BLVD

CA 94602

REGISTERED AGENT: GLENN FINK

Press Alt-H for Help or .SO to End Session or Alt-Q to Quit Software.

CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

REGISTERED OFFICE: 4225 PARK BLVD

OAKLAND, CA 94602 - 115 x Deliver Drug Book

PRESIDENT: GLENN FINK

> 4225 PARK BLVD OAKLAND, CA 94602

STATEMENT OF OFFICERS FILE NUMBER: 455685

STATEMENT OF OFFICERS FILE DATE: 11/03/88

CORPORATE NUMBER: 461763

HISTORY:

DATE: 01/16/1964

TRANSACTION: CERTIFICATE OF AMENDMENT

COMMENT: NAME CHANGE FROM: MARSCLEAN CORPORATION

OTHER CORP NO: 00461763 AMENDMENT NO: A0045094

DATE: 05/05/1971

TRANSACTION: CERTIFICATE OF AMENDMENT

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CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

COMMENT: NAME CHANGE FROM: MARSHALL STEEL COMPANY

OTHER CORP NO: 00461763 AMENDMENT NO: A0106789

DATE: 08/01/1991

TRANSACTION: FRANCHISE TAX BOARD SUSPENSION

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SCHARFF & GREBEN

ATTORNEYS AT LAW

WELLS FARGO CENTER

400 CAPITOL MALL, SUITE 1100 SACRAMENTO, CALIFORNIA 95814

April 18, 1994



Mr. Scott Seery Alameda Co. Dept. of Environmental Health Hazardous Materials Dept. 80 Swan Way, Room 200 Oakland, CA 94621

Mr. Edgar B. Howell, III Alameda Co. Dept. of Environmental Health Hazardous Materials Dept. 80 Swan Way, Room 200 Oakland, CA 94621

Mr. Thomas Peacock Alameda Co. Dept. of Environmental Health Hazardous Materials Dept. 80 Swan Way, Room 200 Oakland, CA 94621 Mr. Rich Hiett California Regional Water Quality Control Board San Francisco Bay Region 2101 Webster Street, Suite 500 Oakland, CA 94612

Mr. Gil Jensen Deputy District Attorney Consumer Environmental Protection 7677 Oakport Street, Suite 400 Oakland, CA 94621

Re: Pre-Enforcement Review Panel for

Tien's Unocal, 20405 Redwood Road

Marshall Steel Cleaners, 20457 Redwood Road Safeway, 20629 Redwood Road, Castro Valley

Gentlemen:

JAN ADAM GREBEN

JEFFORY J. SCHARFF

I am writing to you on behalf of William Kelly who is the successor in interest to his father, Howard W. Kelly, with respect to the Pre-Enforcement Review Panel deliberations regarding three properties located on Redwood Road in Castro Valley, California.

Due to the nature of information generated, as well as the gravamen of the situation, Mr. Kelly requested and was granted an extension in time to comment upon the February 15, 1994 meeting of the Review Panel. The following is submitted for the Panel's consideration regarding persons or entities having responsibility for closure, site assessment, clean-up and mitigation of contamination at the subject properties.

Pre-Enforcement Review Panel April 18, 1994 Page 2

1. Responsible Parties

As the Panel deliberates the individual and entities who are appropriate for inclusion as potentially responsible parties, the results of the Central Valley Regional Water Quality Board PCE Well Survey and Investigation should be given consideration. In addition to identifying dry cleaners as potential sources of PCE contamination, RWQCB staff noted considerable usage of PCE containing chemicals within several industries, including the automotive repair industry and the printing industry, among others. Specific types of automotive products such as brake cleaners, are documented to be as much as 60% PCE. Prior to the initiation of waste disposal services, these materials either went down the drain or, more often, disposed of to waste oil tanks.

The October 1993 sample conducted by BSK documents low levels of PCE contamination in the vicinity of MW 4. Levels in the range of .7 parts per billion perchloroethylene (hereinafter "PCE") and trichloroethylene (hereinafter "TCE") of .9 parts per billion. According to the attached comments from Subsurface Consultants, Inc., the December PCE investigation conducted by BSK is, at best, equivocal. SP 1 and SP 2 were an obvious attempt to create a separation between the documented hydrocarbon contamination emanating from the Unocal Station and the detected PCE.

PCE and TCE have been detected in water from MW 4, which is situated near the waste oil tank. The source of PCE and TCE in well MW 4 has not been identified by the studies to date. As Subsurface Consultants notes, given existing soil conditions and the direction of groundwater flow, it is unlikely that the dry cleaners is a source of PCE at this location. Subsurface concludes that on-site solvent sources have not been completely investigated at the Unocal site. There is no investigation data points in existence near or downgradient from the waste oil tank, floor drain or remote fill, if one is present. Additionally, insufficient data exists between the waste oil tank, fill inlet, floor drain areas and the dry cleaners. As a result, there remains a strong likelihood of a solvent release at the service station as a contributing source of solvent contamination within the area.

In addition to the Unocal facility, an EXXON Station was located immediately to the east of the Unocal and strip center across Redwood Road. The EXXON Station also conducted extensive automotive repairs, and comments with respect to PCE containing products at the Unocal Station are equally applicable to the EXXON Station.

With respect to Marshall Steel Cleaners, the property has been in continuous operation since 1959 or 1960. The store was sold to my client's father, Howard W. Kelly, in 1974. After a fire in 1980 caused extensive damage, the building was rebuilt. Due to fire related damages, the existing dry cleaning plant was removed, renovated and

Pre-Enforcement Review Panel April 18, 1994 Page 3

reinstalled. The renovation included repair to wiring and electrical systems as well as replacement of various hoses and fittings on the machine. My client continues to search for records documenting damage which occurred during the 1980 fire in order to determine whether there was any known loss of PCE at that time.

Until 1990, the type of equipment that was in use at Marshall Steel Cleaners were dry cleaning machines known as transfer units. In addition to property owners or operators, the panel should also consider for inclusion as potentially responsible parties, the equipment manufacturers due to this design and installation specification. Equipment manufacturers included Detrex, Vic, Hoyt and Autoflex. These equipment manufacturers provided machines which were in use during Marshall Steel, Howard Kelly and Bill Kelly's operation of Marshall Steel Cleaners. As of 1990, Marshall Steel Cleaners is operating state-of-the-art, self-contained, non-venting, non-discharging, dry-to-dry refrigerated units. These units have redundant containment systems designed to protect against possible releases of PCE. As a result, the current operation is unlikely to cause or contribute to any suspected PCE contamination.

Any consideration by the panel of potentially responsible parties must include the predecessors to my client's operation of the facility. In addition to operators, environmental law and existing precedent is well established that not only operators but owners of these properties also are considered to be potentially responsible parties As a result, it is appropriate for inclusion within any determination of potentially responsible parties, the property owners of Tien Unocal, Marshall Steel Cleaners, and possibly the EXXON Station. As it relates to Marshall Steel Cleaners, the landlord has an additional stake in the facility, having participated through leases which predates my client's involvement in ownership in the direct profits generated by the dry cleaner. As such, the landlord becomes more than a merely passive owner, but instead a co-venturer whose liabilities should be co-extensive with those of the former operator of Marshall Steel Cleaners.

Finally, the oft-cited, Central Valley Regional RWQCB investigation and report clearly documented PCE releases into the environment as a result of the faulty installation or maintenance of sewer drainage facilities. PCE has been documented to be released as a result of faulty joints, cracks, breaks and sags in sewer lines. The physical chemical characteristics of PCE make it heavier than water causing it to it sink to the bottom of sewer lines and thereafter penetrate the walls of sewer pipes and, once entering the soil, migrates downward until impacting groundwater. As a result, in addition to the aforementioned private entities, the Panel should properly consider for inclusion on the basis of existing precedent established by the Central Valley Regional RWQCB, the municipally owned and operated sewage conveyance facilities of Castro Valley.

Pre-Enforcement Review Panel April 18, 1994 Page 4

2. <u>Technical Report</u>

With respect to the BSK March 1994 Technical Report submitted by the Nahas Company, contrary to BSK's assertions, there is solvent usage in addition to Safety-Kleen part solvents, which contain substantial quantities of PCE. As to the question of aquifer flushing and the question of preferential flow between wells MW 5 and MW 6, there is further data yet to be generated before any such a conclusion is properly reached. In addition, there are other potential sources which have yet to be investigated that may have caused or contributed to the PCE contamination presently identified in the vicinity of the subject properties.

3. Conclusion

Any investigation of PCE contamination is, for the time being, inextricably linked to the ongoing hydrocarbon releases documented to have occurred at Tien's Unocal. It would be inappropriate and is inconsistent with existing legal precedent to segregate the investigations on the basis of available information. As a result, all parties presently before the Panel are appropriate for inclusion within any such ongoing investigation.

I appreciate the courtesies extended and the opportunity for additional time to submit comments for the Panel's consideration.

Sincerely,

Jeffory J. Scharff

JJS:af

cc: Karen Nardy
Robert Faulk
Alex S. Eskandrai
Randall Nahas
William Kelly

Christine Noma

clients\kelly\panel. l

MORRISON & FOERSTER

ATTORNEYS AT LAW

LOS ANGELES SACRAMENTO ORANGE COUNTY PALO ALTO WALNUT CREEK SEATTLE

345 CALIFORNIA STREET SAN FRANCISCO, CA 94104-2675 TELEPHONE (415) 677-7000 TELEFACSIMILE (415) 677-7522 TELEX 34-0154 MRSN FOERS SFO NEW YORK
WASHINGTON, D.C.
DENVER
LONDON
BRUSSELS
HONG KONG
TOKYO

DIRECT DIAL NUMBER

April 15, 1994

(415) 677-6294

Scott O. Seery, CHMM Senior Hazardous Materials Specialist Alameda County Department of Environmental Health 80 Swan Way, Room 200 Oakland, California 94621

> Re: Tien's Unocal, 20405 Redwood Road Marshall Steel Cleaners, 20457 Redwood Road Perchloroethylene Plume Investigation

Dear Mr. Seery:

Morrison & Foerster represents Safeway Inc. with respect to its property at 20629 Redwood Road, Castro Valley, California. This letter is being submitted to supplement the information we presented to the Pre-Enforcement Review Panel at its meeting of February 15, 1994.

As we indicated at the Review Panel's meeting, although Safeway has no connection to the contamination that has been discovered in the investigation of the above-referenced sites, it is concerned with the continued migration of these contaminants across its property (which, as you know, lies down-gradient from them).

Consequently, while we believe that it would be inappropriate for the Review Panel to require Safeway to undertake additional work at this time, we want to assure you that Safeway is willing to provide the responsible parties with reasonable access to its property to facilitate their investigation and remediation of this contamination. (Safeway would, of course, like the parties to keep it fully informed as the site investigation proceeds.)

Pursuant to the Review Panel's request, we are enclosing a map indicating the boundary line between Safeway's and Mr. Saroni's properties.

MORRISON & FOERSTER

Scott O. Seery, CHMM April 15, 1994 Page Two

Please contact me at the telephone number listed above, or Kevin Haroff at 415-677-6240, if we can be of further assistance to you or the Review Panel.

Sincerely yours,

Robert L. Falk

Enclosure

cc: Gil Jensen, Alameda County District Attorney's Office Rich Hiett, SF Bay Regional Water Quality Control Board Thomas Peacock, Alameda County D.E.H./H.M.D. Edgar Howell, Alameda County D.E.H./H.M.D. Christine Noma, Counsel for R.T. Nahas Company Karen Nardi, Counsel for Ralph Saroni Bill Kelly, Marshall Steel Cleaners



April 14, 1994 SCI 904.001

Mr. Jeffory Scharff Scharff & Greben 400 Capital Mall, Suite 1100 Sacramento, California 95814

Consultation
Perchloroethene Source
Tiens Unocal Station
20405 Redwood Road
Castro Valley, California

Dear Mr. Scharff:

This letter records our comments upon reviewing the following documents regarding the presence perchloroethene at the referenced site:

- March 14, 1994 letter from Wendel, Rosen, Black, Dean and Levitan to Messrs. Seery, Peacock, Howell, Hiett and Jensen.
- March 14, 1994 letter from BSK & Associates to R. T. Nahas Company.
- Various written reports prepared by BSK & Associates for Tiens Unocal Station at 20405 Redwood Road.

Perchloroethene (PCE or Perc) and Trichloroethene (TCE) have been detected in water from Well MW-4 situated near the waste oil tank for the Tiens Unocal Station. Dichloroethane (DCA), which has been detected in water from Well MW-2 situated near the stations fuel tanks, is a gasoline additive and is likely with associated with the reported gasoline release at the station.

The source of PCE and TCE in Well MW-4 has not been identified by studies to date. Given the direction of groundwater flow at the site (southerly) and the existing soil conditions (predominately clayey silt and silty clay in the zone of groundwater fluctuation), it is unlikely that the dry cleaners located at 20457 Redwood Road, is the source of the PCE at Well MW-4.

Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 510-268-0461 • FAX 510-268-0137

■ Subsurface Consultants, Inc.

Mr. Jeffory Scharff Scharff & Greben SCI 904.001 April 14, 1994 Page 2

PCE and TCE are constituents in a solvent used in a solvent sink serviced on-site. However, before solvent recycling by a service such as Safety Kleen, solvents were routinely used at service stations as cleaners. The spent cleaner was commonly placed in the waste oil tank. Waste oil tanks typically are filled by a remote fill located inside the station building or are filled directly at the tank. We conclude that on-site past solvent use may be a source of the solvents in MW-4.

It is our opinion that on-site solvent sources have not been completely investigated at the site. Currently, no investigation points exist near and downgradient of the waste oil tank, floor drain and remote fill, if present. Additionally, insufficient data exists between the waste oil tank/fill inlet/floor drain areas and the dry cleaners. As a result, a solvent release at the service station cannot be ruled out as a contributing source of solvent contamination in the area.

If you have any questions, please call.

Yours very truly,

Subsurface Consultants, Inc.

Jeriann N. Alexander

Civil Engineer 40469 (expires 3/31/95)

Environmental Assessor 03130 (expires 6/30/94)

JNA: RWR: clh

cc: Mr. Bill Kelly

4084 Alderwood Court Pleasanton, CA 94588



ATTORNEYS AT LAW
Twentieth Ploor Clorox Building
Oakland City Center
1221 Broadway
Oakland, California 94612

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

April 4, 1994

The Honorable Carol Browner
EPA Administrator
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Lester Feldman Regional Water Quality Control Board 2101 Webster Street Oakland, CA 94612

Walter Pettit, Executive Director State Water Resources Control Board 901 P Street Sacramento, CA 95814

Scott Seery Alameda County Health Department of Environmental Health Hazardous Materials Division 80 Swan Way, Room 200 Oakland, CA 94621

The Honorable Janet Reno
The Attorney General of the United States
10th Street & Constitution Ave., N.W.
Washington, D.C. 20460

Re: Notice of RCRA Action
R.T. Nahas Company v. Unocal; Wickland Oil Company;
Texaco, Inc.; Tien

Dear Sir/Madam:

This office represents the owner of real property located at 20405 Redwood Road, Castro Valley, California, R.T. Nahas & Company ("R.T. Nahas"). Gasoline contamination was confirmed at the station on April 18, 1990. The contamination appears to be extensive despite the fact that the tank and pipelines have all passed the tightness integrity tests.

HAZMAT

WENDEL, ROSEN, BLACK, DEAN & LEVITAN

April 4, 1994 Page 2

R.T. Nahas has expended in excess of \$113,532 in investigation costs. We have identified as potentially responsible parties, the following entities:

Unocal Corporation: Operated Unocal Station from 1963 to 1984 and supplied Frank Tien as an independent dealer of gasoline from 1987 to the present.

Wickland Oil Company: Supplied gasoline to Frank Tien as an independent dealer from 1984 to 1986.

Texaco: Supplied gasoline to Frank Tien as an independent dealer from July 1986 to December 1986.

Enclosed is a copy of the letter we sent to these potentially responsible parties notifying them of R.T. Nahas' claims under RCRA and common law. We are providing you with notice of R.T. Nahas' intent to file suit as required under the RCRA citizen's suit provision.

If you have any questions regarding R.T. Nahas proposed action, please free to give me a call.

Very truly yours,

WENDEL / ROSEN / BYACK, DEAN & LEVITAN

Christine K. Nona

CKN:pm

cc: Mr. Randy Nahas



ATTORNEYS AT LAW
Twentieth Floor Clorox Building
Oakland City Center
1221 Broadway
Oakland, California 94612

Please Reply To: Post Office Box 2047 Cakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

March 23, 1994

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Natalie P. Mead Property Manager Unocal Corporation 2000 Crow Canyon Place Suite 440 San Ramon, CA 94583

L.N. Elsen
Texaco, Inc.
Tax Dept., 12th Floor
P.O. Box 7812
Universal City, CA 91608-7812

J. Barton Fortun
Wickland Oil Company
3640 American River Drive
Sacramento, CA 94864

Frank Tien 20405 Redwood Road Castro Valley, CA 94546

Re: Gasoline Station Located at 20405 Redwood Road,

Castro Valley, California Petroleum Contamination

Dear Sirs/Madam:

This office represents the owner of real property located at 20405 Redwood Road, Castro Valley, California, R. T. Nahas & Company ("R. T. Nahas"). Gasoline contamination was confirmed at the station on April 18, 1990. The contamination appears to be extensive despite the fact that the tank and line tests have all passed the tightness integrity tests.

For the last three years, the property owner has been investigating the lateral and vertical extent of contamination pursuant to orders issued by the Alameda County Health Care Services Agency. We are now at the stage where we expect the Alameda County regulators to issue an order requiring remediation.

The cost expended to investigate the extent of contamination thus far has exceeded \$113,532. Additional and significant costs will be incurred to complete remediation.

We have identified your company as being a party responsible for clean-up costs. You are being sent this letter for purposes

of demanding your participation in the remedial investigation/ feasibility study which we will be undertaking, and to share in the reimbursement of investigation costs incurred to date. demand letter invites negotiations regarding your participation in clean-up and/or payment of clean-up costs. R. T. Nahas is not responsible for those costs, and will, in the absence of settlement, proceed to litigation to recover expenditures from the operators of the gasoline station as well as suppliers of the gasoline, which includes your company. Reimbursement of remedial costs, as well attorneys' fees have been determined to be recoverable from responsible parties. Zands v. Nelson (S.D.Cal, 1992) 797 F. Supp. 805. Therefore, failure to negotiate a mutually satisfactory resolution of clean-up by liabilities will likely result in ultimately increased costs to you and your company.

Demand is therefore made that you as a responsible party under 42 U.S.C. §6972 reimburse R.T. Nahas within 60 days for the necessary costs of response that incurred to date, totalling \$113,532 as detailed below, and assume responsibility for payment of and/or taking further corrective actions necessary to remedy the contamination on the property.

If you decline to accept responsibility, R.T. Nahas will commence an action for cost recovery and declaratory relief in the Federal District court, pursuant to 42 U.S.C. §6972(a)(1)(B) which provides that a private citizen may maintain an action for "the past . . . handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment." In addition to the recovery of clean-up costs and a declaration of clean-up liability, this provision permits the court to grant injunctive relief ordering site remediation.

Furthermore, to the extent that a pre-litigation resolution cannot be reached, R.T. Nahas will seek damages for the "stigma" created by the contamination of its property. See <u>Bixby Ranch v. Spectrol Electronics</u>, Los Angeles Superior Court, Case No. BC052568. These damages could greatly exceed the cost of clean up.

In order to assist your review of liability for these cleanup costs as a responsibility party, the following discussion describes the site and the contamination problem that has occurred. You may also be aware of additional information pertinent to these question or additional parties that may be responsible for this contamination problem; if so, we urge you to disclose that information so that discussions can proceed based upon all of the facts and all parties may be involved in the settlement as appropriate.

- 1. <u>Site Description</u>. The service station located at 20405 Redwood Road, Castro Valley, California is currently occupied by a Unocal 76 service station. The Unocal station has two 10,000-gallon underground storage tanks, and a 300-gallon underground waste oil tank. The gasoline station is adjacent to a small shopping center.
- Summary of Contamination Problems. In December, 1989, the property owner's consultant installed three groundwater monitoring wells adjacent to the tanks as part of the monitoring program for tanks mandated by the California Administrative Code, Title 23, Chapter 3, Subchapter 16. Minor hydrocarbon contamination was noted in the groundwater of 72 ppb TPH as gasoline. Thereafter, additional wells were installed, and on April, 1990, a notice of release was filed with the Alameda County Health Care Services Agency. Thereafter, the Alameda County Regulator issued an order requiring further investigation as to the lateral and vertical extent of contamination. A work plan was submitted on August 30, 1990, and in March, 1991, the investigation commenced. Petroleum hydrocarbon contamination of the soil was observed. Subsequent groundwater monitoring indicated that groundwater was contaminated with up to 640 ppb benzene and up to 5200 ppb TPH gasoline. The contamination in the groundwater is moving slowly across the property. Gasoline contamination has been discovered offsite on the downgradient neighbor's property.

3. Chronology of Operation of Gas Station.

9/30/63-6/30/84 Tenant: Union Oil Station

Supplier: Union Oil

8/24/76-6/30/84 Tenant: Frank Tien, Mgr.

Supplier: Union Oil

7/1/84-6/30/86 Tenant: Frank Tien, Independent

Supplier: Wickland Oil

7/1/86-12/31/86 Tenant: Frank Tien, Independent

Supplier: Texaco

1/1/87-Present Tenant: Frank Tien, Independent

Supplier: Union Oil

4. Known Significant Events.

3/10/80 Unocal replaced super unleaded pump.

4/3/80 Tank and line tests performed by Unocal

(results kept by Unocal unknown to Mgr.)

4/80	Repair to pump lines made by Unocal.
2/27/87	9:00 pm - Unocal gasoline truck spills 150-200 gallons while filling tanks.
6/6/89	Tank and line tests - pass
11/6/90	Tank and line tests - pass
12/11/91	Tank and line tests - pass
1/92	Spill containment installed on both gasoline tanks.
1/27/93	Tank and line tests - pass

5. Allocation of Liability. Unocal has supplied gasoline to the gas station for all but two and a half year of almost 30 years that the station has been in operation. It is probable that the gasoline contamination entered the groundwater through (a) overspill during refilling of the tanks, (b) a leak that was detected in the April 3, 1980, tank test that resulted in the repair to the supply lines, or (c) the 150- to 200-gallon spill that occurred during refilling of the tanks on February 27, 1987, by a Unocal gasoline truck.

Based upon the years of operation, it is our proposal that 90 percent of the costs of clean-up and investigation be borne by Unocal and the remaining 10 percent be shared equally between Wickland, Texaco and Frank Tien.

The costs incurred thus far are as follows:

Site investigation:	\$100,235.00
Project management:	\$8,000.00
Legal fees and negotiations:	\$5,297.00
TOTAL:	\$113,532.00

This sum represents our present and best estimate of the cost of clean-up. Obviously, additional costs will be incurred to remediate the groundwater contamination. However, in view of the fact that oil companies have significantly more experience in handling groundwater contamination clean-up, it may be more cost effective for one of the oil companies to handle negotiations with Alameda County with regard to remediation.

Enclosed for your reference is a draft copy of the complaint which we will be filing in the District Court in the event that an agreement cannot be reached as to the sharing of investigation and clean-up costs.

We look forward to your immediate response to our demand.

Very truly yours,

WENDEL, ROSEN, BLACK, DEAN & LEVITAN

Christine K. Noma

CKN:eg Enclosure

cc: Randall T. Nahas



ALCO HAZMAT 94 MAR 15 PM 2: 17

ATTORNEYS AT LAW
Twentieth Floor Clorox Building
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1221 Broadway
Oakland, California 94612

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

March 14, 1994

Scott Seery Alameda County Department of Environmental Health Hazardous Materials Division 80 Swan Way, Room 200 Oakland, CA 94621

Edgar Howell Alameda County Department of Environmental Health Hazardous Materials Division 80 Swan Way, Room 200 Oakland, CA 94621

Gil Jensen
Deputy District Attorney
Consumer Environmental
Protection
7677 Oakport Street, Suite 400
Oakland, CA 94621

Thomas Peacock Alameda County Department of Environmental Health Hazardous Material Division 80 Swan Way, Room 200 Oakland, CA 94621

Rich Hiett Regional Water Quality Control Board 2101 Webster Street Oakland, CA 94612

Re: Tien's Unocal, 20405 Redwood Road Marshall Steel Cleaners, 20457 Redwood Road Safeway, 20629 Redwood Road, Castro Valley

Dear Gentlemen:

As you know, this office represents the R.T. Nahas Company, the owners of real property on which Tien's Unocal operates. You have requested comments as to potentially responsible parties following the preenforcement review panel meeting held on February 15.

R.T. Nahas Company as the owner of real property on which Tien's Unocal operates, provides the following comments:

March 14, 1994 Page 2

Technical Response

Enclosed is a technical response prepared by BSK & Associates, our environmental consultants who during the course of investigating the extent of petroleum contamination discovered significant PCE contamination. The technical response outlines from a scientific standpoint why Tien's Unocal could not reasonably be deemed a source of the PCE now observed south of the dry cleaner.

For your information, a chronology of the operation of the gas station follows:

9/30/63-6/30/84	Tenant: Union Oil Station Supplier: Union Oil
8/24/76-6/30/84	Tenant: Frank Tien, Mgr. Supplier: Union Oil
7/1/84-6/30/86	Tenant: Frank Tien, Independent Supplier: Wickland Oil
7/1/86-12/31/86	Tenant: Frank Tien, Independent Supplier: Texaco
1/1/87-Present	Tenant: Frank Tien, Independent Supplier: Union Oil
3/10/80	Unocal replaced super unleaded pump.
4/3/80	Tank and line tests performed by Unocal (results kept by Unocal unknown to Mgr.)
4/80	Repair to pump lines made by Unocal.
2/27/87	9:00 PM - Unocal gasoline truck spills 150-200 gallons while filling tanks.
6/6/89	Tank and line tests - pass
11/6/90	Tank and line tests - pass
12/11/91	Tank and line tests - pass
1/92	Spill containment installed on both gasoline tanks.
1/27/93	Tank and line tests - pass

March 14, 1994 Page 3

Potentially Responsible Parties.

Based upon the investigation conducted by BSK & Associates, it is highly unlikely, if not almost impossible, for the solvent which was placed in the solvent sink at Tien's Unocal to have been the source of perc now found in monitoring well 7, south of the dry cleaners. The technical report of BSK, enclosed, includes a site plan which graphically illustrates the location of the floor drain into which the solvent would have been drained. The floor drain connects to the car wash drain located on the opposite side of Tien's Unocal building.

Studies conducted by the California Regional Water Quality Control Board, Central Valley Region, concluded that dry cleaners are a major source of PCE in groundwater. A complete copy of this report is enclosed for your reference.

As outlined in the executive summary, monitoring wells drilled adjacent to dry cleaners have shown concentrations from 120 ppb to 32,000 ppb of PCE.

The main discharge point for dry cleaners is the sewer line. The discharge from most dry cleaning units contained primarily water which dissolved PCE, but also contains some pure cleaning solvent and solids containing PCE. Being heavier than water, PCE settles to the bottom of the sewer line and exfiltrates through it. This liquid can lead to joints and cracks in the line. PCE, being volatile, also turns into gas and penetrates the sewer wall. Sewer lines are not designed to contain gas. The PCE then travels through the vadose zone to the groundwater.

The Central Valley Regional Water Quality Control Board recognized that the problem with PCE contamination caused by dry cleaners exists throughout the state and a "statewide policy seems appropriate."

The Central Valley RWQCB performed an extensive well investigation study on a number of dry cleaners in the Central Valley. It could be reasonably inferred that the findings of the Central Valley RWQCB can be applied in this case.

In view of the fact that Marshall Steele cleaners has been in existence since at least 1964 according to information provided by the Marshall Steele representative, it is highly March 14, 1994 Page 4

probable if not certain that PCE was discharged to the sewer system.

Up to this point in time, all of the monitoring expenses have been imposed upon the Tien Unocal parties. While this was appropriate for purposes of investigating the petroleum hydrocarbon plume, it is inappropriate, inequitable, and unreasonable to burden Tien's Unocal with any further investigation responsibilities with respect to PCE. The primary responsible parties for the PCE investigation should be the dry cleaner operators. Secondary responsible parties would be the property owners on which the dry cleaners operated/operates. This is consistent with previous orders of the San Francisco Bay Region RWQCB's allocation between primary and secondary responsible parties in other cases, to wit, The Livermore Arcade Shopping Center/Miller's Outpost Shopping Center Site, Order No. 93-139, Finding No. 9, Page 4.

The San Francisco Bay Region RWQCB did not find any other parties to be the responsible parties. Consequently, in this case, the finding as to responsible parties for the PCE contamination should be limited to the dry cleaning operators, and secondarily, the owner(s) of the real property on which the dry cleaners operate.

Accordingly, R.T. Nahas Company on behalf of itself and on behalf of Tien's Unocal request that they be relieved from any further PCE related investigatory or remedial orders on this site pending a full and comprehensive investigation by the dry cleaning operator of the vertical and lateral extent of PCE contamination.

Thank you for your consideration of our request to be relieved of further PCE investigation requirements.

Very truly yours,

WENDEL ROSEN, BLACK, DEAN & LEVITAN

Christine

CKN:eg Enclosures

cc: Jonathan W. Redding

Karen Nardi Robert Falk Alex Eskandari Randall Nahas

MEG C. GOPER, INC.
JILIP M. VELLEY, INC.
EMALD G. SMITH
WYRENCE R. SMEPP
LEWELTH E. THOMPSON S.
CHARD T. WILIE
CHARL P. WALGH
BRITTAIN HABEGGER
RGINIA PALLEYE
RGINIA PALLEYE
RGINIA PALLEYE
RGINIA PALLEYE
RGINIA PALLEYE J. BRITTAIN HABEGGER
VIRGINIA PALMER
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KRIBTIN A. PACE
ROBERT F. CAMPBELL
MICHAEL M. K. JEBREE
ANTONIA L. MORE
MARIA I. LAWLESS
JULIA LYNN HYE
MATTHEW P. MATIASEVICH
MATTHEW P. MATIASEVICH

FITZGERALD, ABBOTT & BEARDSLEY

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IZZI BROADWAY, 219T FLOOR

OAKLAND, CALIFORNIA 94612-1837

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R. M. FITIGERALD (888-1934 CARL H. ABBOTT (#67-1933 Charles A. Beardsley (865-1963

TELECOPIERI(510) 481-1527

March 3, 1994

VIA FACSIMILE - 569-9281 AND FIRST CLASS MAIL

Gilbert Jensen, Esq. Deputy District Attorney Consumer Environmental Protection Division 7677 Oakport Street, Suite 400 Cakland, California 94621

20457 and 20629 Redwood Road, Castro Valley

Dear Mr.

This is to confirm my telephone conversation earlier this week concerning my client's request that the Enforcement Panel Board continue to consider evidence regarding responsible parties for an additional 30 days, up until April 15, 1994. As discussed, the reason for this request is that due to conflicts of interest, this law firm is withdrawing from the representation of Bill Kelly. At the present time, Mr. Kelly is discussing representation with a of other law firms and should be able to obtain representation within the next two weeks. conflicts, I am unable to respond in writing and provide you with evidence concerning other responsible parties, which Mr. Kelly will be doing with his new attorneys. Accordingly, fundamental fairness requires that you grant this extension. We have spoken with the Saronis' attorney, Karen Nardi, and she is agreeable to the 30-day extension.

I look forward to hearing from you of your concurrence and am sending this letter to all other parties in this action so that they may be alerted to the extension. Thank you very much for your courtesy and cooperation.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

onathan W. Redding

JWR: 1um

Bill Kelly

Christina Noma Karen Nardi, Esq. Ms. Melita Elmora 6 開

ALÁMEDA COUNTY HEALTH CARE SERVICES AGENCY

DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

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

March 2, 1994

Randall Nahas R.T Nahas Company 20630 patio Drive Castro Valley, CA 94546

Bill Kelly Marshall Steel Cleaners 20457 Redwood Road Castro Valley, CA 94546

Ralph Saroni 17896 Rockhurst Road Castro Valley, CA 94546

Melita Elmore Safeway Holdings Company, Inc. Environmental, Health and Safety Division 201 Fourth Street Oakland, CA 94607

RE: 20405 AND 20457 REDWOOD ROAD, CASTRO VALLEY - PERCHLOROETHYLENE PLUME INVESTIGATION

Ms. Elmore and Messrs. Nahas, Kelly, and Saroni:

At the request of Mr. Jonathan Redding, council for Mr. Kelly, this office and that of the San Francisco Bay Regional Water Quality Control Board (RWQCB) have agreed to allow the record to remain open for an additional period of 30 days, beyond that already established in the wake of the February 15, 1994 Pre-Enforcement Review Panel. This extension is to allow sufficient time in which to collect and submit supplemental information to the Review Panel before a final decision is rendered.

Therefore, the record will remain open until the close of business on April 18, 1994. No other extensions will be granted.

Please feel free to call the undersigned at 510/271-4530 should there be any questions regarding the content of this letter.

Sincerely,

Scott/O. Seery, CHMM

Senior Hazardous Materials Specialist

Ms. Elmore and Messrs. Nahas, Kelly, Saroni RE: 20405 and 20457 Redwood Road March 1, 1994 Page 2 of 2

cc: Rafat A. Shahid, Assistant Agency Director Gil Jensen, Alameda County District Attorney's Office Rich Hiett, RWQCB

enfltr\2)20405redwood

Alameda County Department of Environmedal Health Hazardous Materials Division

80 Swan Way, Rm. 200, Oakland, CA 94621 Ph: 510-271-4320 FAX: 510-568-3706

Meeting Attendees

Subject	Rand Review
Date	2-15-94
Location	80 Swan Way, Jahland

<u>Name</u>	Affiliation	Phone # / FAX #
Dring, Reacoch	Alamada Co.	271-45301589-4757
2 Edgar Howell		271-4320
3 Scott SORRY) li	27/-4530/ "
· Lou Casias	Water Resources Control Bd Lonal Dversight Risgram	" 916-227-43251 916-227-434",
5 Cheis Nam	Water Resources Control Bd Foral Oversight Rugsom attorney for NAHK3	570 834 6604510 834 1928
· Randy Nahas	12.T Nahos Co.	## 1618 1-7618
, Alex Y, EsKAND	ARI BSKKASSOC.	(510) 46 Y 4000
8 Dennis Miller	Safeway	510891 13670
· Robert Falk	Safeway / fourster	415-677 6294
10 Linda Mardoneld	Sagenray	510 891 / 3234
" RAlph Sonavi	Sonavi Center	(510) 886/0717
12 Karen Nardi	alty for Soranis	(415) 2093 2050
13 Dan Honnings-	Applied Geotech nology	(510) 238 1575
14 JOURDAN REDDING	Howard Kelly 15m Inc	510 451 3300
15 BILL Kelly	11 7/	E10) 582 / 1340
16 FICH HIERT	RWOCB	(510) 286 14359
17 GIL JEWSEN	ALAMOR CO DA	(510) 569 / 9281

* Dan Hamminger

Alex Estedari (#EK)
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(c)
3) Wydro penel Supers - all properties
2 Wate penel
on Grove To do to the I on the to
salant additional wife
The state of the s

** - feels OPH-E investigation is not complete (2) Bil Kally John Padan indicates as much evidence en Unical site as on Safeway site - cités case las (foloso) claiming souver authority responsible - claims Sateway is responsible because Mus-7 19 (exated there (Davenis bought site in 1960's) D'Marshall Steele Clased Site from Savonis (3) 1981 " " and Son leased " 3 R.T. Nahas Chris Nang - agrees with Karan Nadi w/ "primay" an "seconday" nesponsability discusses costs incurred to date up por investigation - Cites Livermone Arrada Casa



ALCO HAZMAT 94 FEB 10 PM 2: 04 ATTORNEYS AT LAW
Twentieth Floor Clorox Building
Oakland City Center
1221 Broadway
Oakland, California 94612

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

TRANSMITTAL MEMO

TO:

Scott Seery

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

80 Swan Way, Room 350 Oakland, CA 94621

FROM:

Christine K. Noma

RE:

Dry Cleaners-A Major Source of PCE in

Ground Water

DATE:

February 9, 1994

ENCLOSURE(S):

Copy of Report

FOR YOUR:

Information

PLEASE RETURN:

COMMENTS:

Per your request.

Very truly yours,

WENDEL, ROSEN, BLACK, DEAN & LEVITAN

By: P

Phíllis Medler

Secretary to Christine K. Noma



ATTORNEYS AT LAW
Twentieth Floor Clorox Building
Oakland City Center
1221 Broadway
Oakland, California 94612

Please Reply To: Post Office Box 2047 Oakland, California 94604-2047 Telephone: (510) 834-6600 Fax: (510) 834-1928

February 1, 1994

Natalie P. Mead
Property Manager
Marketing Real Estate
Unocal Petroleum Products
and Chemicals Division
Unocal Corporation
2000 Crow Canyon Place, Suite 440
San Ramon, CA 94583

HAZMAT

Re: 20405 Redwood Road, Castro Valley, California

Dear Ms. Mead:

This office represents R.T. Nahas Company, the owner of real property located at 20405 Redwood Road, Castro Valley, California, formerly the Unocal Service Station, No. 5201.

We recently received a notice of a pre-enforcement review panel meeting from the Alameda County Health Services Agency. Perchlorethylene contamination has been discovered at a site downgradient from the Unocal Station. In view of the fact that the petroleum contamination from the Unocal Station intercepts the plume of perclorethylene, Unocal may be responsible for some portion of the clean up costs.

Enclosed is a copy of the report prepared by BSK & Associates for Mr. Nahas.

We believe that Unocal should participate at this preenforcement review panel meeting as Unocal was the prior operator of the gas station.

Natalie P. Mead February 1, 1994 Page 2

The meeting is now set for February 15, 1994 at 9:00 a.m. at the Alameda County Hazardous Materials Division Office located at 80 Swan Way, Room 200, Oakland, California. We recommend that Unocal and its counsel be present at this preenforcement review meeting.

Very truly yours,

WENDEL, ROSEN, BLACK, DEAN & LEVITAN

Christine K. Noma

CKN:pm

cc: Randy Nahas Scott Seery

Alameda County Health Care Services Agency

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

In Re The Properties Known As:)

Notice of Pre-Enforcement Review Panel

Wients House ... 20405 Redwood Road
Washington Load Wienessey, 20457 Redwood Road
Sefercy, 20619 Redwood Road
Sefercy, 20619 Redwood Road

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a Review Panel will convene on February 15. 1694 at Fig. a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This Review Panel will reconvene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above locations.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this Review Panel on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

- 1. Randall Nahas
 R.T. NAHAS COMPANY
 20630 Patio Drive
 Castro Valley, CA 94546
- 4. Ralph Saroni 17896 Rockhurst Road Castro Valley, CA 94546
- 2. Bill Kelly
 MARSHALL STEEL CLEANERS
 20457 Redwood Road
 Castro Valley, CA 94546
- 3. Melita Elmore
 SAFEWAY HOLDINGS COMPANY, INC.
 Environmental, Health and Safety Division
 201 Fourth Street
 Oakland, CA 94607

Dated: January 21, 1994

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

In Re The Properties Known As :)

Proof of Service of Notice of Pre-Enforcement Review Panel

Tien's Unocal Marshall Steel Cleaners Safeway Store 20405, 20457, 20629 Redwood Road Castro Valley

I <u>Scott Seery</u>, do hereby certify that I served <u>Melita Elmore</u> with a copy of the attached Notice of Pre-Enforcement Review Panel to convene on <u>February 15</u>, <u>199</u> by certified mailer #P 062 128 332.

Dated: /-21-54

(signature)

P 062 128 332

RECEIPT FOR CERTIFIED MAIL

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3. Article Addressed to: Bill Kelley Marshall Steel Cleaners 2045 9 Redwood Rd Castro Valley, C4 94546	4. Article Number DC2 /28 33) Type of Service: Registered Insured Certified COD Express Mail Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.		
5. Signature - Address X 6. Signature - Agent X May Cardwell 7. Date of Delivery 1.27.9 PS Perm 3811, Mar. 1988 * U.S.G.P.O. 1988-21	8. Addressee's Address (ONLY if requested and fee paid)		

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

In Re The Properties Known As :)

Proof of Service of Notice of Pre-Enforcement Review Panel

Tien's Unocal Marshall Steel Cleaners Safeway Store 20405, 20457, 20629 Redwood Road Castro Valley

I <u>Scott Seery</u>, do hereby certify that I served <u>Bill Kelly</u>
with a copy of the attached <u>Notice of Pre-Enforcement Review</u>
Panel to convene on <u>February 15</u>, <u>199</u> by certified mailer
#P 062 128 331.

Dated: /-2/-54

signature)

P 062 128 331

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NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL (See Reverse)

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3. Article Addressed to: Melita Elmore Safeway Holdings, Inc. Environmental, Health and Safety 201 Fourth Street Oakland, Ct 94607	4. Article Number P 06 2 /28 33 2 Type of Service: Registered		
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Alameda County Health Care Services Agency, Department of Environmental Health, Hazardous Materials Division

In Re The Properties Known As :)

Proof of Service of Notice of Pre-Enforcement Review Panel

Tien's Unocal Marshall Steel Cleaners Safeway Store 20405, 20457, 20629 Redwood Road Castro Valley

I <u>Scott Seery</u>, do hereby certify that I served <u>Randall Nahas</u> with a copy of the attached <u>Notice of Pre-Enforcement Review</u>

Panel to convene on <u>February 15, 199</u> by certified mailer

#P 062 128 330.

Dated: 1-21-94

(signature)

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Castro Valley, CA 94546	Always obtain signature of addressee or agent and <u>DATE DELIVERED</u> .		
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Alameda County Health Care Services Agency, Department of Environmental Health, Hazardous Materials Division

In Re The Properties Known As :)

Proof of Service of Notice of Pre-Enforcement Review Panel

Tien's Unocal Marshall Steel Cleaners Safeway Store 20405, 20457, 20629 Redwood Road Castro Valley

I <u>Scott Seery</u>, do hereby certify that I served <u>Ralph Saroni</u> with a copy of the attached <u>Notice of Pre-Enforcement Review</u>

Panel to convene on <u>February 15, 199</u> by certified mailer

#P 062 128 333.

Dated: 1-21-94

(signature)

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MORRISON & FOERSTER

LOS ANGELES
SACRAMENTO
ORANGE COUNTY
PALO ALTO
WALNUT CREEK
SEATTLE

ATTORNEYS AT LAW

345 CALIFORNIA STREET SAN FRANCISCO, CA 94104-2675 TELEPHONE (415) 677-7000 TELEFACSIMILE (415) 677-7522 TELEX 34-0154 MRSN FOERS SFO NEW YORK
WASHINGTON, D.C.
DENVER
LONDON
BRUSSELS
HONG KONG
TOKYO

April 26, 1993

DIRECT DIAL NUMBER (415) 677-6240

Mr. Scott O. Seery
Senior Hazardous Materials Specialist
Alameda County Department of
Environmental Health
80 Swan Way, Room 200
Oakland, California 94621

Re: Tien's Unocal Station Site Castro Valley, California

Dear Scott:

This is to confirm my recent telephone call to you to advise that Morrison & Foerster will be representing Safeway Inc. in connection with the above-referenced matter.

Thank you for your consideration.

Very truly yours,

Kevin T. Haroff

KTH/cp

cc: Karen J. Nardi, Esq.

Jonathan W. Redding, Esq.

Mr. Raui Arulananthan

McCUTCHEN, DOYLE, BROWN & ENERSEN

SAN FRANCISCO

LOS ANGELES

SAN JOSE

WALNUT CREEK

COUNSELORS AT LAW

THREE EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94III-

TELEPHONE (415) 393-2000

FACSIMILE (415) 393-2286

April 7, 1993

WASHINGTON, D.C.

TAIPE

AFFILIATED OFFICE

BANGKOK

DIRECT DIAL NUMBER

(415) 393-2050

Scott O. Seery, CHMM Senior Hazardous Materials Specialist Alameda County Department of Environmental Health 80 Swan Way, Room 200 Oakland, California 94621

Marshall Steel Cleaners Castro Valley

Dear Mr. Seery:

Enclosed are laboratory results from sampling conducted at monitoring wells 5, 6, and 7 on properties owned by Joseph and Josephine Sorani and Safeway on Redwood Road in Castro Valley. The cost of this sampling was shared equally by the Soranis, Safeway, and Bill Kelly of Marshall Steel Cleaners.

We understand that sampling of volatile organic compounds is being conducted at the Unocal site. We would like to review the results of that sampling when it becomes available.

Yours sincerely

Karen J/ Nardi

Representing Joseph,

Josephine and Ralph Sorani

Enclosure

cc: Jonathan Redding

Linda MacDonald, Safeway

Ralph Sorani

McCUTCHEN, DOYLE, BROWN & ENERSEN

COUNSELORS AT LAW

THREE EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94III

TELEPHONE (415) 393-2000

FACSIMILE (415) 393-2286

WASHINGTON, D.C.

TAIPEI

AFFILIATED OFFICE

BANGKOK

April 1, 1993

DIRECT DIAL NUMBER

(415) 393-2050

Scott O. Seery, CHMM Senior Hazardous Materials Specialist Alameda County Department of Environmental Health 80 Swan Way, Room 200 Oakland, California 94621

Marshall Steel Cleaners Castro Valley

Dear Mr. Seery:

SAN FRANCISCO

LOS ANGELES

SAN JOSE

WALNUT CREEK

We are writing you on behalf of our client, Ralph Sorani. Mr. Sorani's elderly parents are the owners of the property on Redwood Road in Castro Valley where a dry cleaning business is a suspected source of perchloroethene ("PCE") groundwater contamination. The apparent presence of PCE in groundwater was discovered during the investigation of a nearby Unocal Station.

Your letter of January 19, 1993 to Mr. Sorani regarding the detection of PCE near the Castro Valley property stated:

Perchloroethene is one of the most common chemicals used in a typical dry cleaner facility. The Marshall Steel Cleaners, located at 20457 Redwood Road, is essentially situated upgradient of well MW-7. Marshall Steel appears to a potential source for the chlorinated compounds found in MW-7.

Mr. Sorani and I met with you and other involved parties on February 2, 1993. Mr. Sorani was obviously very distressed to learn that one of the tenants of his parents' property was the likely source of PCE contamination. He was anxious to attend the February 2, 1993 meeting to learn what would be required of the owners of the dry cleaning establishment in regard to the investigation and remediation of

Scott O. Seery, CHMM April 1, 1993 Page 2

the situation. He was also, of course, willing to provide access or any other services which might to be required by him to facilitate the investigation. He understands the nature of landowner liability under federal and state environmental laws.

Mr. Sorani and I were both completely surprised to learn that you intended to place the sole responsibility for the investigation upon Mr. Sorani's elderly parents. This step is contrary to State Water Resources Control Board policy.

We understand that the Alameda County Department of Environmental Health is the local oversight agency for the investigation of the gasoline release from the Unocal station. The State Water Resources Control Board ("SWRCB" or "State Water Board") and the Regional Water Quality Control Board, San Francisco Bay Region ("the Regional Board"), require local agencies to conform to all applicable rules and regulations when performing or requiring investigation and remedial work. This includes complying with Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code Section 13304."

The local agency must handle the investigation and remediation of the site using the same procedures that the Regional Board would use if it directed the site investigation. Under its written policy, the Regional Board must "[m]ake a reasonable effort to identify the dischargers associated with the discharge." Naming Mr. Sorani's parents as the sole responsible parties and ignoring the dry cleaning business which the County believes may have caused the harm violates this policy.

State Water Board decisions set precedent for making the party who caused contamination primarily liable for cleaning it up, with the landowner as the guarantor of their performance. A case similar to this case was considered by the State Water Board in 1989. The <u>Spitzer</u> matter (SWRCB Order No. WQ 89-8) involved the cleanup of soil and groundwater

In response to our request for a copy of the agreement between Alameda County and the State Water Board, we received a copy of a December 7, 1988 letter. The December 7, 1988 letter refers to underground storage tank fuel leak sites. We do not know if the County has an agreement with the State Water Board or Regional Board to cover solvent leak sites.

Scott O. Seery, CHMM April 1, 1993 Page 3

contaminated by PCE at a site where dry cleaning businesses operated for many years. The Regional Water Quality Control Board, Santa Ana Region, ordered the former operators of two different dry cleaning business on the property to undertake the investigation and cleanup of the property. The cleanup order did not require the property owners to undertake cleanup unless the other named parties failed to do so. The current tenant of the property, who was not operating a dry cleaning business, had the same status as the property owner, because the current tenant "had no connection with the activities which initially caused the pollution, [and] the parties directly responsible for the PCE release have been identified and are making some progress toward cleanup . . . "

The issue of landowner responsibility was also recently addressed in <u>In Re Wenwest</u>, <u>Inc</u>., SWRCB Order No. WQ 92-13. That case involved the owner of property formerly used as a gas station. The State Board named the landowner on the cleanup and abatement order as a secondarily responsible party. The current landowner neither caused nor permitted the activity that lead to the contamination. In addition, the two primarily responsible parties were capable of and willing to undertake the cleanup.

The Marshall Steel Cleaners matter is very similar to the two discussed above. Over the past thirty or so years there have been two operators of the drycleaning business at the Redwood Road shopping center in Castro Valley. understand that the Helley family has operated the business for operated the store. Mr. William Kelley, the current operator of the business, has been identified, and is capable of undertaking the investigation and cleanup. The property owners, Mr. Sorani's elderly parents, never used PCE on the property nor operated dry cleaning operations on the property. They are the blameless in this matter. They should be listed on any order or directive, if at all, only as secondarily Their property has been contaminated not only by the liable. adjacent service station, but possibly by their tenants. expect them alone to undertake the investigation and cleanup of their own property would not be equitable, and would not be consistent with State Water Board policy.

We are confident that the State Water Board would expect the local oversight agency to look first to the persons who caused the problem to investigate the problem. By state law, parties are entitled to State Water Board review of Scott O. Seery, CHMM April 1, 1993 Page 4

actions of local agencies.² We would advise Mr. Sorani to seek State Board review of any Order that did not name the operators of the dry cleaning business as primarily responsible. Such an appeal would delay the investigation, which would be unfortunate. Therefore we urge you to issue any directives to the operator of the dry cleaning establishment on the property. Mr. Sorani will be glad to provide you with any information you need regarding the past use of the property, and will of course work with the operators of the dry cleaning establishments regarding access and other issues.

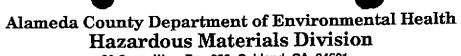
Please feel free to call me at 415-393-2050 if you have any questions or wish to discuss the matters we have raised.

Yours sincerely,

Konen J. Nardi

cc: Rick Hiett, RWQCB
Ralph Sorani
Jonathan Redding, Esq.

² Health & Safety Code § 25297.1(a)(3)



80 Swan Way, Rm. 200, Oakland, CA 94621 Ph: 510-271-4320 FAX: 510-568-3706 5 6 9 - 475 7

Meeting Attendees

Subject _	TIENS	ChocAL	20405	REDUCCO	RD
Date2	-2-93				
Location	CASTRE	VALLEY			

	<u>Name</u>	<u>Affiliation</u>	Phone # / FAX #
1	Scott SERY	ACDEH	271-4320 1369 4757
2 -	Dan Henninger	AGI	(510) 568 74× 568-5710
3	PALph SORANI	Sornai Retail Conten	(5) <u>0)886-0717/</u>
4	Karen Naudi	McCuthen, Dayle, Brum & Eheisen representing Ralph Scrani	(415) 393-2050/ 393-228
5	Dennis Miller	SAFEWAY	891-36701
6	Linda Mac Donald	Safeway (510) 891-3234/ 891-3224
7	Torachan W. Redding	Fitzgerald Appett & Bendaly morning Bill Kelly	5h 451-3300 451-152
	William Chay	MARSHAU STEEL CLEWENS	(510)582-1544 462-4214
	D. Hielt	RWGCD	
10	Randy Nahas	Z.T. Nahas Company	(510) 538 19600
	Tim Derger	BSK e Associatio	(510) 462 1 4000
12	Alex Y. Eskanl	uri BSK x Associ	(310)462/4000
13	Ravi Arulanan Tham	ACDEH	271-4320/
14			
15			
16			
17			

ALAMEDA COUNTY ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION

FEBRUARY 2, 1993

AGENDA

SUBJECT: Tien's Unocal 76 Station, 20405 Redwood Road, Castro Valley

9:50 TECHNICAL BACKGROUND

10:15 DISCUSSION

CONCLUSION / WRAP UP

WALAMEDA COUNTY HEALTH CARE SERVICES AGENCY

DAVID J. KEARS, Agency Director



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

Mr. Ralph Saroni 17896 Rockhurst Road

Castro Valley, CA 94546

Mr. Bill Kelly MARSHALL STEEL CLEANERS 20457 Redwood Road Castro Valley, CA 94546

STID 650

January 19, 1993

Mr. Randall Nahas R.T. NAHAS COMPANY 20630 Patio Drive Castro Valley, CA 94546

Ms. Melita Elmore SAFEWAY HOLDINGS, INC. Environmental, Health and Safety Division 201 Fourth Street Oakland, CA 94607

RË:

20457 AND 20629 REDWOOD ROAD (ASSESSOR'S PARCEL NUMBERS 84A-80-11-9 AND 84A-80-11-11), CASTRO VALLEY

Dear Ms. Elmore and Messrs. Nahas, Saroni and Kelly:

As you have all been made aware, an environmental investigation tracking the extent of a gasoline release from the adjacent Unocal station, located at 20405 Redwood Road, recently expanded its scope to the south, into the Safeway parking lot and driveway. Ground water sampled from one of the monitoring wells constructed during this phase of the investigation, designated MW-7 in the attached map, exhibited 14,000 parts per billion (ppb) of the compound perchloroethene (PCE), or "perc." Apparent breakdown products were also detected at elevated concentrations, including, but not limited to, trichloroethene (TCE) and cis-1,2 dichloroethene.

Perchloroethene is one of the most common chemicals used in a typical dry cleaner facility. The Marshall Steel Cleaners, located at 20457 Redwood Road, is essentially situated upgradient of well MW-7. Marshall Steel appears to be a potential source for the chlorinated compounds found in MW-7. The current investigation must expand to evaluate the extent of the contamination.

A meeting has been scheduled for **Tuesday, February 2**, with all affected parties to discuss the problem and determine an appropriate course of action. The meeting will be held at **9:30 AM** at the Alameda County Environmental Health office in Oakland.

Elmore, Nahas, Sorani, and Kelly RE: 2057/20629 Redwood Road January 19, 1993 Page 2 of 2

The office is located near the Oakland Airport, at 80 Swan Way, Room 200. Please call the undersigned at 510/271-4320 to confirm your attendance and should you have any questions.

Sincerely

Scott O. Seery, CHMM

Seniør Hazardous Materials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director - w/o

Rich Hiett, RWQCB - w/enclosure

Gil Jensen, Alameda County District Attorney's Office - W/O

Amir Gholami, ACDEH - w/enclosure Tim Berger, BSK and Associates - w/o

Frank Tien, Tien's Unocal - w/o

Ed Howell - files - w/o

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY



DAVID J. KEARS, Agency Director

STID 650

November 17, 1992

Mr. Randall Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546 BALATIA, SHAHID ASST AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94624
(510) 271-4530

RE: TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Nahas:

Thank you for recently submitting the November 10, 1992 BSK and Associates (BSK) Ninth Quarterly Groundwater Monitoring Report documenting the current status of the ongoing environmental investigation associated with the referenced site. This report was reviewed subsequent to our review of all reports issued since, and including, January 1992.

This office concurs with the conclusions and recommendations presented at the close of the cited November 10, 1992 BSK report. Specifically, the extent of the ground water plume, south of well MW-7, has not been defined. Such plume definition must be fulfilled, particularly when such elevated levels of fuel contaminants are found in the down gradient well, as is the case with well MW-7.

A proposal for expanding the current soil and water investigation (SWI) must be submitted for review. This proposal shall include the installation of an appropriate number of monitoring wells to address the plume definition issue. We suggest, however, that the locations of these additional wells may be more costeffectively located using such qualitative survey tools as soil vapor surveys or Hydropunch.

This proposal is due within 60 days of the date of this letter.

The cited November 1992 BSK report further documents that water collected during October 1992 from well MW-4, located adjacent to the waste oil underground storage tank, exhibited a "hit" for total petroleum hydrocarbons (TPH) characterized as diesel. This is the first time since this well has been sampled that contaminants have been detected. This well currently is sampled semiannually. As a result of this "hit," MW-4 shall now be sampled on a quarterly schedule, as with all other wells associated with this site.

Mr. Randall Nahas

RE: 20405 Redwood Road

November 17, 1992

Page 2 of 2

The cited BSK report additionally recommends that water collected from well MW-1 be analyzed for votal be establishment determine whether or not the dry cleaning establishment upgradient of this well may be a contributory source to the plume underlying the site. In this regard, we also recommend that water samples collected from this well also be analyzed for TPH as Stodard solvent.

Please also submit copies of the gas chromatograms for the water samples collected during october from both wells Mile and I have already discussed this issue with Mr. Tim Berger of BSK.

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

Sincerel

Scott O. Seery, CHMM

Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director

Gil Jensen, Alameda County District Attorney's Office

Rich Hiett, RWQCB

Bob Bohman, Castro Valley Fire Department

Tim Berger, BSK and Associates

Frank Tien, Tien's Unocal

DAVID J. KEARS. Agency Director

AGENCY

State Water Resour Control Board
Division of Clean Water Programs
UST Local Oversight Program

EAFAT A, SHAHID, Assistant Agency Director

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

July 7, 1992

STID 650

Mr. Randall Nahas R.T Nahas Company 20630 Patio Drive Castro Valley, CA 94546

RE: TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Nahas:

Thank you for your June 30, 1992 correspondence requesting that the Department's Local Oversight Program (LOP) consider naming Unocal Corporation as an additional responsible party (RP) for the purpose reimbursement notification. For your information, our contract with the State Water Resources Control Board, under which the county's LOP operates, stipulates that RPs be identified following both federal and state criteria. A partial listing of the entities identified as RPs is as follows:

- Persons owning or operating an underground storage tank (UST) used to store a petroleum product;
- Any owner of a property where an unauthorized release of petroleum from an UST has occurred; and,
- 3) Any person who had or has control over an UST at the time of or following an unauthorized release of petroleum occurred.

Our records show that subsurface contamination was first discovered at the subject site on December 5, 1989 during the installation of UST compliance monitoring wells, components of (former) monitoring alternative 6. An Unauthorized Leak Report was issued by this office on April 18, 1990.

We understand that R.T Nahas Company had taken over control of the site some years prior to a release being identified. Our files presently contain no information indicating the noted unauthorized release occurred during Unocal's ownership or operation of the site. We are, therefore, compelled by our contract to notify only those entities which meet the federal and state RP definitions.

Should you be able to present information documenting the release occurred during Unocal Corporation's control, ownership, and/or operation of the site, we will reconsider your request.

Mr. Randall Nahas

* RE: 20405 Redwood Road, Castro Valley

July 7, 1992 Page 2 of 2

Please call Scott Seery, Senior Hazardous Materials Specialist, at 510/ 271-4530 should you have any additional questions.

Sincerely,

Thomas Peacock

Supervisor, Local Oversight Program

cc: Sandra Malos, SWRCB Rich Heitt, RWQCB

Bob Bohman, Castro Valley Fire Department

R.T. NAHAS COMPANY State 1947 REAL ESTATE DEVELOPERS AND INVESTORS

20630 PATIO DRIVE CASTRO VALLEY, CALIFORNIA 94546 TFLFPHONE (510)538-9600 FAX (510)881-7618

June 30, 1992

Mr. Edgar B. Howell, III, Chief Contract Project Director Alameda County Health Care Services Hazardous Materials Division 80 Swan Way, Room 200 Oakland, CA 94621

Dear Mr. Howell:

I recently received a Notice of Requirement to Reimburse from your office. Without commenting on the content, I would like to request that you add an additional responsible party to this notice and that would be Mr. Jerry Mason, Unocal Corporation, 921 Wilshire Blvd., Room 1317, Los Angeles, CA 90017.

To the best of our knowledge, the spill in question occurred during the time that Unocal was in possession of the station. Therefore, all correspondence should go to them as well.

I would appreciate your attention to this matter.

Sincerely,

andall E. Nahas

REN/hrs

RAFAT A. SHAHID, Assistant Agency Director

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

February 3, 1992

Mr. Alex Eskandari BSK and Associates 1181 Quarry Lane, Building 300 Pleasanton, CA 94566

RE: OFF-SITE INVESTIGATION PROPOSAL; TIEN'S UNOCAL 76, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Eskandari:

The Department has completed review of the January 14, 1992 BSK and Associates lateral plume characterization proposal (BSK Proposal PR92001) for the referenced site. This proposal has been accepted. Please be certain, however, that a minimum period of 24 hours is allowed to pass between well development and ground water sampling.

Please notify this office when field activities are slated to begin.

Sincerely,

Scott 0. Seery, CHMM

Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health Edgar Howell, Chief, Hazardous Materials Division Gil Jensen, Alameda County District Attorney's Office Lester Feldman, RWOCR

Lester Feldman, RWQCB Howard Hatayama, DTSC

Bob Bohman, Castro Valley Fire Department

Randall Nahas, R.T. Nahas Company

files

R.T. NAHAS COMPANY OF 1977

REAL ESTATE DEVELOPERS AND INVESTORS.

92 J. 268300 Marth Derive

CASTRO VALLEY, CALIFORNIA 94546

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E AX (\$10,881.7618

January 15, 1992

Mr. Scott Seery

Hazardous Materials Specialist

Alameda County Health Care Services
80 Swan Way, Room 220
Oakland, CA 94621

Dear Scott:

Enclosed is a copy of a BSK proposal to establish a downgradient well on our neighbor's property in Castro Valley. To date, we have not received their approval but we are pursuing it with the hope of getting under way on this drilling soon.

Sincerely,

ndall E. Nahas

REN/hrs

Enclosure

December 10, 1991

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

Mr. Randall Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

RE: TIEN'S UNOCAL STATION, 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Nahas:

As we discussed by telephone December 6, the Department has completed review of the following BSK and Associates (BSK) documents: the April 1991 soil boring report; and, the third, fourth, and fifth quarterly ground water monitoring reports dated May, July, and November 1991. The cited April 1991 soil boring report documents the advancement of 13 exploratory borings about the site, and the collection and analyses of several soil samples for the presence of fuel hydrocarbons.

The April 1991 report documents the presence of significant soil contamination in the south-central portion of the site, primarily between 10 feet in depth and the first encountered ground water. The southern extent of the soil contamination was not determined due to the presence of a retail building spanning the southern property boundary. The sediments encountered in borings advanced during this stage of the investigation appear consistent with those of a fluvial, or stream, depositional environment. BSK has identified a clayey/ silty-sand "horizon" which appears to be the primary water-bearing unit. The upper surface of this unit undulates at depths between approximately 13 feet in the south-central portion of the site, to as much as 20[†] feet to the east. No downgradient wells were installed.

The May, July, and November 1991 monitoring reports document the results of ground water sampling occurring during April, July and October 1991, respectively. The July and November reports document the marked attenuation of contaminant concentrations in wells MW-2 and -3 since the April sampling event. This attenuation is likely the result of ground water levels lowering to a depth beyond the influence of a zone of high contaminant concentration. Well MW-4 continues to show nondetectable (ND) concentrations of target compounds.

Mr. Randall Nahas RE: Tien's Unocal, 20405 Redwood Road

December 10, 1991

Page 2 of 3

Review of the investigative record for this site indicates that the southern extent of soil contamination has not been determined. Further, ground water is impacted, yet no downgradient wells are installed and being monitored, and the extent of ground water contamination is unknown. Hence, additional work is required at this

At this time, the following tasks must be performed:

- Define the southern extent of soil contamination. This will require that borings be advanced on the adjoining property to the south of the subject site. [For your information, Section 25299.78 of the State Health and Safety Code provides authority for the collection of samples (e.g., soil, water, biota, etc.), both on and below the land, from any real property which is within 2,000 feet of any place where underground storage tanks are located.]
- 2) Install downgradient wells. Define the limits of the ground water contaminant plume. This will require the installation of a suitable number of wells, likely to the south, southwest, and southeast of the perceived source (i.e., the underground storage tanks, piping, and dispensers), and may <u>include the installation of wells off-site</u> (See authority statement cited above.)
- 3) Determine the source of the contamination found at this site.
- Continue monitoring existing wells according to existing 4) schedule.

Please have your consultant submit a work plan tailored to address Tasks 1-3 outlined above. All reports and proposals must be submitted under seal of an appropriate California-registered professional. This work plan is due within 45 days of the date of this letter, or by January 24, 1992.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267 (b). to respond or a late response could result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Mr. Randall Nahas

RE: Tien's Unocal, 20405 Redwood Road

December 10, 1991

Page 3 of 3

Should you have any questions about the content of this letter, please call me at 510/271-4320.

Sincerely

sectto. seery, chmm

Hazardous Waterials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health Edgar Howell, Chief, Hazardous Materials Division Gil Jensen, Alameda County District Attorney's Office Lester Feldman, RWQCB Howard Hatayama, DTSC Bob Bohman, Castro Valley Fire Department Frank Tien, Tien's Unocal Tim Berger, BSK and Associates files

R.T. NAHAS COMPANY Since 1945

REAL ESTATE DEVELOPERS AND INVESTORS

20630 PATIO DRIVE CASTRO VALLEY, CALIFORNIA 94546 TELEPHONE (415) 538-9600

March 13, 1991

Mr. Scott O. Seery Hazardous Materials Specialist Alameda County Health Care Services 80 Swan Way, Room 220 Oakland, CA 94621

> RE: Tien's Unocal Station

20405 Redwood Road, Castro Valley, CA

Dear Mr. Seery:

I am enclosing a copy of the contract between the Nahas Company and BSK to install the downgradient well and to test for the perimeter contamination. It also includes a cost for monitoring all four wells on a quarterly basis.

I hope this meets with your approval.

Sincerely,

REN/hrs

Enclosure

STANDARD FORM AGREEMENT

BETWEEN

R.T. NAHAS CO./EDEN MANAGEMENTS

AND

BSK & Associates

Geotechnical Consultants, Inc.

AGREEMENT TO ENGAGE THE SERVICES OF BSK & Associates, Geotechnical Consultants, Inc.

AS A CONSULTANT AND ADVISOR

NOTE: This Agreement supercedes the Agreement dated 4/27/90 between R.T. Nahas Co./ Eden Management, and BSK & Associates

THIS AGREEMENT, entered into at Alameda County, California

on the 8th

day of March

, 1991, by and between

R.T. Nahas Co./Eden Managements

20630 Redwood Road

Castro Valley, CA 94541

hereinafter called "Client", and

BSK & Associates, Geotechnical Consultants, Inc.

hereinafter called "Consultant", is as follows:

Soil Contamination Assessment, Installation of a Down-Gradient Monitoring Well, and Quarterly Monitoring Services

Unocal 76 Service Station - Redwood Road, Castro Valley

1

hereinafter called the "Project". The present record owner is

R.T. Nahas Co.

The Client and Consultant for mutual consideration hereinafter set forth, agree as follows:

- A. The primary objective of this agreement is to provide professional consultations which read as follows:
 - Perform a soil contamination assessment by drilling soil borings and laboratory chemical testing of soil samples to assess the vertical and horizontal extent of the soil contamination adjacent to the tank cluster;
 - Install a down-gradient groundwater monitoring following the assessment of soil contamination adjacent to the tank cluster;
 - 3) Provide quarterly sampling and testing of three existing wells (MW-2, MW-3 and MW-4), and the down-gradient well to be installed.

The work will be performed as outlined in Proposal PR90066, dated 4/27/90, and Our Report P90165, dated 8/30/90.

B. Client agrees to pay Consultant as compensation for his services as follows:

Estimated total charges for the scope of work outlined in Proposal PR90066 and Our Report P90165, dated 8/30/90, would be as follows:

- 1) Soil Contamination Assessment\$5,500 to \$6,500
- 2) Installation of a Down-Gradient Well ...\$3,500 to \$4,000
- 3) Quarterly Monitoring of Four Wells\$1,800/quarter

The maximum fee totals will not be exceeded without Client's prior approval.

TERMS

1. Limitation of Liability and Waiver on Condition

In performing professional services, BSK & Associates (hereinafter referred to as "Consultant") will use that degree of care and skill ordinarily exercised, under similar circumstances, by reputable members of the profession practicing in the same or similar locality. No other warranty, expressed or implied is made or intended by the proposal for professional services or by furnishing oral or written reports of the findings made. Unless special arrangements are made in writing, prior to commencement of work, it is agreed that the Client will limit any and all liability, claim for damages, cost of defense, or expenses to be levied against the "Consultant" on account of any design defect, error, omission, or professional negligence to a sum not to exceed \$50,000, or the amount of his fee, whichever is greater. Further, the Client agrees to notify any contractor or subcontractor who may perform work in connection with any design, report, or study prepared by the "Consultant" of such limitation of liability for design defects, errors, omissions, or professional negligence, and require as a condition precedent to their performing the work a like limitation of liability on their part as against the "Consultant." In the event the Client fails to obtain a like limitation of liability provision as to design defects, errors, omissions, or professional negligence, any liability of the Client and the "Consultant" to such contractor or subcontractor arising out of an alleged design defect, error, omission, or professional negligence shall be allocated between the Client and the "Consultant" in such a manner that the aggregate liability for the "Consultant" for such design defect to all parties, including the Client, shall not exceed \$50,000 or the amount of the "Consultant"s" fee, whichever is greater.

Hazardous Waste Liability: In consideration of the unavailability or limitation of Professional Liability Insurance for services involving or relating to the hazardous waste elements of this agreement, it is further agreed that unless liability arises by virtue of the sole negligence or intentional acts of the consultant, the client shall indemnify and hold harmless consultant and their subcontractors, agents and employees from and against all claims, damages, losses and expenses, direct or indirect, or consequential damages, losses and expenses, direct or indirect, or consequential damages, including but not limited to fees and charges of attorneys and court arising out of or resulting from the performance of the work by engineer, or claims against engineer arising from the work of others, related to hazardous waste activities.

2. Disputes

In the event that a dispute should arise relating to the performance of the services to be provided under this Agreement, and should that dispute result in litigation, it is agreed that the prevailing party shall be entitled to recover all reasonable costs incurred in the defense of the claim, including staff time, court costs, attorneys' fees, and other claim-related expenses.

3. Warranty of Authority to Sign

The person signing this contract warrants he has authority as, or on behalf of, the Client for whom or for whose benefit the "Consultant's" services are rendered. If such a person does not have such authority, he agrees that he is personally liable for all breaches of the terms and bases for the Consultant's services, and that in any action against him for breach of such warranty, a reasonable attorney's fee shall be included in any judgment rendered.

4. Right of Entry

The Client will provide for right of entry of the Consultant and all necessary equipment, in order to complete the work.

While Consultant will take all reasonable precautions to minimize any damage to the property, it is understood by Client that in the normal course of work some damage may occur, the correction of which is not part of this Agreement.

5. Utilities

In the prosecution of his work, the Consultant will take all reasonable precautions to avoid damage or injury to subterranean structures or utilities.

The Client agrees to hold the Consultant harmless for any damages to subterranean structures which are not called to Consultant's attention and correctly shown on the plans furnished.

6. Sample

All samples of soil and rock will be destroyed 30 days after submission of our report unless the Client advises us otherwise. Upon request, the Consultant will deliver samples to the Client, charges collect, or will store them for the Client for an agreed storage charge.

Unless Client and Consultant enter into an agreement indicating otherwise, Consultant will retain contaminated samples for no more than 30 days after Consultant issues to Client a document indicating information derived from the samples. It is Client's responsibility to select and arrange for disposal procedures; that is procedures which encompass removing the contaminated samples from Consultant's custody and transporting them to a lawful disposal site.

7. Payment

Invoices for Consultant's services will be submitted at his option, not more often than once a month. Invoices will be mailed to the Client and will be due immediately, but will not be delinquent if paid on or before the 30th day following the date of the invoice. If payment is not so made, under provisions of this agreement, a late payment FINANCE CHARGE will be computed at the periodic rate of .833% per month, which is an ANNUAL PERCENTAGE RATE OF 10%, and will be applied to any unpaid balance commencing 30 days after the date of the original invoice. If suit if filed, a reasonable attorney's fee, to be set by the court, shall be included in any judgment in Consultant's favor.

8. Ownership of Documents

Reports, boring logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by the Consultant, as instruments of service, shall remain the property of the Consultant.

Client agrees that reports and other work furnished to the Client or his agents, which is not paid for, will be returned upon demand and will not be used by the Client for any purpose whatever.

The Consultant will retain pertinent records relating to the services performed for a period of five years following submission of the report, during which period the records will be made available to the client at reasonable times.

9. Standard of Care

Services performed by the Consultant under this Agreement will be conducted in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.

Client recognizes that subsurface conditions may vary from those encountered at the location where borings, surveys, or explorations are made by the Consultant and that the data, interpretations and recommendations of the Consultant are based solely on the information available to him. The Consultant will be responsible for those data, interpretations, and recommendations, but shall not be responsible for the interpretation by others of the information developed.

10. Insurance

The consultant represents and warrants that it and its agents, staff and consultants employed by it is and are protected by worker's compensation insurance and that consultant has such coverage under public liability and property damage insurance policies which the consultant deems to be adequate. Certificates for all such policies of insurance shall be provided to client upon request in writing.

11. Termination

This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, Consultant shall be paid for services performed to the termination notice date plus reasonable termination expenses.

In the event of termination, or suspension for more than three (3) months, prior to completion of all reports contemplated by this Agreement, Consultant may complete such analyses and records as are necessary to complete his files and may also complete a report on the services performed to the date of notice of termination or suspension. The expenses of termination or suspension shall include all direct costs of Consultant in completing such analyses, records and reports.

12. Assigns

Neither the Client nor the Consultant may delegate, assign, sublet or transfer his duties or interest in this Agreement without the written consent of the other party.

13. Notice to Property Owner

If bills are not paid in full for the labor, services, equipment, or materials furnished or to be furnished, a mechanic's lien leading to the loss, through court foreclosure proceedings, of all or part of Owner's property being so improved may be placed against the property even though Owner has paid his contractor in full. Owner may wish to protect himself against this consequence by (1) requiring contractor to furnish a signed release by the person or firm giving this notice before making payment to contractor, or (2) any other method or device which is appropriate under the circumstances.

14. Discovery of Unanticipated Hazardous Materials

Hazardous materials or certain types of hazardous materials may exist at a site where there is no reason to believe they could or should be present. CONSULTANT and CLIENT agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. CONSULTANT and CLIENT also agree that the discovery of unanticipated hazardous materials may make it necessary for CONSULTANT to take immediate measures to protect health and safety. CONSULTANT agrees to notify CLIENT as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. CLIENT encourages CONSULTANT to take any and all measures that in CONSULTANT's professional opinion are justified to preserve and protect the health and safety of CONSULTANT's personnel and the public. CLIENT agrees to compensate CONSULTANT for the additional cost of working to protect employees' and the public's health and safety. In addition, CLIENT waives any claim against CONSULTANT, and agrees to defend, indemnify and save CONSULTANT harmless from any claim or liability for injury or loss arising from CONSULTANT's discovery of unanticipated hazardous materials or suspected hazardous materials. CLIENT also agrees to compensate CONSULTANT for any time spent and expenses incurred by CONSULTANT in defense of any such claim, with such compensation to be based upon CONSULTANT's prevailing fee schedule and expense reimbursement policy relative to recovery of direct project costs.

In the event the project is not owned by CLIENT, CLIENT warrants that he has obtained all necessary permissions for CONSUL-TANT to enter onto the site and conduct subsurface exploration activities. CLIENT recognizes that it is his responsibility to inform the property owner of the discovery of unanticipated hazardous materials or suspected hazardous materials. CLIENT also recognizes that any such discovery may result in a significant reduction of the property's value. CLIENT waives any claim against CONSULTANT, and agrees to defend, indemnify and save CONSULTANT harmless from any claim or liability for injury or loss of any type arising from CONSULTANT's discovery of unanticipated hazardous materials or suspected hazardous material on a site not owned by CLIENT.

15. Additional Provisions:

The TERMS hereof are an integral part of our contract for professional services. By signing and dating this letter contract, client specifically represents that he has read this letter contract in its entirety and the TERMS hereof and also specifically accepts the LIMITATION OF LIABILITY provisions set forth in paragraph 1 of the TERMS.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this agreement upon the terms, conditions, and provisions above stated and on the reverse side hereof, the day and year first above written.

CONSULTANT: DSK & ASSOC	iates	CLIENT:	т.	Nahas Co./Eden Managemen	nts
By: John R. Hedley, Pr	incipal	By:	<u>a</u>	dale & M. Sr	a
☐ FRESNO.	, CALIFORNIA 93706	1645 "E" SPREET #105		TELEPHONE (209) 485-3200	
T FRESNO,	CALIFORNIA 93706	1414 STANISLAUS STREET	•	TELEPHONE (209) 485-8310	
				FAX (209) 485-7427	
☐ Visalia,	CALIFORNIA 93291 .	808 E. DOUGLAS AVE.	•	TELEPHONE (209) 732-8857	
☐ BAKERSF	FIELD, CALIFORNIA 93304	117 "V" STREET	•	TELEPHONE (805) 327-0671	
PLEASAN	TON, CALIFORNIA 94566 .	5729-F SONOMA DRIVE	•	TELEPHONE (415) 462-4000	

Certified Mailer # P 062 128 099

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

October 16, 1990

Mr. Robert T. Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

RE: REVIEW OF QUARTERLY MONITORING REPORT / SUPPLEMENTAL WORK PLAN PROPOSAL; TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY, ALAMEDA COUNTY

Dear Mr. Nahas:

This Department is in receipt and has completed review of the August 30, 1990 BSK & Associates report entitled "Quarterly Monitoring Report and Work Plan for Supplemental Contamination Assessment, Unocal 76 Service Station, 20405 Redwood Road, Castro Valley, California". This report documents the results of sampling activities occurring during August 1990, and provides a proposed scope of work for additional investigative activities planned at the referenced site.

The noted work plan has been accepted by this Department for this stage of the site investigation, with the following conditions:

- As recommended in the noted BSK report, as well as in correspondence dated October 3, 1990 from Mr. Jay A. Woidtke, precision tank and piping tests should be performed in an attempt to identify any current leaks originating from the underground storage tank (UST) systems. Such tests are required to be performed yearly as an element of your monitoring alternative, both for fuel and waste oil USTs. Piping is to be isolated from the tanks and tested separately. The last "system" test performed upon the fuel USTs was on June 6, 1989; the waste oil tank was tested several weeks prior;
- 2) An Unauthorized Leak Report was already filed by this Department on April 18, 1990;
- As indicated in the noted BSK proposal, following the interpretation of laboratory results and field observations made during the advancement of proposed borings south and southwest of the fuel UST cluster, the appropriate location, or locations, of downgradient well(s) must be determined;

Mr. Robert T. Nahas

RE: Tien's Unocal, 20405 Redwood Road

October 16, 1990

Page 2 of 3

4) A well upgradient of the fuel islands should be installed at this time to establish "zero lines" of ground water contamination, and to explore the potential for an off-site source. Current ground water analysis data indicates that samples collected during August 1990 exhibit elevated levels of fuel hydrocarbons in both wells MW-2 and -3, even though prior (Dec. 1989) sampling identified limited contamination in MW-2, only.

The potential for off-site migration of contaminants onto the subject site may exist: a former Exxon service station was located at 20450 Redwood Road, across the street from Tien's Unocal. Some investigative work (i.e., borings) was conducted at the site in 1987 (?) with negligible results.

However, because ground water gradients often change direction seasonally due to variations in the rate of precipitation and water infiltration, a back-and-forth "flushing" action can, and does, occur, and may result in the appearance of contaminants in wells thought to be upgradient of the perceived source;

- 5) Water levels of <u>each</u> well must be measured and recorded monthly for the next year, **beginning October 1990**, and then quarterly thereafter. Such data is to be tabulated and presented on ground water gradient maps;
- 6) All wells, except MW-4, are to be sampled monthly for the first quarter, beginning October 1990. The monthly sampling frequency may be reduced to quarterly sampling after the first three months provided the concentrations of target compounds significantly diminish or stabilize. Well MW-4 shall be field screened quarterly and samples analyzed semi-annually (as stated in the April 26, 1990 correspondence from this Department);
- 7) All wells should be surveyed to an established or designated datum, to the accuracy of 0.01 foot, and converted to elevations above mean sea level (MSL);
- Summary reports are to be submitted <u>quarterly</u> to this Department and the RWQCB for the duration of this project, as designated by final "sign off" by the RWQCB. Such quarterly reports are to detail work performed during the reporting period, and are due the first day of the second month of each subsequent quarter (i.e., February 1, May 1, August 1, and November 1).

Mr. Robert T. Nahas RE: Tien's Unocal, 20405 Redwood Road October 16, 1990 Page 3 of 3

The next quarterly report is due February 1, 1991, and must document activities performed during the 4th quarter of 1990, including both investigative and compliance monitoring.

As was previously requested in correspondence from this office dated July 31, 1990, you are required to submit a check payable to Alameda County totalling \$744 to cover present and future costs incurred by this Department during oversight of this case. This payment is currently overdue, and must be remitted immediately.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond or a late response could result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions of stated deadlines, or modifications of the required tasks, must be confirmed in writing from either this agency or the RWQCB.

Should you have any questions regarding the content of this letter, please contact me at 415/271-4320.

Sincerely,

Scott 0. Seery

Hazardous Materials Specialist

CC: Rafat A. Shahid, Assistant Agency Director, Environmental Health Edgar Howell, Chief, Hazardous Materials Division Gil Jensen, Alameda County District Attorney's Office Howard Hatayama, DHS Lester Feldman, RWQCB Bob Bohman, Castro Valley Fire Department Jay Woidtke, Esq. Frank Tien Alex Eskandari, BSK files

Law Office of JAY A. WOIDTKE 20320 Redwood Road

Castro Valley, California 94546

Telephone (415) 881-5026 FAX (415) 881-0239

October 3, 1990

Mr. Scott Seery Alameda County Health Care Services Agency 80 Swan Way, Room 200 Oakland, CA: 94621

RE: FRANK TIEN UNOCAL 76 SERVICE STATION 20405 Redwood Road, Castro Valley, CA

Dear Mr. Seery:

The following is an update pertaining to the course of action being taken with reference to the above-referenced service station facility.

Pursuant to the terms of the quarterly monitoring report prepared by BSK dated August 30, 1990, we have requested the Nahas Company to contact TAT Company for the purpose of the "precision testing" of the gasoline tanks and attendant piping for the determination as to whether or not any current leak exists. We are requesting that such testing be done post haste and we shall, of course, submit a copy of the written findings to both BSK and your agency.

In the event there are further actions in the nature of testing and the reports that you request of Mr. Tien pending completion of the precision testing and the adoption of a follow-up course of action to deal with the known contaminants, please advise. In the interim I have carefully reviewed the contents of the BSK 8-30-90 report, and, like yourself, have certain questions as to the nature of their findings. Specifically, the presence of benzene in the test wells where previously they had not found such contamination is of concern. What does not make sense is that if there was a gasoline leak I would presume that there would be other contaminants that were tested for also found in such sampling.

One area of inquiry as posed by BSK is the source of the ostensible contamination (albeit a minor contamination at this point in time). BSK has initially determined that the ground water flow- gradient to be in a general southwesterly flow. In the event the flow is in a southeasterly direction, I raise the question as to whether or not the contamination could find its source in the heretofore abandoned and removed EXXON station which was immediately across Redwood Road from the subject site (approximately 75 feet away). If you would kindly review your documentation to ascertain what, if any, safeguards were taken at the time of removal of these tanks, perhaps further clarification of this issue can be established.

Mr. Scott Seery Alameda County Health Care Services Agency October 3, 1990 Page 2

Thank you for your kind cooperation and anticipated further assistance in working towards a mutually acceptable resolution of all of the above.

Very truly yours,

JAY A. WOIDTKE

JAW/sk

cc: R. T. Nahas Company Attention: Roberta

Frank Tien, UNOCAL 76

Alex Y. Eskandari, BSK & Assoc.

certified Mailer # P 062 128 152

July 31, 1990

Mr. Robert T. Nahas R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546 DEPARTMENT OF ENVIRONMENTAL HEALTH Hazardous Materials Program 80 Swan Way, Rm. 200 Oakland, CA 94621 (415)

RE: TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY: REQUEST FOR

SITE ASSESSMENT

Dear Mr. Nahas:

Reference is made to the April 26, 1990 correspondence from this office which summarizes those actions agreed upon by participants of the April 24, 1990 meeting between this Department and those representing R.T. Nahas Company and their consultant. A copy of this letter is attached. To date, of the five (5) actions listed in the referenced letter, only item 5 has been addressed. All others remain outstanding.

This Department has been expending effort for more than a year to bring Tien's Unocal into compliance with applicable California laws and regulations regarding the storage of hazardous materials, both above and below ground, and the generation of hazardous waste. Our efforts have been informative and patient. Letters addressed to your company have explained in detail what is required to meet the obligations mandated by state law. Deadlines have come and gone with little, if any, effort to comply.

Most recently was the deadline of May 9, 1990 to submit a proposal to assess the extent of soil and ground water contamination in an area southwest of the underground fuel tank cluster. As you may recall from your reading of the February 5, 1990 BSK and Associates report, two (2) failed attempts were made to install a ground water monitoring well in this location, one of four (4) compliance wells planned for this site and the only well location downgradient of the tank cluster. These efforts were aborted when contamination was detected in soil and ground water in both borings MW-1 and MW-1A. To date, no such proposal has been received by this Department.

Further, monitoring wells MW-2, -3, and -4 were to be sampled and analyzed the week immediately following the April 24 meeting, the results of which analyses were to have been submitted to this Department no later than May 14, 1990. Such sampling and reporting was to have followed quarterly thereafter. Again, no reports have been received by this Department as of this writing.

Lastly, tank reconciliation reports, one element of the monitoring method approved for the underground storage tanks (UST) at this site, were to have been submitted quarterly. To date, no such reports have been received by this office.

Mr. Robert T. Nahas

RE: Tien's Unocal, 20405 Redwood Road

July 31, 1990 Page 2 of 4

It is clear to this Department that compliance with Subchapter 16 of Title 23, California Code of Regulations (CCR), as it applies to UST monitoring and assessment of contamination which may have resulted from an unauthorized release from same, has not been met. Please be advised that Section 25299, of Chapter 6.7 of the California Health and Safety Code (H & SC), provides for civil penalties of up to \$5,000 per day for any of the following:

- (a) (1) Operates an underground storage tank which has not been issued a permit;
- (a)(2) Fails to monitor the UST;
- (b) (4) Knowing failure (by the owner) to take reasonable and necessary steps to insure compliance with this chapter by the operator of an UST.

This Department is aware that this facility is currently operating without benefit of a permit, and that prudent steps have <u>not</u> been taken to adequately monitor the USTs. Continued failure to monitor your USTs shall be cause to require their closure. Further, based upon the evidence presented in the referenced BSK and Associates report, we have concern that an unauthorized release has occurred at this site.

Consequent to the violations noted above, you directed to perform the following tasks:

- o Cause to perform an additional subsurface investigation, or "Preliminary Site Assessment";
- o Monitor your USTs according to the approved monitoring plan, or submit an application for their closure.

The required preliminary site assessment (PSA) will help to define the vertical and lateral impact upon ground water and soils resulting from any releases from the tank system. The information gathered by this investigation will be used to determine an appropriate course of action to remediate the site, if necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks. The major elements of such an investigation are summarized in the attached Appendix A.

In order to proceed with a site investigation, you should obtain professional services of a reputable environmental/geotechnical firm. Your responsibility is to have the consultant submit for review a proposal outlining planned activities pertinent to meeting the criteria broadly outlined in this letter and the attached Appendix A.

Mr. Robert T. Nahas

RE: Tien's Unocal, 20405 Redwood Road

July 31, 1990 Page 3 of 4

This Department will oversee the site assessment for the referenced facility. This oversight will include our review and comment on work proposals and technical guidance on appropriate investigative approaches. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7. 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 upon ground water.

This PSA proposal is due within 30 days of the date of this letter, or by August 31, 1990. Once this proposal has been reviewed and approved, work should commence no later than September 30, 1990. Accompanying this proposal must be a check payable to Alameda County totalling \$744 to offset expenses incurred by this Department in oversight of this project.

A report must be submitted within 30 days after the completion of this phase of work at the site. Subsequent reports must be submitted quarterly until this site qualifies for final RWQCB "sign off". Such quarterly reports are due the first day of the second month of each subsequent quarter (i.e., November 1, February 1, May 1, and August 1). These reports should describe the status of the remediation/investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination characterization
- o Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation

All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. Please include a statement of qualifications for each lead professional involved with this project.

Mr. Robert T. Nahas RE: Tien's Unocal, 20405 Redwood Road July 31, 1990

Page 4 of 4

UST monitoring must follow the requirements imposed by alternative 6, as proposed by BSK and Associates on your behalf, chosen to meet compliance with Section 2641(c), 23 CCR. Therefore, your attention is directed to item 3 of the attached April 26 correspondence from this Department for specific details regarding ground water sample collection and analysis scheduling and test methods. Such sampling procedures are to be repeated <u>quarterly</u> through the life of the UST systems. Be advised that an additional element of monitoring alternative 6 includes the submittal, also on a quarterly basis, of tank reconciliation reports. Your attention is directed to item 4 of the April 26 correspondence for details regarding this procedure.

You are directed to begin sampling activities <u>immediately</u>, followed by the submittal of a report documenting the results of analysis and field protocol. The first of the noted <u>sampling</u> reports is to be submitted to this Department no later than August 31, 1990 and must reflect sampling activities occurring during that same month. Subsequent monitoring (sampling) reports are to be submitted following the same quarterly schedule as outlined for the soil and ground water investigation. Failure to meet this obligation by the noted date will require removal of the USTs.

Please be advised that this letter constitutes a formal request for technical reports pursuant to California Water Code Section 13267 (b). Failure to respond or a late response will result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day, in addition to those penalties listed elsewhere in this letter. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Should you have any questions about the content of this letter, please call_me at 415/271-4320.

Sincerely

Scott 0. Seery

Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Alameda County
Department of Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Frank Tien

Law Office of

JAY A. WOIDTKE

20320 Redwood Road

Castro Valley, California 94946

ON AUG 2 PH 11 PH 12 PH

June 22, 1990

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

RE: FRANK TIEN UNOCAL 76 SERVICE STATION 20405 REDWOOD ROAD, CASTRO VALLEY

Dear Mr. Seery:

Welcome back. I trust you had a pleasant vacation.

I am enclosing herewith a copy of my letter of this date to BSK & Associates evidencing the acceptance by R. T. Nahas of the proposal tendered by such company on or about April 27, 1990. I am also enclosing a copy of the Standard form agreement, as executed, and a copy of the actual proposal, which gives additional detail concerning the sampling and testing process.

Unless we should hear from you otherwise, BSK & Associates will commence immedately with the sampling of the existing wells, for the purpose of generating a report which shall, of course, be provided to your agency, and forthwith make arrangements to install the additional down-gradient monitoring well, hopefully resulting in the ascertainment and definition of the existing contamination problem. Thereafter all parties shall discuss and negotiate appropriate remedial steps.

Thank you for your kind assistance and patience. Again, unless we immediately hear otherwise from you, we will commence with the course of action as outlined above.

Very truly yours,

JAY A. WOIDTKE

JAW/sk

Enc.

cc: R. T. Nahas Company

Frank Tien

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Law Office of JAY A. WOIDTKE 20320 Redwood Road Castro Valley, California 94546

Telephone (415) 881-5026 FAX (415) 881-0239

June 22, 1990

BSK & ASSOCIATES 5729 Sonoma Drive, Suite F Pleasanton, CA 94566

Attention: Alex Y. Eskandari

PROPOSAL PR90066

Dear Mr. Eskandari:

Pursuant to our most recent conversation, enclosed herewith is an original, duly executed Standard form agreement, to include page 5 thereof pertaining to the proposed services to be rendered at 20405 Redwood Road, Castro Valley, California, more commonly known as the Frank Tien Unocal 76 Service Station site.

As we have discussed, you have indicated that your firm will make its pest efforts to control the costs associated with the services to be provided, particularly in view of the fact that at this point in time the extent of the contamination that has been found has not been ascertained. In the unlikely event that a significant contamination is found, then all parties associated with this matter will have to make a very hard decision in the nature of undertaking the remedial measures without removing the tanks, thus allowing for the continued operation of the gas station for some time in the future, or to close the station, removing the tanks and thus potentially avoid some duplicity of costs.

By copy of this letter I am informing Mr. Scott Seery of our entering into the agreement and am requesting that you post haste complete the requested sampling and testing of the existing wells.

As a final matter, we have clarified our understanding of the agreement with your firm that the quarterly testing of the wells is a severable obligation (estimated \$1,500.00 per testing sequence) and that in entering into your contract you shall receive payment if and when the various testings are completed.

truly yours, rede

WOIDTKE JAY A.

JAW/sk

Enc. Mr. Scott Seery R. T. NAHAS CO. Frank Tien

April 26, 1990

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

Ms. Roberta Buchan R.T. Nahas Company 20630 Patio Drive Castro Valley, CA 94546

RE: TIEN'S UNOCAL, 20405 REDWOOD ROAD, CASTRO VALLEY: SUMMARY OF APRIL 24, 1990 MEETING

Dear Ms. Buchan:

This letter shall serve to summarize the issues which were discussed and the course of action agreed upon during the meeting April 24, 1990 between: yourself, as agent for R.T. Nahas Company; Messrs. Alex Eskandari and Martin Cline, representing BSK and Associates; Mr. Frank Tien, operator of Tien's Unocal, the subject facility; and, this author, representing Alameda County Department of Environmental Health, Hazardous Materials Division.

As you may recall, this meeting was prompted, in part, as a result of work performed by BSK and Associates in December 1989 which revealed the presence of subsurface contamination in both soil and groundwater. This condition was noted during the installation of groundwater monitoring wells in proximity to the southwestern corner of the underground fuel storage tank (UST) cluster. Wells were being installed to comply with the requirements of monitoring alternative 6, in accordance with Subsection 2641(c)(6) of Subchapter 16, Title 23, California Code of Regulations (CCR). This monitoring alternative was originally proposed by BSK and Associates, on behalf of R.T. Nahas Company, under cover dated November 20, 1989, and subsequently approved by this Department on December 7, 1989.

Monitoring alternative 6 requires, among other elements, the installation and monitoring of a suitable number of groundwater wells. The exact number of wells required is based on several factors, including the number and size of tanks and their proximity to each other. Whatever the final number may be, at least one (1) well <u>must</u> be sited in the confirmed downgradient position from the tank cluster.

Because soil contamination, as well as a shallow zone of contaminated "perched" groundwater, was noted during the advancement of borings MW-1 and MW-1a, these borings, located in the downgradient position, were not completed as wells for fear of dragging contaminants into the deeper aquifer underlying the site. Therefore, no downgradient wells currently exist and, as a result, this facility is currently in noncompliance with the monitoring requirements stipulated under Subsection 2641(c)(6) 23 CCR.

Ms. Roberta Buchan RE: Tien's Unocal, 20405 Redwood Road April 26, 1990 Page 2 of 3

In order to proceed with the assessment of subsurface contamination in the area of borings MW-1 and MW-1a, and comply with the requirements for UST monitoring and registration, the following actions are to be implemented:

- 1) Your consultant (BSK) is to prepare, and submit for review and approval by this Department, a brief proposal outlining methods to determine the vertical and lateral extent of subsurface contamination in proximity to MW-1 and MW-1a. This will likely involve the advancement of several shallow borings, field screening of drill cuttings using a suitable hydrocarbon detector (i.e., OVA, PID, GC, etc.), and laboratory analyses of obviously "hot" samples to document the severity of the contamination in this area. Soils are to be logged continuously by the geologist overseeing the field work. All proposals and reports are to be signed by registered professional in the State of California. This proposal is due within 15 days of the date of the April 24 meeting, or by May 9, 1990.
- 2) Upon submittal of the report documenting the activities outlined in item 1 above, a decision will be made by the property owner, R.T. Nahas Company, whether to: a) continue operating the facility and, as a result, excavating the contaminated material, filling the excavation with verified clean material, paving, installing the requisite downgradient well, and monitoring of all wells according to a strict schedule; or, b) closure of the station and removal of the USTs.
- Monitoring wells MW-2 and MW-3, as well as a new MW-1 when (or if) installed, are to be sampled and such samples analyzed quarterly by a state certified laboratory. At this time, MW-4 (near the waste oil UST) is to be field screened quarterly, and sampled for laboratory analyses semi-annually. Wells MW-2, -3, and -4 were last sampled in December 1989. No sampling or field screening occurred during the first quarter of 1990 (Jan. - Mar.). Therefore, sampling of MW-2, -3, and -4 shall occur immediately and the results reported by May 14, 1990. Wells MW-2 and -3 are to be analyzed for total petroleum hydrocarbons as gasoline (TPH-G) and volatile organics (BTXE); MW-4 is to be analyzed for the total oil and grease (TOG), volatile organics, and heavy/ extractable hydrocarbons (i.e., TPH-D). Such test methods should be followed consistently for all subsequent sampling episodes unless otherwise notified by this office.

Ms. Roberta Buchan

RE: Tien's Unocal, 20405 Redwood Road

April 26, 1990

Page 3 of 3

- Tank reconciliation (metered vs. "sticked" readings) shall occur daily. Variations shall not exceed those allowed for the approved monitoring method, as outlined in Subsection 2641(c)(6)(B) 23 CCR. Pursuant to Subsection 2644(e), the facility operator shall submit on a quarterly basis a statement to this Department, under penalty of perjury, that either: the data is within allowable variations, or a listing of dates and variations that exceed the allowable values. Such variations may indicate a loss of product from the USTs, and will require the operator to implement steps outlined in Subsection 2644(f)(1)-(8). Mr. Tien was provided with forms which he may use to submit his quarterly reports to this Department, as well as the sections of 23 CCR noted above.
- New UST Registration forms (forms A and B) were completed by Mr. Tien and submitted for data processing following the April 24 meeting.

Should you have any questions regarding the content of this letter, please call me at 415/271-4320.

Sincerely,

Scott o/ Seery/

Hazardøns Materials Specialist

cc: Rafat A: Shahid, Assistant Agency Director
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
Bob Bohman, Castro Valley Fire Department
Alex Eskandari, BSK and Associates
Frank Tien
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UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT									
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DEPARTMENT OF ENVIRONMENTAL HEALTH Hazardous Materials Program 30 Swan Way, Rm. 200 Cakland, CA 94621 7415)

December 7, 1989

Ms. Roberta Buchan R.T. Nahas Company/Eden Management 20630 Patio Drive Castro Valley, CA 94546

RE: UNDERGROUND STORAGE TANK MONITORING PROPOSAL, 20405 REDWOOD RD., CASTRO VALLEY

Dear Ms. Buchan:

We are in receipt of and have reviewed the latest underground storage tank (UST) monitoring proposal for the referenced site as submitted by BSK & Associates under cover dated November 20, 1989. This proposal involves the implementation of an acceptable monitoring alternative pursuant to Section 2641(c)(6), of Title 23, California Code of Regulations (CCR). As such, this proposal has been approved by this office.

Please be advised that, as with all UST monitoring procedures, records documenting tank monitoring results (i.e., inventory reconciliation, laboratory and field screening results, integrity tests, etc.) are required to be maintained on the premises for a period of time not less than 3 years. Further, on a quarterly basis a statement must be submitted to this agency which declares, under penalty of perjury, that either reconciliation data is within allowable variations or provides a listing of dates and variations that exceed the allowable variations.

Additionally, we are still awaiting receipt of the following items for both the 20405 Redwood Road and 20630 Patio Road sites in Castro Valley, as identified in the October 19, 1989 correspondence from this office:

- UST permit application forms A and B;
- 2) Business Plan application forms.

Ms. Roberta Buchan RE: 20405 Redwood Rd. Castro Valley December 7, 1989 Page 2 of 2

These documents are required by state law to be submitted to this agency. Continued failure to respond to these requests will result in the issuance of a Notice of Violation and referral of this case to the Alameda County District Attorney's Office for potential prosecution.

Should you have any questions, please contact the undersigned at (415) 271-4320.

Sincerely

scott O. (seery

Hazardous Materials Specialist

SOS: mam

cc: Rafat A. Shahid, Assistant Agency Director, Alameda County
Department of Environmental Health

Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division

Mark Thompson, Alameda County District Attorney, Consumer and Environmental Protection Division

Lester Feldman, RWQCB

Bob Bohman, Castro Valley Fire Department

Alex Eskandari, BSK & Associates

Files