

Jeffrey S. Lawson

<u>jsl@svlg.com</u>

3.4-- 01 0004

A LAW CORPORATION

May 21, 2004

MAY 2 & 2004

Via Facsimile & U.S. Mail

Donna L. Drogos LOP Program Manager Environmental Health Services Environmental Protection 1131 Harbor Bay Parkway, Ste. 250 Alameda CA 94502-6577

Re: Sunol Tree Gas Station: 3004 Andrade Road, Sunol, CA

Fuel Leak Case No.: RO0002448 Treatment System Test of May 5, 2004

Dear Ms. Drogos:

Please find the analytical sampling data of the treatment system installed at the T-Bear Ranch in accordance with paragraph 4 of your letter of October 31, 2003. As you can see, break through has occurred. Currently, Mr. Kelsoe is in bankruptcy. However, I understand that Weber Hayes & Associates has been retained by Alameda County to, among other things, operate and monitor the treatment system. Accordingly, I have provided Weber Hayes with the data also and expect that, under your direction, they will promptly deal with this matter. I also expect they will take over the system sampling duties.

Your Department's cooperation with the Sunol Tree Gas Station is appreciated.

Very truly yours,

Silicon Valley Law Group

JEFFREY S. LAWSON

JSL/lt

Enclosure: Sequoia Analytical Results for 5/5/04

Cc: Pat Hoban

Murray Kelsoe





14 May, 2004

Murray Kelsoe Murray Kelsoe PO Box 176 Alamo, CA 94507 Alameda County MAY 2 4 2004

Environment of the confine

RE: 3004 Andrade Road, Sunol Work Order: MNE0136

Enclosed are the results of analyses for samples received by the laboratory on 05/05/04 16:30. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Leticia Reyes Project Manager

CA ELAP Certificate #1210

Leticio Rujes



Murray Kelsoe PO Box 176 Alamo CA, 94507

Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

#### ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Infl # 1	MNE0136-01	Water	05/05/04 08:20	05/05/04 16:30
MID # 2	MNE0136-02	Water	05/05/04 08:24	05/05/04 16:30
EFF # 3	MNE0136-03	Water	05/05/04 08:30	05/05/04 16:30





Murray Kelsoe PO Box 176 Alamo CA, 94507

Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

## Gasoline\BTEX\Oxygenates by EPA method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Infl # 1 (MNE0136-01) Water	Sampled: 05/05/04 08:20	Received	05/05/04 1	6:30					
Ethanol	ND	50	ug/I	1	4050170	05/12/04	05/13/04	EPA 8260B	
Tert-butyl alcohol	13	5.0	**	ш	tt	11	Ħ	li .	•
Methyl tert-butyl ether	44	0.50	íi .	**	u	n	n	n	
Di-isopropyl ether	ND	0.50	**	U	"	11	H	• п	
Ethyl tert-butyl ether	ND	0.50	n	"	"	ri	**	tt	
Tert-amyl methyl ether	ND	0.50	*	**	II	1)	n	11	
1,2-Dichloroethane	ND	0.50	11	11	"	ji.	"	п	
1,2-Dibromoethane (EDB)	ND	0.50	Ut.	**	"	17	II .	**	
Benzene	ND	0.50	11	n	II	10	"	n .	
Ethylbenzene	ND	0.50	ч	n	1)	et	1)	11	
Toluene	ND	0.50	"	11	u	10	Ħ	п	
Xylenes (total)	ND	0.50	"	17	**	rt .	н	*	
Gasoline Range Organics (C4-C12	!) ND	50	**	0	II .	п	rt .	U	
Surrogate: Toluene-d8		92 %	60-14	0	"	"	"	n	
Surrogate: 4-BFB		97%	60-14	0	n	"	**	n	
Surrogate: 1,2-DCA-d4		102 %	60-14	0	#	"	"	n	
MID # 2 (MNE0136-02) Water	Sampled: 05/05/04 08:24	Received	1: 05/05/04	16:30					
Ethanol	ND	50	ug/l	1	4050170	05/12/04	05/13/04	EPA 8260B	
Tert-butyl alcohol	ND	5.0	n	11	II	11	tı	II .	
Methyl tert-butyl ether	6.0	0.50	11	0	tt	II.	*	u	•
Di-isopropyl ether	ND	0.50	ti .	**	1)	tt	1)	11	
Ethyl tert-butyl ether	ND	0.50	"	11	п	11	tt	n	
Tert-amyl methyl ether	ND	0.50	II	u	"	II.	**	u	
1,2-Dichloroethane	ND	0.50	4	**	n	rt	II	**	
1,2-Dibromoethane (EDB)	ИD	0.50	*	11	"	n	u	II	
Benzene	ND	0.50	n	Ħ	*	II.	**	11	
Ethylbenzene	ND	0.50	Ħ	51	II	11	II	14	
Toluene	ND	0.50	**	n	tt	ij	tt	u	
Xylenes (total)	ND	0.50	п	**	11	et	11	11	,
Gasoline Range Organics (C4-C12	) ND	50	"	1)	II .	+1	tt	q	
Surrogate: Toluene-d8		99 %	60-14	0	n	"	"	"	
Surrogate: 4-BFB		100 %	60-14	0	"	"	"	"	
Surrogate: 1,2-DCA-d4		102 %	60-14	0	#	"	H	tt	





Murray Kelsoc PO Box 176 Alamo CA, 94507

Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

## Gasoline\BTEX\Oxygenates by EPA method 8260B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
EFF # 3 (MNE0136-03) Water	Sampled: 05/05/04 08:30	Received	: 05/05/0	4 16:30					
Ethanol	ND	50	ug/[	1	4050170	05/12/04	05/13/04	EPA 8260B	<del></del>
Tert-butyl alcohol	ND	5.0	71	11	п	11	ft	II	
Methyl tert-butyl ether	1.6	0.50	u	ti	**	Ħ	*	**	
Di-isopropyl ether	ND	0.50	u	**	п	•	Ŋ	**	
Ethyl tert-butyl ether	ND	0.50	**	'n	Ħ	ŋ	n n	п	
Tert-amyl methyl ether	ND	0.50	II .	tt	**	**	tj	n	
1,2-Dichloroethane	ND	0.50	**	1)	II .	11	tt	11	•
1,2-Dibromoethane (EDB)	ND	0.50	**	ш	**	u	*	n	
Benzene	ND	0.50	ч	n	ti	tt	11	**	
Ethylbenzene	ND	0.50	n	U	n	11	tt	п	
<b>Foluene</b>	ND	0.50	11	11		Ħ	11	**	
Xylenes (total)	ND	0.50	11	71	li .	11	u	**	
Gasoline Range Organics (C4-C12	?)ND	50	11		tt	ч	*	11	
Surrogate: Toluene-d8		102 %	60-	140	"	"	"	"	
Surrogate: 4-BFB		105 %	60-	140	"	"	n	"	
Surrogate: 1,2-DCA-d4		98 %	60-	140	rr	H	n	ıı .	•





Murray Kelsoe PO Box 176 Alamo CA, 94507

Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

# Gasoline\BTEX\Oxygenates by EPA method 8260B - Quality Control Sequoia Analytical - Sacramento

		Reporting		Spike	Source		%REC		RPD	
Analyte	Result	Limit	Units	Level	Result	%REC	Limits	RPD	Limit	Notes
Batch 4050170 - EPA 5030B [P/T]								<u> </u>	<del></del>	
Blank (4050170-BLK1)				Prepared:	05/12/04	Analyzed	i: 05/13/04			
Ethanol	ND	50	ug/l					-		
Tert-butyl alcohol	ND	5.0	řŧ.							
Methyl tert-butyl ether	ND	0.50	11							
Di-isopropyl ether	ND	0.50	tt							
Bthyl tert-butyl ether	ND	0.50	**							
Tert-amyl methyl ether	ND	0.50	n.							
1,2-Dichloroethane	ND	0.50	Ħ							
1,2-Dibromoethane (EDB)	ND	0.50	**							
Benzene	ND	0.50	п							
Ethylbenzene	ND	0.50	**							
Toluene	ND	0.50	u							
Xylenes (total)	ND	0.50	tı							
Gasoline Range Organics (C4-C12)	ND	50	**							
Surrogate: Toluene-d8	10.5		"	10.0		`105	60-140			
Surrogate: 4-BFB	10.1		u	10.0		101	60-140			
Surrogate: 1,2-DCA-d4	10.2		"	10.0		102	60-140			
Laboratory Control Sample (4050170-	BS1)			Prepared	& Analyze	ed: 05/12/0	04			
Methyl tert-butyl ether	8.58	0.50	ug/l	8.64		99	60-140			
Benzene	4.77	0.50	**	5.36		89	70-130			
l'oluene	31.6	0.50	**	30.3		104	70-130			
Gasoline Range Organics (C4-C12)	387	50	11	440		88	70-130			
Surrogate: Toluene-d8	10.3		"	10.0		103	60-140			
Surrogate: 4-BFB	10.2		"	10.0		102	60-140			
Surrogate: 1,2-DCA-d4	10.2		"	10.0		102	60-140			
Laboratory Control Sample Dup (4050	0170-BSD1)			Prepared:	05/12/04	Analyzed	: 05/13/04			
Methyl tert-butyl ether	8.69	0.50	ug/l	8.64		101	60-140	1	25	
Benzene	4.82	0.50	**	5.36		90	70-130	1	25	
Toluene	32.6	0.50	u	30.3		108	70-130	3	25	
Gasoline Range Organics (C4-C12)	393	50	tt	440		89	70-130	2	25	
Surrogate: Toluene-d8	10.2		#	10.0		102	60-140			
Surrogate: 4-BFB	10.2		"	10.0		102	60-140			
Surrogate: 1,2-DCA-d4	9.98		,,	10.0		100	60-140			



Murray KelsoeProject:3004 Andrade Road, SunolMNE0136PO Box 176Project Number:Reported:Alamo CA, 94507Project Manager:Murray Kelsoe05/14/04 15:11

#### **Notes and Definitions**

DET Analyte DETECTED

ND Analyte NOT DETECTED at or above the reporting limit

NR Not Reported

dry Sample results reported on a dry weight basis

RPD Relative Percent Difference

## SILICON VALLEY LAW GROUP

152 NORTH THIRD STREET SUITE 900 SAN JOSE, CA 9511Z

TELEPHONE: (408) 286-6100 FACSIMILE: (408) 286-1400

MOS. BIVE. WWW

## FACSIMILE COVER SHEET

DATE:

May 21, 2004

TO:

Donna L. Drogos

FROM:

Lisa Tornquist, Paralegal to Jeff Lawson

RE:

Fuel Leak Case No. R02448/Sunol Tree Gas Station

FACSIMILE NO.: 510-337-9335 TELEPHONE NO.: 510-567-6700

Number of pages including Facsimile Cover Sheet:

COMMENTS:

Please refer to the attached letter of today's date.



Jeffrey S. Lawson

isl@svlg.com

A LAW CORPORATION

May 21, 2004

### Via Facsimile & U.S. Mail

Donna L. Drogos LOP Program Manager Environmental Health Services Environmental Protection 1131 Harbor Bay Parkway, Ste. 250 Alameda CA 94502-6577

Re: Sunol Tree Gas Station: 3004 Andrade Road, Sunol, CA

Fuel Leak Case No.: RO0002448
Treatment System Test of May 5, 2004

Dear Ms. Drogos:

Please find the analytical sampling data of the treatment system installed at the T-Bear Ranch in accordance with paragraph 4 of your letter of October 31, 2003. As you can see, break through has occurred. Currently, Mr. Kelsoe is in bankruptcy. However, I understand that Weber Hayes & Associates has been retained by Alameda County to, among other things, operate and monitor the treatment system. Accordingly, I have provided Weber Hayes with the data also and expect that, under your direction, they will promptly deal with this matter. I also expect they will take over the system sampling duties.

Your Department's cooperation with the Sunol Tree Gas Station is appreciated.

Very truly yours, Silicon Valley Law Group

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JEFFREY S. LAWSON

JSI\_/lt

Enclosure: Sequoia Analytical Results for 5/5/04

Cc: Pat Hoban

Murray Kelsoe



MAY-21-2004 01:01PM

885 Jarvis Drive Morgun Hill, CA 95037 (408) 776-9600 FAX (408) 782-6308 www.sequoialaba.com

14 May, 2004

Murray Kelsoe Murray Kelsoe PO Box 176 Alamo, CA 94507

RE: 3004 Andrade Road, Sunol

Work Order: MNE0136

Enclosed are the results of analyses for samples received by the laboratory on 05/05/04 16:30. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Leticia Reyes Project Manager

CA ELAP Certificate #1210

Liticio Ryes

Murray KelsoeProject: 3004 Andrade Road, SunolMNE0136PO Box 176Project Number: -Reported:Alamo CA, 94507Project Munager: Murray Kelsoe05/14/04 15:11

### ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Pute Received
Infl # 1	WNE0136-01	Water	05/05/04 08:20	05/05/04 16:30
MID # 2	MNE0136-02	Water	05/05/04 08:24	05/05/04 16:30
EFF # 3	MNE0136-03	Water	05/05/04 08:30	05/05/04 16:30



Murray Kelsoo PO Box 176 Alamo CA, 94507 Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

## Gasoline\BTEX\Oxygenates by EPA method 8260B

Analyse	Rosult	Reporting Limit	Unita	Dilation	Batch	Prepared	Analyzed	Method	Note
Infl # 1 (MNE0136-01) Water	Sampled: 05/05/04 08:20	Received:	05/05/04	16:30					
Ethanol	ND	50	ug/1	1	4050170	05/12/04	05/13/04	<b>EPA 8260B</b>	
Tert-butyl alcohol	13	5.0	11	n	н	41	**	Ŋ	
Methyl tert-butyl ether	44	0.50	ti .	"	11	27	U	11	
Di-isopropyl ether	QN	0.50	u	41	n	11	н	* #1	
Ethyl tert-butyl ether	ND	0.50	н	"	11	н	u	11	
Torr-amyl methyl ether	ND	0.50	tı	ч	4	н	10	h	
1,2-Dichloroethane	ND	0.50	11	h	**	"	**	11	
1,2-Dibromoethane (EDB)	ND	0.50	11	ч	a	17	tj	76	
Benzene	ND	0.50	79	,,	•	P <sub>1</sub>	10	44	
Ethylbenzene	ND	0.50	ĸ	"	٠.	•	))	n	
Tolueno	ND	0.50	r.	o	"	"	11	u	
Xylenes (rotal)	ND	0.50	tı	н	и	n	l†	rr	
Gasoline Range Organics (C4-C12	2) ND	50	tr	tr	"	n .	\h	n	
Surrogate: Toluene-d8		92 %	60-	140	*	"		P)	
Surrogate: 4-BFB		97 %	6D	140	*	"	Ħ	**	
Surrogate: 1,2-DCA-d4		102 %	60-	140		n	н	Ħ	
MID # 2 (MNE0136-02) Water	Sampled: 05/05/04 08:24	Received	1: 05/05/0	4 16:30					
Ethanol	ND	50	ug/l	l	4050170	05/12/04	05/13/04	PPA 8260B	
Terr-buryl alcohol	ND	5.0	η	q	W	"	u	1/	
Methyl tert-butyl ether	6.0	0.50	u	**	ч	ti	4	ч	•
Di-isopropyl other	ND	0.50	n	н	u	4	11	u	
Ethyl tort-buryl ether	ND	0.50	1)	tr	ч	17	0	11	
Terr-amyl methyl ether	ND	0.50	и	h	ų	ļi.	le .	O	
1,2-Dichloroethane	ND	0.50	11	ħ	lı .	**	"	II .	
1,2-Dibromoethane (EDB)	ND	0.50	P	t#	tr	"	"	TF.	
Benzene	ND	0.50	85	17	"	H		11	
Ethylbenzene	ND	0.50		п	"	q	n	u	
Toluene	NO	0.50		"	3+	4	π	n	
Xylenes (total)	ND	0.50	**	18	"	a	77	•	
Gasoline Range Organics (C4-C12		50	11		6	r <sub>1</sub>	11	tr	
Surrogate: Toluene-48		99 %	60-	140	0	h	"	e,	
Surrogate: 4-BFB		100 %	60 <u>-</u>	140	ø	**	P	,,	
SHITULUIE: 4°DFD									



Murray Kelsoe PO Box 176 Alamo CA, 94507

Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

## Gasoline\BTEX\Oxygenates by EPA method 8260B

Analyto	Rosule	Reporting Limít	Units	Dilution	Barch	Prepareo	Autlyzed	Metnod	Note
EFF # 3 (MNE0136-03) Water	Sampled: 05/05/04 08:30	Received	: 05/05/0	4 16:30					
Ethanol	סא	50	na)	1	4050170	05/12/04	05/13/04	EPA 8260B	
Tert-butyl alcohol	ND	5.0	4	**	"	**	"	H	
Mothyl test-butyl ether	1.6	0.50	•1	n	v	t*	ŧr	D	
Di-isopropyl ether	ND	0.50	4	n	יו	U	ħ,	lı .	
Ethyl tert-butyl ether	ND	0.50	u	T+	Ħ	et.	R	11	
Terr-amyl methyl ether	ND	0.50	11	h	Ìt	lt .	n	'n	
1,2-Dichloroethane	ND	0.50	n	11	"	,,	ħ	Te .	1
1,2-Dibromoethane (EDB)	ND	0.50	n	4	ŧ	ře .	ŧi	n	
Benzene	ND	0.50	11	11	rt	"	II .	Pt .	
Ethylbenzene	ND	0.50	н	44	ħ	Te .	n	17	
Toluene	ND	0.50	E <sub>f</sub>	•	n	"	*1	H	
Xylenes (total)	ND	0,50	h	19	r	p	*	10	
Gasoline Range Organics (C4-C12	e) ND	50	fr	р ———	h	"		ri .	
Surrogate: Toluene-d8		102 %	60.	-140	77	"	"	le	<del>-</del>
Surrogote: 4-BFB		105 %	60-	-140	*	u	"	•	
Surrogate: 1,2-DCA-d4		48 %	60-	-140	,,	n	•	H	•

Murray Kelsos PO Box 176 Alamo CA, 94507 Project: 3004 Andrade Road, Sunol

Project Number: -

Project Manager: Murray Kelsoe

MNE0136 Reported: 05/14/04 15:11

# Gasoline\BTEX\Oxygenates by EPA method 8260B - Quality Control Sequoia Analytical - Sacramento

		Reporting		Spike	Source		%re <b>c</b>		RFD	
Analyte	Result	Limit	Nurs	Level	Result	70REC	Lupro	PhD.	Limit	Note
Batch 4050170 - EPA 5030B [P/T]										·
Blank (4050170-BLK1)				Prepared:	05/12/04	Analyzer	: 05/13/04			
Ethupol	ND	50	սը/1							
l'erc-butyl alcohol	ND	5.0	н							
Methyl ten-butyl ether	ND	0.50	**							
Di-Isopropyl other	ND	0,50	11		•					
Ethyl tert-butyl ether	ND	0,50	31							
fort-amyl methyl other	ND	0,50	**							
,2-Dichloroethane	ND	0.50	P¢ .							
,2-Dibromoetliano (EDB)	ND	0.50	v							
Benzene	ND	0.50	н							
Ethylbenzone	ND	0.50	"							
l'oluene	МD	0.50	*							
Kylenes (total)	ND	0.50	"							
Gusoline Range Organics (C4-C12)	מא	50	fi							
Surrogaie: Toluene-d8	10.5		,,	10,0		105	60-140			
urrogaie: 4-BFB	10.1		n'	10.0		101	60-140			
Surrogate: 1,2-DCA-d4	10.2		"	10.0		102	60-140			
Aboratory Control Sample (4050170-	BS1)			Prepared .	& Analyz	ed: 05/12/	04			
Mothyl tert-butyl other	8.58	0.50	ug/l	8.54		99	60-140			
3anzene	4,77	0.50	"	5.36		89	70-130			
Toluene	31.6	0.50	"	30.3		104	70-130			
Outoline Range Organics (C4-C12)	387	50	te	440		88	70-130			
Surrogaie: Toluena-da	10.3		ļī	10.0		103	60-140		• • • • • • • • • • • • • • • • • • • •	
Surrogate: 4-BFB	10.2		~	10.0		102	60-140			
Surrogate: 1,2-DCA-d4	10.2		*	10.0		102	60-140			
Laboratory Control Sample Dup (405)	170-BSD1)		= ::	Prepared:	05/12/04	Analyzec	1: 05/13/04			
Mothyl tort-butyl ether	8.69	0.50	ug/l	8.64		101	60-140	3	25	
Benzens	4.82	0.50	ij	5.36		90	70-130	1	25	
Toluene	32.6	0.50	**	30.3		108	70-130	3	25	
Gasoline Range Organics (C4-C12)	393	50	W	440		89	70-130	2	25	
Surrogute: Toluene-dö	10.2		n	10.0		102	60-140			
Surrogate: 4-BFB	10.3		•	10,0		102	60-140			
Surrogaie: 1,2-DCA-d4	9,98		,,	10.0		200	60-140			



885 Jarvis Drive Morgan Hill, CA 95037 (408) 776-9600 FAX (408) 782-6308 nco.sostatoupse.www

Murray Kelsoe Project: 3004 Andrade Road, Sunol MNE0136 Project Number: -Reported: PO Box 176 05/14/04 15:11 Project Manager: Murray Kelsoe Alamo CA, 94507

#### Notes and Definitions

DET Analyte DETECTED

Analyte NOT DETECTED at or above the reporting limit ND

NR Not Reported

Sample results reported on a dry weight basis dry

RPD Relative Percent Difference