

LETTER OF TRANSMITTAL

TO: Alameda County Department of
 Environmental Health
 1181 Harbor Bay Parkway
 Alameda, CA 94502

DATE: 2/23/04	JOB NO. P92057.3
ATTENTION: Ms. Eva Chew	
RE: Former Unocal Service Station/Nahas Property	
Castro Valley, CA	

WE ARE SENDING YOU

- Attached Under separate cover via Mail the following items:
- Final Reports Draft reports Plans Samples Specifications
- Copy of letter Change order _____

COPIES	DATE	NO.	DESCRIPTION

THESE ARE TRANSMITTED as checked below:

- For approval For review and comment Return for Corrections
- For your use Approved as submitted _____
- As requested Approved as noted

REMARKS: As requested, please find attached a copy of BSK Report dealing with the installation of well W-101 which was part of a feasibility study for soil and groundwater remediation at the subject site. Relevant sections of the report are highlighted for your reference.

Y. Alex Eskandari
 Signed: Y. Alex Eskandari < P.E.

COPY TO FILE: P9257.3

1181 Quarry Lane, #300 * Pleasanton, California 94566 * Telephone (925) 462-4000 * Facsimile (925) 462-6283

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

April 24, 2001

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 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.

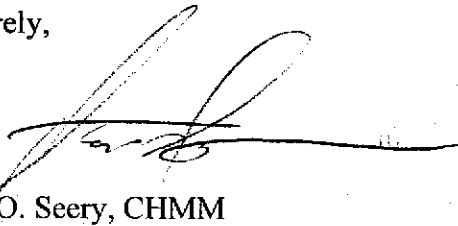
The body of work conducted to date demonstrates that the bulk of hydrocarbon-impacted soil has been identified and removed from the site following numerous phases of excavation that occurred in the wake of the 1998 removals of the UST, hydraulic lift, and grease trap. Approximately 36 tons of oil-impacted 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,

A handwritten signature in black ink, appearing to read 'Scott O. Seery', with a long horizontal flourish extending to the right.

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

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

November 2, 1999

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,

A handwritten signature in black ink, appearing to read 'Scott O. Seery', is written over a horizontal line. The signature is stylized and cursive.

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

**Life
Springs
Environmental, Inc.**

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

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

408-243-9292
FAX 408-243-9696

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:

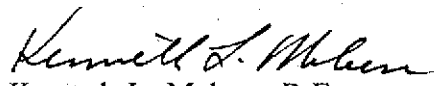
Pursuant to your request of last Thursday, I was able to find our original field ticket for the 2nd groundwater pumpout performed on November 20, 1998. I discussed this with Tim Liggett of Excel Environmental Services, and he replied that this episode of pumping, which produced 425 gallons of contaminated 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)

99 JUN -9 PM 3:45
ENVIRONMENTAL
PROTECTION

EXCEL ENVIRONMENTAL SERVICES

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

[Signature]
 CUSTOMER'S ORDER NO. _____ PHONE 408-243-9292 DATE 11-20-98

NAME Life Springs Env.

ADDRESS 3d 75 Stevens Creek Blvd.

San Jose CA 95117

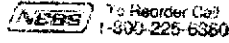
SOLD BY	CASH	C.O.D.	CHARGE <input checked="" type="checkbox"/>	ON ACCT.	MOSE. RET'D.	PAID OUT
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QTY.	DESCRIPTION	PRICE	AMOUNT
	USED OIL		
<u>425</u>	USED OIL AND WATER	<u>1⁰⁰</u>	<u>425⁰⁰</u>
	USED FUEL AND WATER		
	USED COOLANT AND OIL		
	RINSATE		
<u>2</u>	TIME	<u>55⁰⁰</u>	<u>110⁵⁰</u>
	JOB <u>RT NAHAS Co.</u>		
	<u>CASHCO Valley</u>		
	MANIFEST # <u>97383539</u>		

RECEIVED BY <u>X</u> <u>[Signature]</u>	TAX
	TOTAL <u>535⁰⁰</u>

1721

All claims and returned goods MUST be accompanied by this bill.



THANK YOU

IN CASE OF EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802. WITHIN CALIFORNIA, CALL 1-800-852-7550

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. <i>CAL00017011080000</i>	Manifest Document No.	2. Page 1 of 1	Information in the shaded areas is not required by Federal law.		
3. Generator's Name and Mailing Address: <i>EXCEL ENVIRONMENTAL SERVICES 1711 CATALINA DR. #162 LIVERMORE CA. 94550</i>							
4. Generator's Phone: <i>925 376-6008</i>							
5. Transporter 1 Company Name: <i>EXCEL ENVIRONMENTAL SERVICES</i>		6. US EPA ID Number: <i>CAL0001701108</i>					
7. Transporter 2 Company Name:		8. US EPA ID Number:					
9. Designated Facility Name and Site Address: <i>AVISO OIL 5000 ARCHER ST AVISO CA 95003</i>		10. US EPA ID Number: <i>CAL000101703</i>					
11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)		12. Containers				13. Total	14. Unit
		No. Type				Quantity	Wt/Vol
<i>NON-FLAMMABLE LIQUID WASTE LIQUID</i>		<i>001 TT</i>				<i>1250</i>	<i>G</i>
15. Special Handling Instructions and Additional Information: <i>GREEN EMERGENCY PHONE 800-376-6008</i>							
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.							
Printed/Typed Name: <i>TIM GOTT</i>		Signature: <i>[Signature]</i>		Month: <i>11</i>	Day: <i>18</i>	Year: <i>98</i>	
17. Transporter 1 Acknowledgement of Receipt of Materials: Printed/Typed Name: <i>TIM GOTT</i>		Signature: <i>[Signature]</i>		Month: <i>11</i>	Day: <i>18</i>	Year: <i>98</i>	
18. Transporter 2 Acknowledgement of Receipt of Materials: Printed/Typed Name:		Signature:		Month:	Day:	Year:	
19. Discrepancy Indication Space							
20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in item 19: Printed/Typed Name: <i>VINCENT GOMEZ</i>		Signature: <i>[Signature]</i>		Month: <i>11</i>	Day: <i>20</i>	Year: <i>98</i>	

DO NOT WRITE BELOW THIS LINE.

**Life
Springs
Environmental, Inc.**

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

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

408-243-9292
FAX 408-243-9696

FAX COVER SHEET

Date: November 12, 1998

Time Sent: ~~12:15 PM~~

12:15 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:

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 ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

Site ID # 690 Site Name Tieu's Unocal Today's Date 11/18/88
Site Address ²⁰⁴⁰⁵~~22315~~ Redwood Rd.
City Castro Valley Zip 94546 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?	11-12:45
Inspection Categories:	3:00-4:15
<input type="checkbox"/> I. Haz. Mat/Waste GENERATOR/TRANSPORTER	
<input checked="" type="checkbox"/> II. Hazardous Materials Business Plan, Acutely Hazardous Materials	
<input checked="" type="checkbox"/> III. Under ground Storage Tanks	

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

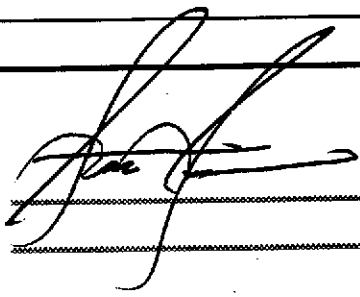
Comments: On-site to witness removal of 2 fuel and one waste oil USTs. Fire Dept was not present during removal. % LEL/O₂ was checked w/ Gastech. O₂ was < 5% in one fuel tank and < 10% in the other. LEL was checked (although w/o benefit of air bypass valve) and was < 5% (indicated) in each. Vent stand pipes were removed and USTs allowed to be lifted from the excavation.

11:20 South tank - bare steel construction. Heavy pitting and steel erosion noted in scattered location along both welded seams and section lines radiating ^{around} the tank circumference. Although near penetrations were seen, no throughgoing holes were noted.

11:40 waste oil - O₂ conc. < 5%; LEL 0%. This tank was also bare steel construction. Heavy corrosion and throughgoing holes were noted. Oily residue was observed coating the base of the tank.

12:00 North tank - bare steel construction. Moderate pitting locally, particularly along the "water line." No holes observed.

Contact Ken Melean
Title _____
Signature Kenneth J. Melean

Inspector _____
Signature 

II, III

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

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

white - env. health
yellow - facility
pink - files

Site ID # 650 Site Name Tire's Unocal Today's Date 11/18/98
Site Address 20405 Redwood Rd.
City Castro Valley Zip 94546 Phone _____

____	MAX AMT stored > 500 lbs, 55 gal., 200 cft.?	11-12:45
Inspection Categories:		
____	I. Haz. Mat/Waste GENERATOR/TRANSPORTER	2:00-4:15
<input checked="" type="checkbox"/>	II. Hazardous Materials Business Plan, Acutely Hazardous Materials	
<input checked="" type="checkbox"/>	III. Under ground Storage Tanks	

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

Comments:

unable to witness removal of 2 fuel and one waste oil USTs. Fire Dept was not present during removal. % LEL/O₂ was checked w/ Gastech. O₂ was < 5% in one fuel tank and < 10% in the other. LEL was checked (although w/o benefit of air bypass valve) and was < 5% (indicated) in each. Vent stand pipes were removed and USTs allowed to be lifted from the excavation.

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11:40 waste oil - O₂ conc. < 5%; LEL 0%. This tank was also bare steel construction. Heavy corrosion and throughgoing holes were noted. Oil residue was observed coating the base of the tank.

12:00 North tank - bare steel construction. Moderate pitting locally, particularly along the "water line." No holes observed.

Contact Ken Melean
Title _____
Signature Ken Melean

Inspector _____
Signature _____

II, III

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Hazardous Materials Inspection Form

II, III

Site ID # 650 Site Name Tien's Unocal Today's Date 11/18/98

Site Address ²⁰⁴⁰³ ~~22315~~ Redwood Rd

City Castro Valley Zip 94546 Phone _____

_____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection Categories:		
_____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER		
_____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials	x x	x x
_____ III. Under ground Storage Tanks		
	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> UST pit </div>	

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

Comments:

Sampling:

① waste oil UST - a single sample was collected from the base of the excavation from native clay. Oily ~~solid~~ residue and strong odor were evident in sampled material.

② fuel tank pit

To prepare the fuel UST excavation for sampling, the sand back fill was excavated from the pit. Apparent GW had welled into the original excavation and pooled in the tank inverts in the back fill material. The GW (which had exhibited a product sheen) did not recharge into the excavation. However, slight GW seeps were seen in a couple areas of the pit ~ ~~12' BG~~ 11 1/2' BG - 12' BG.

Sidewall samples (4) were collected - two (2) from each side of the pit adjacent each (former) tank end. A bottom sample was also collected. Sampled material appeared to be sandy silt.-silty clay. GW was observed on surfaces of fractures of stiff soil material when "broken".

③ Dispensars/piping trenches Samples were collected beneath ea. dispenser (4) and three others (3) where there were elbows or "Ts." A fourth sample was ^{also} collected from the location of an elbow of old steel piping long abandoned.

Contact Ken Melien
Title Kenneth A. Melien
Signature _____

Inspector S. Seery
Signature _____

II, III

white - env. health
yellow - facility
pink - files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

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

II, III

Site ID # 650 Site Name Tien's Unocal Today's Date 11/18/98

Site Address 20405 ~~22075~~ Redwood Rd

City Castro Valley Zip 94546 Phone _____

_____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Inspection Categories:		
_____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
_____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
_____ III. Under ground Storage Tanks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

Comments:

Sampling:

① waste oil UST - a single sample was collected from the base of the excavation from native clay. Oily ~~residue~~ residue and strong odor were evident in sampled material.

Fuel tank pit

To prepare the fuel UST excavation for sampling, the soil bank lines excavated from the pit. Apparently (5W) had washed into the original excavation and pooled in the tank/wasps in the backfill material. The (6W) (which had exhibited a product stream) did not discharge into the excavation. However, slight (5W) seeps were seen in a couple areas of the pit - ~~11 1/2' BG~~ 11 1/2' BG - 12' BG.

Sidewall samples (4) were collected - two (2) from each side of the pit adjacent each (former) tank end. A bottom sample was also collected. Sampled material appeared to be sandy silt - silty clay. (6W) was observed on surfaces of fractures of stiff soil material within excavation.

③ Dispensers/piping trenches Samples were collected beneath or dispensers (4) and three others (3) where there were elbows or T's. A fourth sample was ^{also} collected from the location of an elbow of old steel piping long abandoned.

Contact Ken Malcom
Title Principal
Signature _____

Inspector S. Seely
Signature _____

II, III

- 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

11/10/95
508
* RECEIVED *
ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
ENVIRONMENTAL HEALTH SERVICES
1131 HARBOR BAY PARKWAY, RM 250
ALAMEDA, CA 94502-6577

These documents of this tank were received and found to be complete and comply with the requirements of the Environmental Health Services. It is your responsibility to ensure that this tank meets all the requirements of the Environmental Health Services. It is your responsibility to ensure that this tank meets all the requirements of the Environmental Health Services. It is your responsibility to ensure that this tank meets all the requirements of the Environmental Health Services.

Removal of Tank(s) and Piping
Sampling
Final Inspection

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

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS

Contact Specialist: Scott Seery

* SEE CHANGES

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 94546 Phone Inactive

3. Mailing Address c/o Owner
 City _____ Zip _____ Phone _____

4. Property Owner R.T. Nahas Company
 Business Name (if applicable) R.T.Nahas Company
 Address 20630 Patio Drive
 City, State Castro Valley, CA Zip 94546

5. Generator name under which tank will be manifested
R.T.Nahas Company

EPA ID# under which tank will be manifested C A C 0 0 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 Mleen Title Field Supervisor/Chief Engineer

Company Life Springs Environmental, Inc.

Phone (408) 243-9292 Cell Phone: (408) 981-3776

9. Number of underground tanks being closed with this plan 3

Length of piping being removed under this plan 100 Feet (+/-)

Total number of underground tanks at this facility (**confirmed with owner or operator) 3

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 Excell Environmental Services EPA I.D. No. CAC000170148

Hauler License No. 3662 License Exp. Date February 28, 1999

Address 1141 Catalina Drive, Suite 162

City Livermore State CA Zip 94550

b) Product/Residual Sludge/Rinsate Disposal Site

Name Alviso Oil EPA ID# CAC000161743

Address 5002 Archer Street

City Alviso State CA Zip 95002

c) Tank and Piping Transporter

Name Ecology Control Industries EPA I.D. No. CAD009466392
Hauler License No. 1533 License Exp. Date March 31, 1999
Address 20846 Normandie Avenue
City Torrance State CA Zip 94801

d) Tank and Piping Disposal Site

Name Ecology Control Industries EPA I.D. No. CAD009466392
Address 255 Parr Blvd.
City Richmond State CA Zip 94801

11. Sample Collector

Name Kenneth Meleen
Company Life Springs Environmental, Inc.
Address 3275 Stevens Creek Blvd., #208
City San Jose State CA Zip 95117 Phone (408) 243-9292

12. Laboratory

Name Chromalab, Inc.
Address 1220 Quarry Lane
City Pleasanton State CA Zip 94566-4756
State Certification No. 1094

13. Have tanks or pipes leaked in the past? Yes 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 (CO₂) 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) ***

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
10,000 Gallon South Tank #1	Installed 1964 Stored Gasoline Tanks pumped out and shut down in 1996	Soil - 2 samples per each 10,000 gallon tank + 1 sample below waste oil tank	Each end at 13' BGS* for 10,000 gallon tanks *
10,000 Gallon North Tank #2			
300 Gallon Waste Oil Tank	Installation Date unknown, but probably in 1964 when station was built	Groundwater - 1 "grab" sample of any groundwater that enters excavation Sample analyses will be available for groundwater pumped from MW-101	Fill end of waste oil tank at 6' BGS*
* Note:		anticipated that fuel USTs are sitting in ground water. Hence, sidewall samples will be required if 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? yes no 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 prior 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
<i>fuel USTs</i> Petroleum Hydrocarbons as Gasoline (TPHg), Benzene, Toluene, Ethyl Benzene, Total Xylenes (BTEX), Methyl Tert-Butyl Ether (MTBE)	5030 3550	SW846 8020A NOV 1990/8015M	(mg/Kg). TPHg: 1.0 BTEX: 0.005 MTBE: 0.005
<i>waste oil UST</i> TPH-G and BTEX Petroleum Hydrocarbons as Diesel (TPHd) LUFT Metals Petroleum Hydrocarbons as Motor Oil (TPHo) CL HC's SVOC's	(as above) 3550 3510 3050 3510 3510 3510 3510 3510	(as above) 8015M 6010 (7000 Series) 8015M 5520 8010 8270	TPHd: 1.0 0.005 TPHo: 50 CL HC's: 0.01 SVOC's: 0.01

* 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 *Kenneth L. Meleen* Date November 4, 1998

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business R.T. Nahas Company

Name of Individual Randall E. Nahas

Signature *Randall E. Nahas* Date 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. EPA I.D. NO. under which the tanks will be manifested
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. CHEMICAL METHODS AND ASSOCIATED DETECTION LIMITS

See attached Table 2.

17. SITE HEALTH AND SAFETY PLAN

A site specific 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) For each hazard, 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
- l) 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 excerpts 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 complete 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. DEPOSIT

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

<u>HYDROCARBON LEAK</u>	<u>SOIL ANALYSIS</u>		<u>WATER ANALYSIS</u>	
Unknown Fuel	TPH G	GCFID(5030)	TPH G	GCFID(5030)
	TPH D	GCFID(3550)	TPH D	GCFID(3510)
	BTX&E	8020 or 8240	BTX&E	602, 624 or 8260
	TPH AND BTX&E	8260		
Leaded Gas	TPH G	GCFID(5030)	TPH G	GCFID(5030)
	BTX&E	8020 OR 8240	BTX&E	602 or 624
	TPH AND BTX&E	8260	TOTAL LEAD AA	
	-----Optional-----			
	TEL	DHS-LUFT	TEL	DHS-LUFT
	EDB	DHS-AB1803	EDB	DHS-AB1803
Unleaded Gas	TPH G	GCFID(5030)	TPH G	GCFID(5030)
	BTX&E	8020 or 8240	BTX&E	602, 624 or 8260
	TPH AND BTX&E	8260		
Diesel, Jet Fuel and Kerosene	TPH D	GCFID(3550)	TPH D	GCFID(3510)
	BTX&E	8020 or 8240	BTX&E	602, 624 or 8260
	TPH AND BTX&E	8260		
Fuel/Heating Oil	TPH D	GCFID(3550)	TPH D	G C F I D (3 5 1 0)
	BTX&E	8020 or 8240	BTX&E	602, 624 or 8260
	TPH AND BTX&E	8260		
Chlorinated Solvents	CL HC	8010 or 8240	CL HC	601 or 624
	BTX&E	8020 or 8240	BTX&E	602 or 624
	CL HC AND BTX&E	8260	CL HC AND BTX&E	8260
Non-chlorinated Solvents	TPH D	GCFID(3550)	TPH D	GCFID(3510)
	BTX&E	8020 or 8240	BTX&E	602 or 624
	TPH AND BTX&E	8260	TPH and BTX&E	8260
Waste and Used Oil or Unknown (All analyses must be completed and submitted)	TPH G	GCFID(5030)	TPH G	GCFID(5030)
	TPH D	GCFID(3550)	TPH D	GCFID(3510)
	TPH AND BTX&E	8260		
	O & G	5520 D & F	O & G	5520 B & F
	BTX&E	8020 or 8240	BTX&E	602, 624 or 8260
	CL HC	8010 or 8240	CL HC	601 or 624
ICAP or AA TO DETECT METALS: Cd, Cr, Pb, Zn, Ni				
METHOD 8270 FOR SOIL OR WATER TO DETECT:				
PCB*		PCB		
PCP*		PCP		
PNA		PNA		
CREOSOTE		CREOSOTE		

* 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

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 extractable, 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 hydrocarbons, 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:

	<u>SOIL PPM</u>	<u>WATER PPB</u>
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
≤ 10 ppm (42%)	≤ 10 ppm (10%)
≤ 5 ppm (19%)	≤ 5 ppm (21%)
≤ 1 ppm (35%)	≤ 1 ppm (60%)

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

- 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.
- 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 chromatogram(s), the type of column used, initial temperature, temperature program is C/minute, and the final temperature.

- REPORTING LIMITS FOR TPH are: gasoline standard ≤ 20 carbon atoms, diesel and jet fuel (kerosene) standard ≤ 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.

ALAMEDA COUNTY ENVIRONMENTAL PROTECTION DIVISION

DECLARATION OF SITE ACCOUNT REFUND RECIPIENT

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

650

SITE INFORMATION:

Site ID Number
(if known)

R.T.Nahas Company (Formerly Tien UNOCAL 76 Service Station)

Name of Site

20405 Redwood Road

Street Address

Castro Valley, CA 94546

City, State & Zip Code

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

Life Springs Environmental, Inc.

Name

3275 Stevens Creek Blvd., #208

Street Address

San Jose, CA 95117

City, State & Zip Code

Kenneth L. Meleen

Signature of Payor

November 4, 1998

Date

Kenneth L. Meleen

Name of Payor

(PLEASE PRINT CLEARLY)

Life Springs Environmental, Inc.

Company Name of Payor

RETURN FORM TO:

County of Alameda, Environmental Protection

1131 Harbor Bay Parkway, Rm 250

Alameda CA 94502-6577

Phone#(510) 567-6700



Building Quality

**HAZARDOUS SUBSTANCES REMOVAL AND REMEDIAL
ACTIONS CERTIFICATION**

Pursuant to the provisions of Section 7058.7 of the Business and Professions Code, the Registrar of Contractors does hereby certify that the following qualifying person has successfully completed the hazardous substances removal and remedial actions examination.



Qualifier: KENNETH LEROY MELEEN

License No.: 709780

Business Name: LIFE SPRINGS ENVIRONMENTAL INC

WITNESS my hand and official seal this
14TH day of JULY 1995

David R. Phillips
Registrar of Contractors

131-36 (12/91)

This certification is the property of the Registrar of Contractors, is not transferable, and shall be returned to the Registrar upon demand when suspended, revoked, or invalidated for any reason.

A 6720



State of California
CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE



License Number **709780** Entity **CORP**

Business Name **LIFE SPRINGS ENVIRONMENTAL INC**

Classification **HAZ**

Expiration 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 NUMBER 709780	
FULL NAME OF BUSINESS (AS IT CURRENTLY APPEARS ON THE RECORDS OF THE CSLB) LIFE SPRINGS ENVIRONMENTAL INC	
BUSINESS HAS/HAD NO EMPLOYEES AS OF (MONTH/DAY/YEAR): April 1, 1997 <small>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.</small>	
DAYTIME BUSINESS TELEPHONE NUMBER (408) 243-9292	EVENING TELEPHONE NUMBER (415) 965-2439

FALSIFICATION OF ANY DOCUMENT IS CAUSE FOR DISCIPLINARY ACTION

On April 1, 1997 at San Jose, Santa Clara, California
Date - Month/Day/Year City County State

I certify under penalty of perjury under the laws of the State of California that the above named business does not employ any person in any manner so as to become subject to the Workers' Compensation laws of California. I further certify that the CSLB will be notified and sent a Certificate of Workers' Compensation Insurance or a Certification of Self-Insurance within 90 days of employing any person which results in the business becoming subject to the Workers' Compensation laws of California.

SIGNATURE OF OWNER, PARTNER, OR OFFICER

PRINT OR TYPE NAME OF THE PERSON SIGNING

Kenneth L. Meleen, Vice President

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.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



March 9, 1998

ENVIRONMENTAL HEALTH SERVICES

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

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 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 on-site 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.

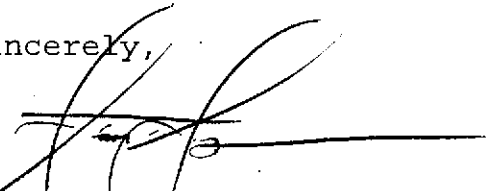
Proposed total BTEX cleanup/screening levels (1.0 ppm) and sampling protocol for excavated soil subject to reuse as backfill material appear reasonable and, hence, acceptable.

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 O. 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)

12/17/97

call w/ J. deGeorgio
(SWRCB) SB2004.
(916) 227-7728

Discussed w.p. and w/ky.
He felt CAP ('95) was old-
wanted new. Maybe SUS
instead? If any thing - will
need to review CAP.

Lawyer says:

2/8/96

① This is a "high risk"
case because GW is
impacted, and there is
"free product" in soil +
GW

② wants my approval of
Phillips Env. w.p.
(have not seen it yet)

4/16/96

Call to Chris Noma:

I informed her that, because
the RBCA work would lead
to a final CAP scope, it would
be the classic "cart-before-the-
horse" issue to approve the CAP
w/o the RBCA results. She
will check w/ the UST Fund
office (Chris Stevens) to see if
I need to address a letter regarding
the RBCA work.



Cal/EPA

**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) 227-4539
FAX (916) 227-4530

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

#650
SOS



Pete Wilson
Governor

ENVIRONMENTAL
PROTECTION

97 OCT 24 PM 3:46

OCT 22 1997

Frank Tien
c/o: Christine K. Noma, Esq.
P O Box 2047
Oakland, CA 94604

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

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.

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,

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



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95814
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00:11:00 PM 06/22/1997

Stid #650
SOS



Pete Wilson
Governor

JUN 20 1997

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 94546

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.



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JUN 20 1997

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



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**State Water
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FAX (916) 227-4530

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ENVIRONMENTAL
PROTECTION
97 MAR 31 PM 3: 35

stid #650
SOS



Pete Wilson
Governor

MAR 26 1997

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**

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.



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Mr. Frank Tien
c/o Christine K. Noma, Esq.

-2-

MAR 26 1997

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



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Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Mr. Frank Tien
c/o Christine K. Noma, Esq.

-3-

MAR 26 1997

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



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**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)



Post-it® Fax Note	7671	Date	4/24	# of pages	1
To	Scott Seery		From	Christopher Stevens	
Co./Dept.			Co.	Stevens	
Phone #			Phone #		
Fax #			Fax #		

April 23, 1996

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

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 Reimbursement Request Instructions 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

WENDEL
ROSEN
BLACK
& DEAN

Attorneys at Law

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.)

Christopher Stevens
April 9, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN

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

WENDEL
ROSEN
BLACK
& DEAN

Attorneys at Law

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

WENDEL, ROSEN, BLACK & DEAN

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

WENDEL
ROSEN
BLACK
& DEAN

Attorneys at Law

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

WENDEL, ROSEN, BLACK & DEAN

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 oversight 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 *source ≠ instable* 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

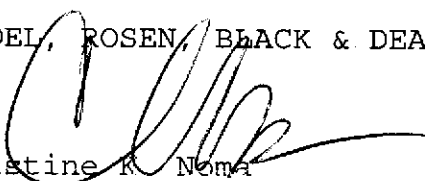
Scott Seery
February 7, 1996
Page 3

WENDEL, ROSEN, BLACK & DEAN

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 K. Noma

CKN:pm

cc: Randy Nahas
Rand Chritton, Esq.
Khaled Rahman
Peter Turner, Esq.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

April 13, 1995

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

STID 650

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

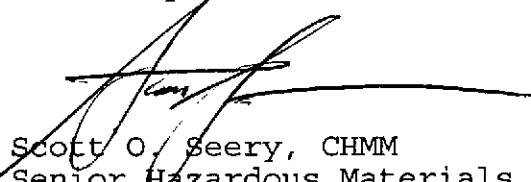
To facilitate the development of your CAP in the presence of current ground water data, please instruct your consultant to sample all wells in the network during the present (2nd) quarter, preferably before the end of April. Such data will likely better represent the "high-water" conditions expected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



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

WENDEL
ROSEN
BLACK
& DEAN

Attorneys at Law

ALCO
HAZMAT

94 AUG 31 PM 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

Jeffory J. Scharff
August 30, 1994
Page 2

WENDEL, ROSEN, BLACK & DEAN

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

JAN ADAM GREBEN
JEFFORY J. SCHARFF

TELEPHONE
(916) 558-6192
FACSIMILE
(916) 447-2414

August 25, 1994

COPY

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. Tien's Hydrocarbon Plume.

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.

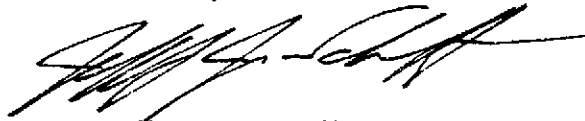
With respect to the work plan for assessing vertical and lateral extent of soil and groundwater PCE contamination, the parties identified in the 6/27/94 correspondence are attempting to work out a shared agreement. I anticipate Mr. Kelly being the informally designated party to respond to the Board's 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,



Jeffery J. Scharff

JJS:af

Enclosure

cc: Bill Kelly
Karen Nardi
Marshall Steel
Randall Nahas
Frank Tien
Scott Seery
Gil Jensen
Christine Noma, Esq.

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. Dry Cleaning Equipment.

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.

2. 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. PCE Sewer Discharges.

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 is known to contain 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. Inventory Control/Accounting Procedures.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

William and Eva Kelly
 20457 Redwood Rd
 Castro Valley, CA 94546

4a. Article Number
 P 386 338 452

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
 7.8.94

5. Signature (Addressee)
 Joann Miller

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

6. Signature (Agent)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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1. Addressee's Address

2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

William Kelly
 Marshall Steel Cleaners
 20457 Redwood Rd.
 Castro Valley, CA 94546

4a. Article Number
 P 029 244 608

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
 7.8.94

5. Signature (Addressee)
 Joann Miller

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

6. Signature (Agent)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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2. Restricted Delivery

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3. Article Addressed to:

William Kelly
 Howard W. Kelly + Son, Inc.
 Marshall Steel Cleaners
 20457 Redwood Rd
 Castro Valley, CA 94546

4a. Article Number
 P 029 244 607

4b. Service Type

Registered Insured

Certified COD

Express Mail Return Receipt for Merchandise

7. Date of Delivery
 7.8.94

5. Signature (Addressee)
 Joann Miller

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

6. Signature (Agent)

Thank you for using Return Receipt Service.

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SENDER:

- Complete items 1 and/or 2 for additional services.
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I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Joseph + Josephine Saroni
4747 Proctor Avenue
Castro Valley, CA 94546

4a. Article Number

P 386 338 396

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

Josephine Saroni

6. Signature (Agent)

AS 7-8-94

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

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Services.

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SENDER:

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

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

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Marshall Steel, Jr
P.O. Box 915
Pebble Beach, CA 93953

4a. Article Number

P 029 244 600

4b. Service Type

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

7. Date of Delivery

7-8-94

5. Signature (Addressee)

Adelberto Duran

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Services.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

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



JUN 27 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

ALCOA
HAZMAT
56 JUL -6 AM 8:25

**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 Hiatt 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.

Pursuant to the Regional Board's authority under Section 13304 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.

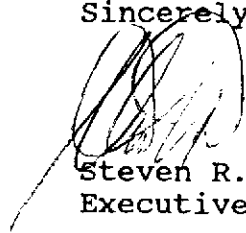
Therefore, **within 45 days of the date of this letter**, you are requested to submit technical reports specifically addressing the following numbered items:

- 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 all 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,



Steven R. Ritchie
Executive Officer

Pre-Enforcement Review Panel

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.
Ralph Saroni

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

In Re The Property Known As :) Notice of Official Action
) By the San Francisco Bay
20457 Redwood Road) Regional Water Quality
Castro Valley, CA 94546) 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 Scott Seery, do hereby certify that I served William Kelly 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



**Receipt for
Certified Mail**

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

PS Form 3800, June 1991

Sent to <i>William Kelly</i>	
Street and No. <i>20457 Redwood Rd</i>	
P.O., State and ZIP Code <i>Castro Valley, CA 94536</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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

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) By the San Francisco Bay
20457 Redwood Road) Regional Water Quality
Castro Valley, CA 94546) Control Board

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I Scott Seery, do hereby certify that I served William Kelly, Howard W. Kelly & Son, Inc. dba Marshall Steel Cleaners with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 029 244 607.

Dated: 7-6-94



(signature)

P 029 244 607



Receipt for Certified Mail

No Insurance Coverage Provided
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Sent to <i>Howard W. Kelly & Son, Inc.</i>	
Street and No. <i>20457 Redwood Road</i>	
P.O., State and ZIP Code <i>Castro Valley, CA 94546</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

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

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) By the San Francisco Bay
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I Scott Seery, do hereby certify that I served William and Eva Kelly c/o Marshall Steel Cleaners with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 386 338 452.

Dated: 7-6-94



(signature)

P 386 338 452



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to	William & Eva Kelly	
Street and No.	20457 Delwood Road	
P.O., State and ZIP Code	Covington, GA 30006	
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, and Addressee's Address		
TOTAL Postage & Fees		\$
Postmark or Date		

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

In Re The Property Known As :) Notice of Official Action
) By the San Francisco Bay
20457 Redwood Road)
Castro Valley, CA 94546)
)
)
)
)

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

I Scott Seery, do hereby certify that I served Marshall Steel, Jr. dba Steel-Castro Valley Company with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 029 244 600.

Dated: 7-6-94



(signature)

P 029 244 600



Receipt for Certified Mail

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

Sent to <i>Marshall Steel, Jr</i>	
Street and No. <i>P.O. Box 915</i>	
P.O. State and ZIP Code <i>Pebble Beach, CA 93953</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

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

In Re The Property Known As :)
) **Notice of Official Action**
20457 Redwood Road) **By the San Francisco Bay**
Castro Valley, CA 94546) **Regional Water Quality**
) **Control Board**

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I Scott Seery, do hereby certify that I served Joseph and Josephine Saroni with a copy of the attached Notice of Official Action by the Regional Board by certified mailer #
P 386 338 396.

Dated: 7-6-94



(signature)

P 386 338 396



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to <i>Joseph & Josephine Swann</i>	
Street and No. <i>4747 Proctor Ave.</i>	
P.O., State and ZIP Code <i>Keston Valley, CT 07546</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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

In Re The Property Known As :) Notice of Official Action
Tien's Unocal) By the San Francisco Bay
20405 Redwood Road) Regional Water Quality
Castro Valley, CA 94546) 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 Scott Seery, do hereby certify that I served Randall Nahas with a copy of the attached **Official Notice of Legal Determinations by the Regional Board** by certified mailer # P 386 338 397.

Dated: 7-6-94



(signature)

986 338 397



Receipt for Certified Mail

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

PS Form 3800, June 1991

Sent to <i>Randall Nahas</i>	
Street and No. <i>20630 Patio Drive</i>	
P.O., State and ZIP Code <i>Castro Valley, CA 94546</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

SENDER:

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

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

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

4a. Article Number

P 986 338 397

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

7-8-94

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

5. Signature (Addressee)

H. R. Straka

6. Signature (Agent)

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

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 Scott Seery, do hereby certify that I served Frank Tien with a copy of the attached **Official Notice of Legal Determinations** by the Regional Board by certified mailer # P 386 338 398.

Dated: 7-6-94



(signature)

P 386 338 398



Receipt for Certified Mail

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

PS Form 3800, June 1991

Send to <i>Frank Tien</i>	
Street and No. <i>20405 Redwood Road</i>	
P.O., State and ZIP Code <i>Castro Valley, CA 94546</i>	
Postage	\$
Certified Fee	
Special Delivery fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Frank Tien
Tien's Quack
20405 Redwood Rd.
Castro Valley, CA 94546

4a. Article Number
P 386 338 398

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

7. Date of Delivery
7. 2. 91

5. Signature (Addressee)
[Signature]

6. Signature (Agent)
[Signature]

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

Thank you for using Return Receipt Service.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



JUN 27 1994

File No.: 2223.09(SA)

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

SI JUL -6 AM 8:25

ALBU
HAZMAT

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 Hiatt 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

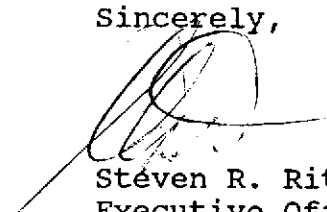
Page 2 of 2

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
Jeffery 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 Hiatt, 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



California Capital Insurance Company
Eagle West Insurance Company
Monterey Insurance Company

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,

Bill Roache
Branch Claim Representative
California Capital Insurance Company

BR:cdus51af94030206 4-4002

EAST BAY BRANCH

1320 Harbor Bay Parkway • Suite 130 • Alameda, California 94502 • (510) 748-6270

McCUTCHEEN, DOYLE, BROWN & ENERSEN

COUNSELORS AT LAW

THREE EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94111-4068

TELEPHONE (415) 393-2000

FACSIMILE (415) 393-2286

ALCO
HAZMAT

MAY 12 PM 1:11

SAN FRANCISCO
LOS ANGELES
SAN JOSE
WALNUT CREEK

WASHINGTON, D.C.
TAIPEI
AFFILIATED OFFICE
BANGKOK

May 11, 1994

DIRECT DIAL NUMBER

(415) 393-2050

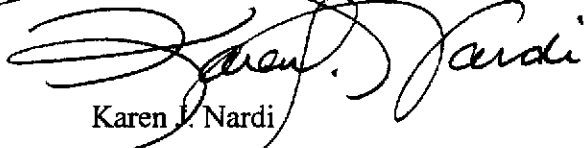
Gilbert Jensen, Esq.
Office of the Alameda County District Attorney
7677 Oakport, Suite 400
Oakland, CA 94621

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,



Karen J. Nardi

Enclosure

cc: Mr. Seery (w/enc.)

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

LEVEL 1 - 4 OF 4 DOCUMENTS

*** 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. BOX 915
PEBBLE BEACH, CA 92069

REGISTERED OFFICE: CA

STATEMENT OF OFFICERS FILE NUMBER: 100573

STATEMENT OF OFFICERS FILE DATE: 06/11/74

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

CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

CORPORATE NUMBER: 331982

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

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

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

LEVEL 1 - 2 OF 8 DOCUMENTS

*** 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: BERTHA J. STEEL FAMILY 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

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

CALIFORNIA SECRETARY OF STATE, CORPORATE RECORD.

DATE: 01/16/1964
TRANSACTION: CERTIFICATE OF AMENDMENT
COMMENT: NAME CHANGE FROM: MARSHALL STEEL CO.
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, INC.**

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
~~OAKLAND~~, 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

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

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

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

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

SCHARFF & GREBEN

ATTORNEYS AT LAW

WELLS FARGO CENTER

400 CAPITOL MALL, SUITE 1100

SACRAMENTO, CALIFORNIA 95814

JAN ADAM GREBEN
JEFFORY J. SCHARFF

94 APR 19 AM 10:40
TELEPHONE
(916) 558-6192
FAX/FACSIMILE
(916) 447-2414
CO
MAT

April 18, 1994

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

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

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

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

Mr. Thomas Peacock
Alameda Co. Dept. of Environmental Health
Hazardous Materials Dept.
80 Swan Way, Room 200
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:

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.

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

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 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.

2. Technical Report

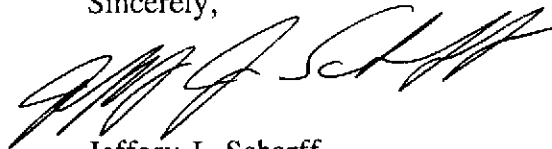
With respect to the BSK March 1994 Technical Report submitted by the Nahas Company, contrary to BSK's assertions, there is solvent usage in addition to Safety-Kleen part solvents, which contain substantial quantities of PCE. As to the question of aquifer flushing and the question of preferential flow 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,



Jeffery J. Scharff

JJS:af

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

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

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.)

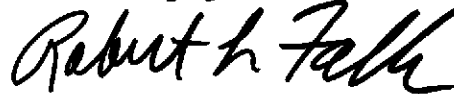
Pursuant to the Review Panel's request, we are enclosing a map indicating the boundary line between Safeway's and Mr. Saroni's properties.

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:

1. March 14, 1994 letter from Wendel, Rosen, Black, Dean and Levitan to Messrs. Seery, Peacock, Howell, Hiatt and Jensen.
2. March 14, 1994 letter from BSK & Associates to R. T. Nahas Company.
3. 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

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

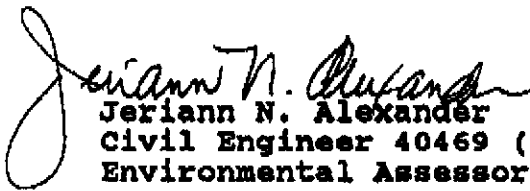
PCE and TCE are constituents in a solvent used in a solvent sink serviced on-site. However, before solvent recycling by a service such as Safety Kleen, solvents were routinely used at service stations as cleaners. The spent cleaner was commonly placed in the waste oil tank. Waste oil tanks typically 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

WENDEL
ROSEN
BLACK
DEAN &
LEVITAN

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

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.

ALCO
HAZMAT
94 APR -6 PM 12:44

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, BLACK, DEAN & LEVITAN


Christine K. Noma

CKN:pm
cc: Mr. Randy Nahas

WENDEL
ROSEN
BLACK
DEAN &
LEVITAN

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

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. This 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 as 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 Bixby Ranch v. Spectrol Electronics, 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 clean-up 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. Site Description. 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.

2. 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.

March 23, 1994
Page 5

WENDEL, ROSEN, BLACK, DEAN & LEVITAN

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

WENDEL
ROSEN
BLACK
DEAN &
LEVITAN

ALCO
HAZMAT

94 MAR 15 PM 2:17

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

March 14, 1994

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

Thomas Peacock
Alameda County Department of
Environmental Health
Hazardous Material 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

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

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

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 K. Noma

CKN:eg
Enclosures
cc: Jonathan W. Redding
Karen Nardi
Robert Falk
Alex Eskandari
Randall Nahas

MES C. SOPER, INC.
LILIP M. JELLEY, INC.
GERALD G. SMITH
LAWRENCE R. SHEPP
LEWELLYN E. THOMPSON I
RICHARD T. WHITE
MICHAEL P. WALSH
J. BRITTAIN HADGEGGER
VIRGINIA PALMER
TIMOTHY N. SMALLSREED
STEPHEN M. JUDDSON
STEPHEN M. WILLIAMS
JONATHAN W. REDDING
BETH E. ASPEDON
THEODORA R. LEE
KRISTIN A. PAGE
ROBERT F. CAMPBELL
MICHAEL M. K. SEBREC
ANTONIA L. MORE
MARIA I. LAWLESS
JULIA LYNN NYE
MATTHEW P. MATIASEVICH

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1221 BROADWAY, 21ST FLOOR
OAKLAND, CALIFORNIA 94612-1837
TELEPHONE: (910) 481-3300

R. M. FITZGERALD 1888-1894
CARL H. ABBOTT 1887-1893
CHARLES A. BEARDSLEY 1882-1883
TELECOPIER: (910) 481-1827

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
Oakland, California 94621

Re: 20457 and 20629 Redwood Road, Castro Valley

Dear Mr. ^{Gil}Jensen:

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 number of other law firms and should be able to obtain representation within the next two weeks. Because of the 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

By *Jonathan W. Redding*
Jonathan W. Redding

ALCO
HAZMAT
94 MAR -4 AM 9:32

JWR:iun
cc: Bill Kelly
Christina Noma
Karen Nardi, Esq.
Ms. Melita Elmore

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

March 2, 1994

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

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 Hiatt, RWQCB

enfltr\2)20405redwood

**Alameda County Department of Environmental Health
Hazardous Materials Division**
80 Swan Way, Rm. 200, Oakland, CA 94621
Ph: 510-271-4320 FAX: 510-568-3706

Meeting Attendees

Subject Paul Reuten
Date 2-15-94
Location 80 Swan Way, Oakland

Name	Affiliation	Phone # / FAX #
1 <u>Dennis Peacock</u>	<u>Alameda Co.</u>	<u>271-4530 / 569-4757</u>
2 <u>Edgar Howell</u>	<u>" "</u>	<u>271-4320 /</u>
3 <u>Scott Seery</u>	<u>" "</u>	<u>271-4530 / "</u>
4 <u>Lori Casias</u>	<u>Water Resources Control Bd. Local Oversight Program</u>	<u>916-227-4325 / 916-227-4341</u>
5 <u>Chris Nam</u>	<u>Attorney for NAHAB</u>	<u>510 834 6600 / 510 834 1928</u>
6 <u>Randy Nahas</u>	<u>R.T. Nahas Co.</u>	<u>510 960 1985 - 7618</u>
7 <u>Alex Y. Eskandarli</u>	<u>BSK ASSOC.</u>	<u>(510) 462 4000</u>
8 <u>Dennis Miller</u>	<u>Safeway</u>	<u>510 891 / 3670</u>
9 <u>Robert Falk</u>	<u>Safeway / Morrison + Koerster</u>	<u>415-677 6294</u>
10 <u>Linda McDonald</u>	<u>Safeway</u>	<u>510 891 / 3234</u>
11 <u>Ralph Sorani</u>	<u>Sorani Center</u>	<u>(510) 886 / 0717</u>
12 <u>Karen Nardi</u>	<u>Atty. for Sorani's</u>	<u>(415) ³⁹³ / 2050</u>
13 <u>Dan Hennings</u>	<u>Applied Geotechnology</u>	<u>(510) 238 / 1595</u>
14 <u>Jonathan Redding</u>	<u>Howard Kelly & Son, Inc</u>	<u>510 451 / 3300</u>
15 <u>Bill Kelly</u>	<u>" "</u>	<u>(510) 582 / 1340</u>
16 <u>Rick Hiatt</u>	<u>RWDCB</u>	<u>(510) 286 / 4359</u>
17 <u>GIL JENSEN</u>	<u>ALAMEDA CO DA</u>	<u>(510) 569 / 9281</u>

- Pre Enforcement Review Panel -

①

Saroni -

Karan Nardi / Saroni

- Saroni's parents own site
- bought in 1960's
- Kelley operated dry cleaners for 20 years
- Marshall Steele operated prior
-
- wants RWQCB to name "primary" and "secondary" responsibility

- on receiving out of gasoline plume

Saroni's are willing to:

- a) will allow access
- b) insurance
- c) Saroni's will ensure or "underwrite" performance of work
- d) if to operate under Water Code
 - i) needs to have forum to present data
 - ii) secondary / primary responsibility
 - iii) investigate source
- e) wants to avoid litigation
- f) " clear findings to cite Saroni's as RP and potential source

~~97~~

* Dan Henninger

Alex Esler dari (B&K)

- Tim's uses SafetyClean 105 solvent
 - ~ 5.0 ppm TCE
 - floor drain ties into drain connected to car wash, running E-W
- takes $\sim 3/6$ years to flush itself of perc, based on geology, hydrology, etc. if spilled at gas station site
- model used at LLNL in 1992
- discusses detection limits - 8240 vs. 8010

④ Safeway

Bob Falk

- a) affected property, not source
- b) will work out "access agreements"
- c)

∴ ① Senior line surveys - all properties
② hydro punch

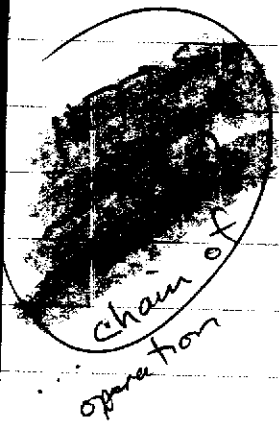
∴ Give 30 days to all parties to submit additional info

** - feels PH-E investigation is not complete

(2) Bill Kelley

John Paddis

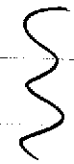
- indicates as much evidence on Urocal site as on Sateway site
- cites case law (federal) claiming owner authority responsible
- claims Sateway is responsible because Uro-7 is located there
- discusses



Saroni's bought site in 1960's

- ① "Marshall Steele" leased site from Saroni's
- ② 1974 Howard Kelley et al leased from Saroni's
- ③ 1981 " " and Son leased "

④



(3) R.T. Nahas

Chris Nama

- agrees with Kavan Nardi w/ "primary" and "secondary" responsibility
- discusses costs incurred to date w/ perc investigation
- cites Livermore Arroyo case

WENDEL
ROSEN
BLACK
DEAN &
LEVITAN

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: Phyllis Medler
Secretary to Christine K. Noma

WENDEL
ROSEN
BLACK
DEAN &
LEVITAN

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

94 FEB - 2 PM 3:30
ALCO
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. Perchloroethylene 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 perchloroethylene, 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 pre-enforcement review panel meeting as Unocal was the prior operator of the gas station.

Natalie P. Mead
February 1, 1994
Page 2

WENDEL, ROSEN, BLACK, DEAN & LEVITAN

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**

~~**Environmental, 20405 Redwood Road
Castro Valley, 20457 Redwood Road
Castro Valley, 20630 Redwood Road, Castro Valley**~~

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, 1994 at 9:00 a.m.**~~ in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will 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
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
4. **Ralph Saroni**
17896 Rockhurst Road
Castro Valley, CA 94546

Dated: **January 21, 1994** _____

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

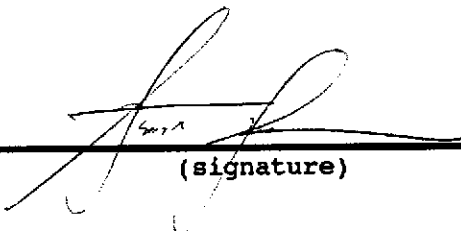
In Re The Properties Known As :)

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

Dated: 1-21-94



(signature)

P 062 128 332

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	
Melita Elmore	
Street and No.	
201 Fourth Street	
P.O., State and ZIP Code	
Oakland 94607	
Postage	\$
Certified Fee	
Special Delivery Fee	
Registered Delivery Fee	
Return Receipt showing Actual Date Delivered	
Return Receipt showing whom Delivered and Actual Date Delivered	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

NOTE: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: Bill Kelley Marshall Steel Cleaners 20459 Redwood Rd Castro Valley, CA 94546	4. Article Number P 062 128 331
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
	Always obtain signature of addressee or agent and DATE DELIVERED .
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X Mary Cardwell	
7. Date of Delivery 1-27-94	

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

Dated: 1-21-94



(signature)

P 062 128 331

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NO1 FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>Bill Kelly</i>	
Street and No. <i>20457 Redwood Rd</i>	
P.O., State and ZIP Code <i>Castro Valley, Ct 94546</i>	
Postage	<i>5</i>
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt, showing to whom and Date Delivered	
Return Receipt, showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	<i>5</i>
Postmark or Date	

PS Form 3800, June 1988

Important: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Melita Elmore Safeway Holdings, Inc. Environmental, Health and Safety 201 Fourth Street Oakland, Ct 94607</i>	4. Article Number <i>P 062 128 332</i>
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature - Address <i>X</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i> <i>B. AQUINO</i>	
7. Date of Delivery <i>1-28-94</i>	

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 Scott Seery, do hereby certify that I served Randall Nahas
with a copy of the attached Notice of Pre-Enforcement Review
Panel to convene on February 15, 199 by certified mailer
#P 062 128 330.

Dated: _____

1-21-94



(signature)

P 062 128 330

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NCT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, June 2, 1985

Sent to	Randall Nahas
Street and No.	20630 Patio Drive
P.O. State and ZIP Code	Castro Valley 94546
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt (to whom delivered and date delivered)	
Return Receipt (to whom delivered and date of delivery)	
TOTAL Postage and Fees	\$
Postmark or Date	

Instructions: Complete lines 1 and 2 when additional services are desired, and complete lines 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to: Randall Nahas R.T. Nahas Co. 20630 Patio Drive Castro Valley, CA 94546	4. Article Number P062 128 330
5. Signature - Address X H. K. Straka	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery 126.94	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 Scott Seery, do hereby certify that I served Ralph Saroni
with a copy of the attached Notice of Pre-Enforcement Review
Panel to convene on February 15, 199 by certified mailer
#P 062 128 333.

Dated: 1-21-94



(signature)

P 062 128 333

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800, June 1985

Sent to <i>Ralph Saroni</i>	
Street and No. <i>17896 Rockhurst</i>	
P.O., State and ZIP Code <i>Castro Valley 94546</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing Location and Date Delivered	
Return Receipt showing to whom, Date and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Ralph Saroni 17896 Rockhurst Road Castro Valley, CA 94546</i>	4. Article Number <i>P 062 128 333</i>
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
5. Signature - Address <i>X [Signature]</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent <i>X</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery	

SPD

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. Rauil Arulananthan

W80515

McCUTCHEM, DOYLE, BROWN & ENERSEN

COUNSELORS AT LAW

THREE EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94111

TELEPHONE (415) 393-2000

FACSIMILE (415) 393-2286

WASHINGTON, D.C.

TAIPEI

AFFILIATED OFFICE

BANGKOK

SAN FRANCISCO

LOS ANGELES

SAN JOSE

WALNUT CREEK

April 7, 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

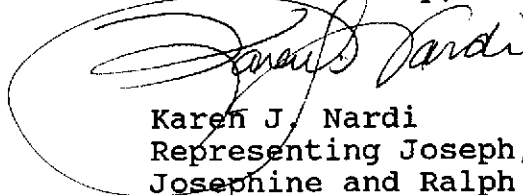
Marshall Steel Cleaners
Castro Valley

Dear Mr. Seery:

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

McCUTCHEEN, DOYLE, BROWN & ENERSEN

SAN FRANCISCO

LOS ANGELES

SAN JOSE

WALNUT CREEK

COUNSELORS AT LAW

THREE EMBARCADERO CENTER

SAN FRANCISCO, CALIFORNIA 94111

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:

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.¹ 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 Spitzer matter (SWRCB Order No. WQ 89-8) involved the cleanup of soil and groundwater

¹ 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 In Re Wenwest, Inc., 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. ~~We understand that the Kelley family has operated the business for the past several years. Kelley, Marshall Steel Cleaners~~ 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 liable. Their property has been contaminated not only by the adjacent service station, but possibly by their tenants. To 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,

Karen J. Nardi MBA

Karen J. Nardi

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

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

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

80 Swan Way, Rm. 200, Oakland, CA 94621

Ph: 510-271-4320 FAX: 510-568-3706 **569-4757**

Meeting Attendees

Subject TREN'S UNOCAL 20405 REDWOOD RD

Date 2-2-93

Location CASTRO VALLEY

	Name	Affiliation	Phone # / FAX #
1	SCOTT SEERY	ACDEH	271-4320 / 569-4757
2	Dan Hendinger	AGI	(510) 568-9478 / 568-5710
3	RALPH SORANI	SORANI Retail Center	(510) 886-0717
4	Karen Nardi	McCutchen, Doyle, Brown & Eriksen representing Ralph Sorani	(415) 393-2050 / 393-2286
5	Dennis Miller	SAFeway	891-3670 /
6	Linda MacDonald	Safeway	(510) 891-3234 / 891-3224
7	Jonathan W. Redding	Fitzgerald Abbott & Beardsley representing Bill Kelly	510 451-5300 / 451-1527
8	William C. Kew	MARSHALL STEEL CLEANERS	(510) 532-1344 / 462-4214
9	R. Hiatt	RW & CO	(510) 434-1135 / 435-9
10	Dandy Nahas	D. T. Nahas Company	(510) 538-1960
11	Tim Berger	BSK & Associates	(510) 462-1400
12	Alex Y. Eskandari	BSK & Assoc.	(510) 462-1400
13	Ravi Arulanantham	ACDEH	271-4320 /
14			/
15			/
16			/
17			/

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS DIVISION

FEBRUARY 2, 1993

A G E N D A

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

9:40 INTRODUCTION

9:50 TECHNICAL BACKGROUND

10:15 DISCUSSION

CONCLUSION / WRAP UP

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 650

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

January 19, 1993

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

Mr. Ralph Saroni
17896 Rockhurst Road
Castro Valley, CA 94546

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

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

RE: 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
Senior 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

RAHAT 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

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 cost-effectively 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 TPH to 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 Stoddard solvent.

Please also submit copies of the gas chromatograms for the water samples collected during October from both wells MW-1 and MW-2. I have already discussed this issue with Mr. Tim Berger of BSK.

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

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

RAFAT A. SHAHID, Assistant Agency Director

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:

- 1) Persons owning or operating an underground storage tank (UST) used to store a petroleum product;
- 2) 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 *Since 1947*

REAL ESTATE DEVELOPERS AND INVESTORS

20680 PATIO DRIVE
CASTRO VALLEY, CALIFORNIA 94546
TELEPHONE (510) 538-9600
FAX (510) 881-7618

June 30, 1992

1992 JUL 2 10 16 AM

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,


Randall E. Nahas

REN/hrs

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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 G. 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, RWQCB
Howard Hatayama, DTSC
Bob Bohman, Castro Valley Fire Department
Randall Nahas, R.T. Nahas Company
files

R.T. NAHAS COMPANY *Since 1917*

REAL ESTATE DEVELOPERS AND INVESTORS

92 JAN 16 1992
20800 ~~11th~~ DRIVE
CASTRO VALLEY, CALIFORNIA 94546
TELEPHONE (510) 538-9600
FAX (510) 581-7818

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,


Randall E. Nahas

REN/hrs

Enclosure

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

December 10, 1991

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 site.

At this time, the following tasks must be performed:

- 1) 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 include the installation of wells off-site (See authority statement cited above.)
- 3) Determine the source of the contamination found at this site.
- 4) Continue monitoring existing wells according to existing schedule.

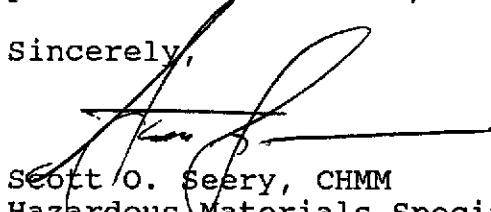
Please have your consultant submit a work plan tailored to address Tasks 1-3 outlined above. All reports and proposals must be submitted under seal of an appropriate California-registered professional. This work plan is due within 45 days of the date of this letter, or by January 24, 1992.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267 (b). 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 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,



Scott O. Seery, CHMM
Hazardous Materials 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 1947*

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,


Randall E. Nahas

REN/hrs

Enclosure

91 MAR 14 PM 12:11

STANDARD FORM AGREEMENT

BETWEEN

R.T. NAHAS CO./EDEN MANAGERMENTS

AND

BSK & Associates

Geotechnical Consultants, Inc.

91 MAR 14 PM 12:11

**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

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:

- 1) 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;
- 2) 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. Samples

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 is 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 CONSULTANT 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: BSK & Associates

CLIENT: B.T. Nahas Co./Eden Managements

By: John R. Hedley, Principal

By: [Signature]

- FRESNO, CALIFORNIA 93706 • 1845 "E" STREET #105 • TELEPHONE (209) 485-3200
- 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
- BAKERSFIELD, CALIFORNIA 93304 • 117 "V" STREET • TELEPHONE (805) 327-0671
- PLEASANTON, CALIFORNIA 94566 • 5729-F SONOMA DRIVE • TELEPHONE (415) 462-4000

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Certified Mailer # P 062 128 099

October 16, 1990

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

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:

- 1) 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;
- 3) 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 each 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);
- 8) Summary reports are to be submitted quarterly 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

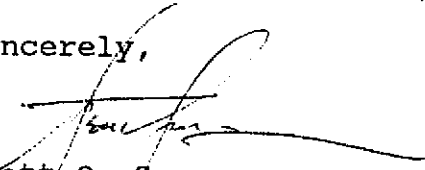
The next quarterly report is due February 1, 1991, and must document activities performed during the 4th quarter of 1990, including both investigative and compliance monitoring.

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 O. 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.

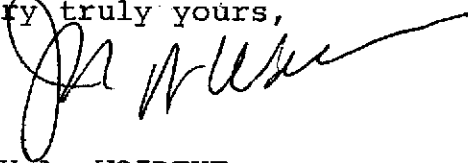
In the event there are further actions in the nature of testing and the reports that you request of Mr. Tien pending completion of the precision testing and the adoption of a follow-up course of action to deal with the known contaminants, please advise. In the interim I have carefully reviewed the contents 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.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 128 152

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

July 31, 1990

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

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 not 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 quarterly 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 immediately, followed by the submittal of a report documenting the results of analysis and field protocol. The first of the noted sampling 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 O. 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 94546
90 AUG 2 PM 11:48
Telephone (415) 881-5026
FAX (415) 881-0239

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:

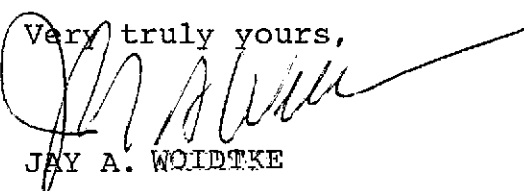
Welcome back. I trust you had a pleasant vacation.

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 immediately 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

8-3-90
Note: This letter was received by this Dept. on Aug. 2, 1990, approx 5 weeks after the date appearing on this letter and attached contract agreement. Further, this correspondence is also received after the issuance of a PSA request from this Dept. dated July 31, 1990.
SAS

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

RE: 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 best 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.

Very truly yours,



JAY A. WOIDTKE
JAW/sk

Enc.

cc: Mr. Scott Seery
R. T. NAHAS CO.
Frank Tien

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

April 26, 1990

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 must 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:

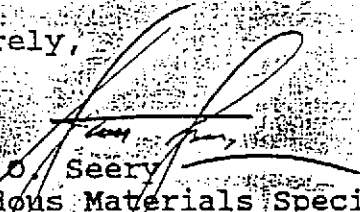
- 1) Your consultant (BSK) is to prepare, and submit for review and approval by this Department, a brief proposal outlining methods to determine the vertical and lateral extent of subsurface contamination in proximity to MW-1 and MW-1a. This will likely involve the advancement of several shallow borings, 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.
- 3) 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

- 4) 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.
- 5) 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
Hazardous 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
files

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25100.7 OF THE HEALTH AND SAFETY CODE. SIGNED: <i>[Signature]</i> DATE: 4-15-90	
REPORT DATE 04/18/90		CASE #			
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Scott O. Seery		PHONE (415) 271-4320		SIGNATURE <i>[Signature]</i>
	REPRESENTING <input checked="" type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME Alameda Co. Dept. of Environment, Haz Mat Div		
	ADDRESS 80 Swan Way, Rm. 200 Oakland CA 94621				
RESPONSIBLE PARTY	NAME R-T. Nahas Company <input type="checkbox"/> UNKNOWN		CONTACT PERSON Roberta Buchan		PHONE (415) 538-9600
	ADDRESS 20630 Patio Drive Castro Valley CA 94546				
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Tien's Unocal Station		OPERATOR Frank Tien		PHONE ()
	ADDRESS 20405 Redwood Road Castro Valley Alameda 94546				
	CROSS STREET Castro Valley Blvd.				
IMPLEMENTING AGENCIES	LOCAL AGENCY San Francisco Bay		CONTACT PERSON Scott Seery		PHONE (415) 271-4320
	REGIONAL BOARD		CONTACT PERSON Lester Feldman		PHONE (415) 464-1255
SUBSTANCES INVOLVED	(1) NAME Gasoline		QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN		
	(2)		<input type="checkbox"/> UNKNOWN		
DISCOVERY/ABATEMENT	DATE DISCOVERED 1/20/89		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input type="checkbox"/> INVENTORY CONTROL <input checked="" type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS		
	DATE DISCHARGE BEGAN UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input checked="" type="checkbox"/> OTHER installation of compliance wells		
	HAS DISCHARGE BEEN STOPPED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE		<input checked="" type="checkbox"/> OTHER none proposed yet		
SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER		
	CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input checked="" type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input checked="" type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input checked="" type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY				
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input checked="" type="checkbox"/> OTHER (OT) no actions yet taken				
COMMENTS	-soil and water contamination noted during installation of one of four compliance wells, Alternative 6. The downgradient well was not installed for fear of cross contamination between an upper and lower aquifer. Actions for cleanup are being negotiated at this time.				

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

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:

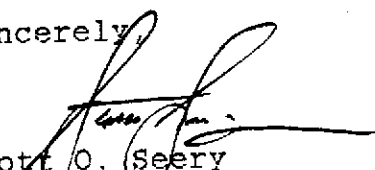
- 1) UST permit application forms A and B;
- 2) Business Plan application forms.

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
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