

R0324



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Office of Chief Counsel
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(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

JAN 15 2008

CERTIFIED MAIL

Mr. Tony Sullins and Mrs. Rita Sullins
Don-Sul, Inc.
187 L St. N
Livermore, CA 94550

Dear Mr. and Mrs. Sullins:

PETITION OF DON-SUL, INC. (USTCF CLAIM 389), 187 L ST. N., LIVERMORE,
CALIFORNIA: COMPLETE PETITION
SWRCB/OCC FILE UST-257

This is to confirm timely receipt, on January 3, 2008, of a supplement to the above-cited petition. The petition is now complete pursuant to the requirements of the California Code of Regulations, title 23, section 2814 et seq.

You will be advised of all proceedings connected with the petition. If you have any questions about this matter, please contact me at (916) 341-5184.

Sincerely,

Kathleen A. Keber
Senior Staff Counsel

cc: Dr. Raymond Kablanow II
Geological Technics, Inc.
1101 7th Street
Modesto, CA 95354

✓ Mr. Jerry Wickam
Alameda County Health Agency, DEH
1131 Harbor Bay Parkway
Alameda, CA 94502

Ms. Heidi Timken
Timken Johnson Hwang LLP
500 Ygnacio Valley Boulevard, Suite 360
Walnut Creek, CA 94596

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

November 9, 2007

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. RO0000324 and Geotracker Global ID T0600102287, Livermore Gas and Mini-mart, 160 Holmes Street, Livermore, CA 94553

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted documents entitled, "Work Plan for Additional Site Investigation for Fuel Leak Case No. RO0000324," dated October 12, 2007 and "First Quarter 2007 Groundwater Monitoring Report and Interim Remedial Progress Report for Fuel Leak Case No. RO0000324," dated March 7, 2007, and "Third Quarter 2007 Groundwater Monitoring Report and Interim Remedial Progress Report for Fuel Leak Case No. RO0000324," dated October 15, 2007. Both reports were prepared by Allterra Environmental, Inc. The Work Plan proposes advancing eight direct push borings for soil and groundwater sampling and installing three monitoring well clusters to delineate the extent of contamination at the site. Based on our review of the Work Plan, we have several technical comments on the proposed scope of work. In order to address the technical comments below, we request that you prepare a revised Work Plan by **December 19, 2007**.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Groundwater Sample Collection in Direct Push Borings.** The Work Plan proposes collection of grab groundwater samples from an open borehole for the direct push borings. We do not concur with the collection of grab groundwater samples from an open borehole. Please collect groundwater samples from the direct push borings using screen points or a groundwater profiler that allows collection of a depth-discrete groundwater sample. The proposed use of a temporary well casing and screen is also acceptable. Please revise the proposed method for grab groundwater sampling accordingly in the revised Work Plan requested below.
2. **Proposed Well Clusters.** We concur with the proposed locations of well clusters MW-8 and MW-9. We do not concur with the proposal to install well cluster MW-10 adjacent to the location of previous boring DB-5. A grab groundwater sample collected from boring DB-5 on November 10, 2001 did not contain detectable concentrations of TPHg, BTEX, or fuel oxygenates. Therefore, the purpose of proposed well cluster MW-10 is not clear. Please

delete well cluster MW-10 or provide additional rationale regarding the need for well cluster MW-10.

3. **Depths for B and C Zone Well Screens.** The proposed approximate depths of the B and C zone well screens are generally acceptable; however, the depths of the well screens must also be based upon the encountered soil types. Well screens for the B and C zone wells must be installed within coarse-grained layers. Please expand the discussion of selecting the intervals for well screens in the revised Work Plan requested below. The well screen for the C zone well is to be installed above the fine-grained aquitard. We assume that the deepest boring will be advanced first to find the depth of the top of the aquitard and select the screen intervals for the B and C zone wells. The C zone boring is to be advanced until the fine-grained aquitard is encountered at a depth below an estimated 60 to 80 feet bgs. The C zone well screen is to be installed within a coarse-grained zone above the aquitard. The Work Plan currently proposes that the C zone well will be installed, "Once a distinct clay layer is encountered." Please revise the Work Plan to indicate that the well screen will be installed within a coarse-grained layer above the fine-grained aquitard. After the fine-grained aquitard is encountered and the well screen interval selected, please describe how the well borehole will be backfilled below the screen interval. Please include these revisions in the revised Work Plan requested below.
4. **Depths for A Zone Well Screens.** Please review historical depths to groundwater and groundwater elevations in the A zone wells. Specifically, please review the average height of the water column in the A zone wells during previous sampling events to evaluate the proposed depths for the A zone well screens. Please discuss your review and recommendations for the depths of the A zone wells in the revised Work Plan requested below.
5. **Soil Sampling in Monitoring Well Borings.** The Work Plan currently proposes that no soil samples will be collected less than 32 feet bgs because nearby borings were logged to a depth of 32 feet bgs. We were not able to find boring logs for Geo Environmental Technology (GET) boring B-3 (adjacent to proposed well cluster MW-9) or GET boring B-5 and Allterra boring HP-1 (adjacent to well cluster MW-8). In the revised Work Plan requested below, please review the boring logs for the adjacent borings. No analyses are proposed for soil samples from the monitoring well borings. We request that you submit soil samples from the monitoring well borings for laboratory analyses from intervals with visual staining, odor, or elevated PID readings.
6. **Proposed Soil and Groundwater Analyses.** The proposed use of EPA Method 8021b for MTBE analysis is not acceptable. EPA Method 8021 cannot be considered a reliable analytical method for fuel oxygenates because it is susceptible to both false positive and false negatives. EPA Method 8260 must be used for analysis of fuel oxygenates. In addition to analysis for MTBE, analysis for TBA is also required for soil and groundwater samples. Please revise the proposed analytical methods in the revised Work Plan accordingly.
7. **Well Survey.** The Well Location Map provided in the Draft Corrective Action Plan dated June 12, 2007 shows an "Unknown" well (3S/2E 17C25) located northeast of well cluster MW-5. Please conduct file reviews, inquiries with the property owner, and a field inspection

to verify the status and construction of this well. Please provide this information in the revised Work Plan requested below.

8. **MTBE Detection Downgradient from Site.** We are attaching a copy of a sampling report (AESI Consultants August 29, 2003) for a site located downgradient from your site at 1304 First Street. MTBE was detected at a concentration of 1,400 micrograms per liter in a groundwater sample collected from boring SB-8 at 1304 First Street on August 15, 2003. The conclusions of the August 29, 2003 report indicate that the detection of MTBE in groundwater at this location likely originated from the MTBE plume that extends from your site. Groundwater sampling data from the current network of monitoring wells indicates that the MTBE plume from your site does not extend downgradient as far as 1304 First Street. Please review the attached report and propose additional investigation that may be necessary to evaluate whether the plume of MTBE may extend beyond the monitoring well network at your site.
9. **Interim Groundwater Extraction and Groundwater Monitoring.** Based on diminishing contaminant mass removal, additional interim groundwater extraction is not to be continued. Groundwater monitoring is to be continued on a quarterly basis. Please present the results from quarterly groundwater monitoring in the reports requested below.
10. **Well MW-6.** Well MW-6 is described as "Obstructed," in the groundwater sampling field logs in the "Third Quarter 2007 Groundwater Monitoring Report and Interim Remedial Progress Report." No other comments or proposed actions regarding MW-6 appear in the monitoring report. In the revised Work Plan requested below, please describe the type of obstruction in MW-6 and present plans for repair, rehabilitation, or decommissioning of monitoring well MW-6.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **December 19, 2007** – Revised Work Plan for Further Site Characterization
- **45 days following end of each quarter** - Quarterly Monitoring and Interim Remediation Reports

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

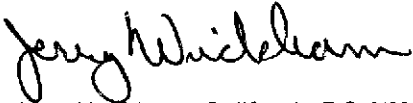
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791 or send me an electronic mail message at jerry.wickham@acgov.org.

Sincerely,



Jerry Wickham, California PG 3766, CEG 1177, and CHG 297
Hazardous Materials Specialist

Attachment: Phase II Subsurface Investigation Report dated August 29, 2003, 1304 First Street, Livermore

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Cheryl Dizon, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Sunil Ramdass
UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

August 29, 2003

**PHASE II SUBSURFACE
INVESTIGATION REPORT**

1304 First Street
Livermore, California

Project No. 7251

Prepared For

Mr. Carlos Ratinho
Mountain Mike's Pizza
1181 Orchid Street
Livermore, CA 94550

Prepared By

AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek, CA 94597
(925) 283-6000

AEI



August 29, 2003

Mr. Carlos Ratinho
Mountain Mike's Pizza
1181 Orchid Street
Livermore, CA 94550

Subject: Soil & Groundwater Investigation
1304 First Street
Livermore, California
Project No. 7251

Dear Mr. Ratinho:

The following letter report describes the activities and results of the subsurface investigation performed by AEI Consultants at the above referenced property (Figure 1: Site Location Map). The investigation included the advancement of three soil borings. The investigation was designed to assess whether the subject property had been impacted by a known release of hydrocarbons from an adjacent gasoline station and by a known release of volatile organic compounds (VOCs) in the area.

I Background

The subject property (hereinafter referred to as the "site" or "property") is located in a mixed commercial and residential area of Livermore, on the northwest corner of First Street and South S Street. The property is approximately 0.6 acre in size and is developed with an estimated 4,000 square foot building utilized as restaurant.

A Phase I Environmental Site Assessment (ESA) was performed by M.J. Kloberdanz and Associates in April 2003. Historical research revealed that the property had been utilized for a residence and gasoline service station from the early 1930s to the late 1950s and USTs were present on the property. The location of such tanks is unknown and the service station was removed in the early 1960s. A subsurface investigation was conducted in 1972 by J.H. Kleinfelder and Associates, but found no evidence of the tanks during the inspection. AEI was not provided with the results of the investigation. According to the original property owner, the former residential home was located on the northwest corner of the site.

AEI conducted a Phase II Subsurface Investigation on July 8, 2003 to preliminarily assess whether a release of petroleum hydrocarbons had occurred from a former underground storage tank (UST) located on the property and placed the soil borings in the most feasibly accessible areas to cover a broad area. The samples analyzed during the prior investigation had extremely low to mostly non-detectable levels of hydrocarbons. An additional Phase II was requested to

further investigate whether the groundwater beneath the property had been impacted by any off-site source.

II Investigative Efforts

AEI performed a subsurface investigation at the property on August 15, 2003. A total of 3 soil borings (SB-6 through SB-8) were advanced. The locations of the borings were chosen to assess the known off-site contaminants of concern. The locations of the soil borings are shown on Figure 2.

Soil Sample Collection

The borings were advanced with a hollow-stem auger drilling rig to a depth of 40 feet bgs. Soil samples were collected at approximately 5 to 10 foot intervals.

No significant odor or soil staining was observed during the advancement of the soil borings and sample collection. The soil samples were screened in the field using a Photo-ionizing Detector (PID). The soil screening data is presented on the borings logs found in Attachment A.

Soil cores were continuously collected in 2" diameter acrylic liners, from which a six-inch sample was chosen at selected depths. The soil samples were sealed with Teflon™ tape and plastic caps and placed in a cooler with wet ice to await transportation to the laboratory.

Groundwater Sample Collection

Upon drilling to the target depth, a clean, disposable bailer was used in each boring to facilitate collection of groundwater samples. Groundwater was encountered at 40 feet in each of the borings.

Groundwater samples were collected into one 1-liter amber bottle and two 40-mL volatile organic analysis (VOA) vials. The groundwater samples were capped so that there was no head space or visible air bubbles within the vials, then placed in a cooler with wet ice to await transportation to the laboratory. Following sample collection each boring was backfilled with neat cement grout.

Laboratory Analysis

On August 15, 2003, the soil samples were transported to McCampbell Analytical Inc. (Department of Health Services Certification #1644) under chain of custody protocol for analysis. Analytical results and chain of custody documents are included as Attachment B.

Six soil and three groundwater samples were analyzed for total petroleum hydrocarbons (TPH) as gasoline (EPA Method 8015C), TPH as diesel (EPA Method 8015C), TPH as motor oil (EPA Method 8015C), and VOCs (EPA Method 8260B).

The remaining soil samples were placed on hold at the laboratory.

III Findings

The near surface native soil encountered during the boring advancement consisted of gravel-sand-clay mixture. Refer to Attachment A for detailed logs of the borings.

Significant soil moisture was apparent in each of the borings in the range of 35 feet bgs; however, groundwater was generally measured in the borings at approximately 37 to 39.5 feet bgs. Based on local topography, groundwater beneath the area generally flows in a southward direction.

No hydrocarbon concentrations or VOCs were detected in the six additional soil samples. No hydrocarbon concentrations were detected in the three groundwater samples. Benzene was detected in water sample SB-6W at 0.76 micrograms per liter ($\mu\text{g/l}$). Toluene was detected in water sample SB-6W and SB-7 at 0.99 $\mu\text{g/l}$ and 0.59 $\mu\text{g/l}$, respectively. MTBE was detected in each of the three water samples at 11 $\mu\text{g/l}$ (SB-6W), 0.75 $\mu\text{g/l}$ (SB-7W) and 1,400 $\mu\text{g/l}$ (SB-8W). No other VOCs were detected above reporting limits in the three water samples.

Soil sample analytical data is summarized in Table 1, and groundwater sample analytical data is summarized in Table 2.

IV Conclusions and Recommendations

Three soil borings were advanced to groundwater in order to investigate assess if the property had been impacted by a known release of VOCs in the area or by hydrocarbons from an adjacent gasoline station. Due to the lack of any chlorinated VOCs detected in the water samples, it does not appear that the chlorinated VOC plume has migrated under the subject property.

The groundwater beneath the site has been impacted, particularly by MTBE. The MTBE present in sample SB-8W (1,400 $\mu\text{g/l}$), is well above water quality standards for beneficial or potentially beneficial use aquifers in California, 5.0 $\mu\text{g/l}$ to 13 $\mu\text{g/l}$. MTBE was not generally present in gasoline prior to approximately 1978, while the former gasoline station on the subject property was reportedly demolished in the 1960s. Due to the lack of any detection of MTBE in the soil samples analyzed during this and the previous phase of investigation, it is probable that the MTBE present in the groundwater has originated from an off-site source. Based on these findings, it is unlikely that the current or future owners of the subject property would be held liable for the MTBE detected during this investigation.

It is also possible that the toluene and benzene present in the groundwater have originated from an offsite source. The maximum contaminant levels (MCLs) for these contaminants are 150 $\mu\text{g/l}$ and 5 $\mu\text{g/l}$, respectively, and have not been exceeded in any case.

The owner should be aware that as a condition of permitting this project under Zone 7 Water Resources Management, AEI will be required to submit a copy of the this report to be forwarded to the California Department of Water Resources.

Based on the results of this investigation, AEI recommends no further investigations for the subject property, unless required by a regulatory agency.

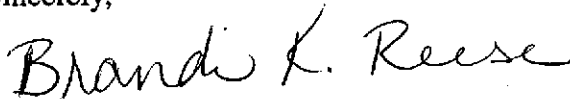
V Report Limitation

This report presents a summary of work completed by AEI Consultants. The completed work includes observations and descriptions of site conditions encountered. Where appropriate, it includes analytical results for samples taken during the course of the work. The number and location of samples are chosen to provide the required information, but it cannot be assumed that they are representative of areas not sampled. All conclusions and/or recommendations are based on these analyses and observations, and the governing regulations. Conclusions beyond those stated and reported herein should not be inferred from this document.

These services were performed in accordance with generally accepted practices, in the environmental engineering and construction field, which existed at the time and location of the work.

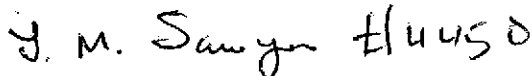
If you have any questions regarding our investigation, please do not hesitate to contact me at (925) 283-6000 x120.

Sincerely,



Brandi K. Reese
Staff Geologist

Technical Review By:



Lorraine M. Sawyer, RG

Figures

Figure 1: Site Map

Figure 2: Site Plan with Groundwater Sample Analytical Data

Tables

Table 1: Soil Sample Analytical Data

Table 2: Groundwater Sample Analytical Data

Attachments

Attachment A: Soil Boring Logs

Attachment B: Sample Analytical Documentation

Attachment C: Permit Documentation

LIVERMORE, CALIFORNIA QUADRANGLE 37°40.720' N, 121°46.784' W WGS84



TN* / MN
15°

0 5 1 MILE
0 1000 FEET 0 500 1000 METERS

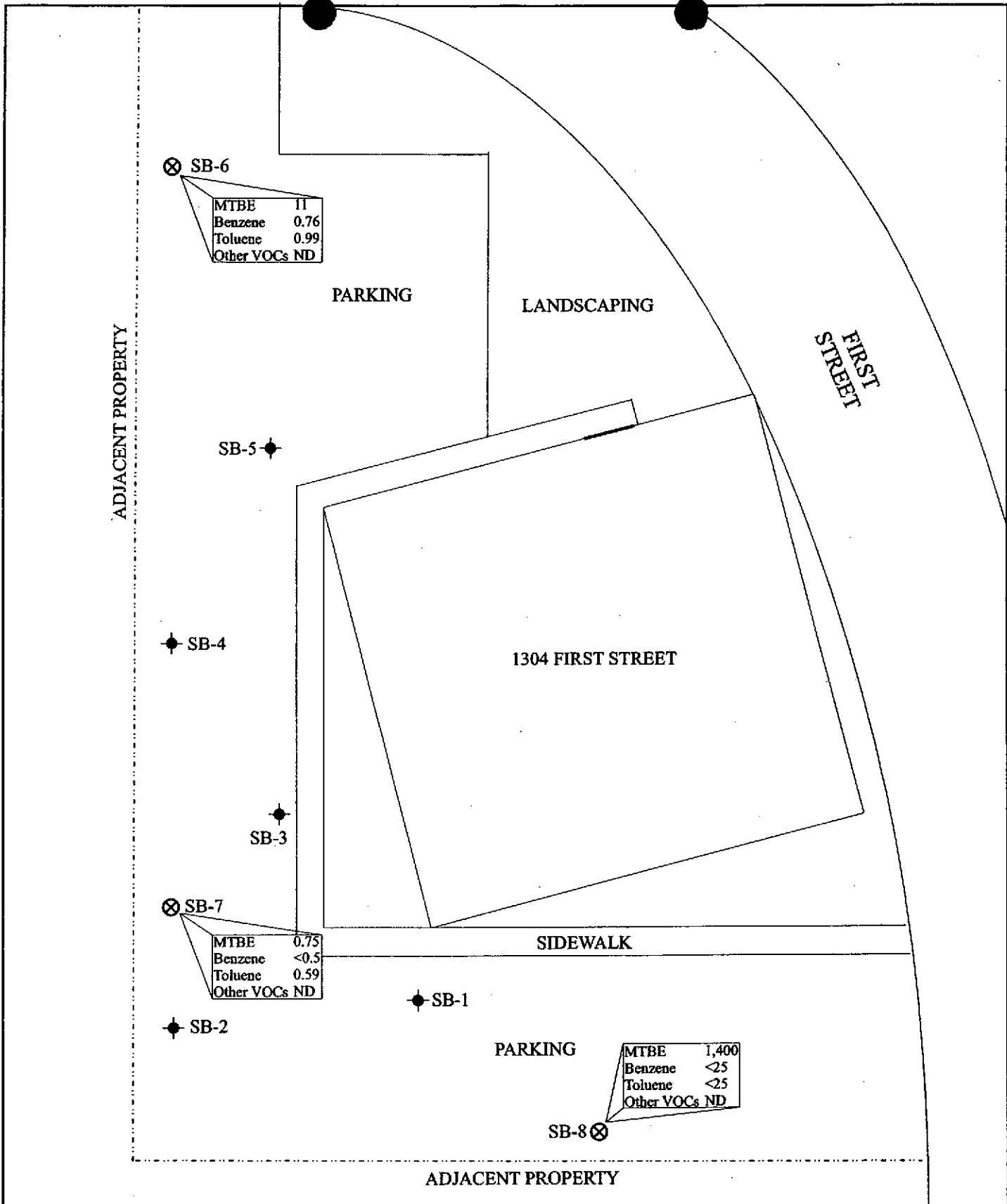
Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com/topo)

AEI CONSULTANTS

SITE LOCATION MAP

1304 FIRST STREET
LIVERMORE, CALIFORNIA

FIGURE 1
PROJECT NO. 7251



- ◆ Previous Soil Boring Locations
- ⊗ Soil Boring Locations
with concentrations expressed as µg/L
MTBE - Methyl Tert-Butyl Ether
VOCs - Volatile Organic Compounds
ND - Not Detected

SCALE: 1" = 25'

AEI CONSULTANTS 2500 CAMINO DIABLO, SUITE 200, WALNUT CREEK, CA	
SITE MAP with GROUNDWATER SAMPLE ANALYTICAL DATA	
1304 FIRST STREET LIVERMORE, CALIFORNIA	FIGURE 2 Project # 7251

**Table 1:
Soil Sample Analytical Data**

Sample ID	TPH-g mg/kg	TPH-d mg/kg	TPH-mo mg/kg	VOCs mg/kg
SB-6 20'	<1.0	<1.0	<5.0	All<MDL
SB-6 35'	<1.0	<1.0	<5.0	All<MDL
SB-7 20'	<1.0	<1.0	<5.0	All<MDL
SB-7 30'	<1.0	<1.0	<5.0	All<MDL
SB-8 20'	<1.0	<1.0	<5.0	All<MDL
SB-8 20'	<1.0	<1.0	<5.0	All<MDL
MDL	1.0	1.0	5.0	

mg/kg = milligrams per kilogram (ppm)

TPH-g = Total Petroleum Hydrocarbons as gasoline

TPH-d = Total Petroleum Hydrocarbons as diesel

TPH-mo = Total Petroleum Hydrocarbons as motor oil

VOCs = Volatile Organic Analysis

MDL = Method Detection Limit where the dilution factor is 1

Please refer to Attachment B: Sample Analytical Documentation for further detailed lab information including reporting limits and dilution factors

**Table 2:
Groundwater Sample Analytical Data**

Sample ID	TPH-g µg/L	TPH-d µg/L	TPH-mo µg/L	MTBE µg/L	Benzene µg/L	Toluene µg/L	Other VOCs µg/L
SB-6 W	<1.0	<1.0	<0.05	11	0.76	0.99	All<MDL
SB-7 W	<1.0	<1.0	<0.05	0.75	<0.5	0.59	All<MDL
SB-8 W	<1.0	<1.0	<0.05	1,400	<25	<25	All<MDL
MDL	50	50	250	0.5	0.5	0.5	

µg/L = micrograms per liter (ppb)

TPH-g = Total Petroleum Hydrocarbons as gasoline

TPH-d = Total Petroleum Hydrocarbons as diesel

TPH-mo = Total Petroleum Hydrocarbons as motor oil

VOCs = Volatile Organic Compounds

MDL = Method Detection Limit where the dilution factor is 1

Please refer to Attachment B: Sample Analytical Documentation for further detailed lab information including reporting limits and dilution factors

ATTACHMENT A
SOIL BORING LOGS

Project No: 7251

Sheet: 1 of 1

Project Name: Mountain Mike's Pizza

Log of Borehole: SB-6

Client: Mr. Carlos Ratinho

Location: 1304 First Street, Livermore, CA

Depth	USCS		Subsurface Description	Sample Data				Well Data	Remarks
	Symbol	Label		Sample Label	Type	Blow/ft	Recovery		
0			Ground Surface						Start at 7:40 AM
			Fill/Asphalt						
2									
4									
6									
8									
10		GC	Sand-clay-gravel mixture angular, fine to coarse gravels coarse sands loose very poorly sorted very slight moisture	SB-6 10'	SS	7-15-31	15%		
12									
14									
16									
18									
20				SB-6 20'	SS	8-30-32	15%		PID < 1ppm
22									
24			little reddish color clay increased moisture						
26				SB-6 25'	SS	8-15-15	10%		
28									
30			soft, crumbly larger gravels coarse sand increased clay						
32		GC							
34									
36				SB-6 35'	SS	22-20-32	15%		
38			saturated at 38'						
40				SB-6 W	GW				2 VOAs / 1 L at 8:45 AM

Drill Date: 8/15/03

Reviewed by: PJM

AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek, CA 94597
(925) 283-6000

Drill Method: Hollow Stem Auger

Logged by: BKR

Total Depth: 40'

Depth to Water: 38'

Log of Borehole: SB-7

Depth	USCS		Subsurface Description	Sample Data				Well Data	Remarks	
	Symbol	Label		Sample Label	Type	Blow/ft	Recovery			
0		GC	Ground Surface						Start at 10:25 AM	
			Fill/Asphalt							
2										
4										
6										
8				<i>Gravel-sand-clay mixture</i> angular gravels coarse sands loose, dry poorly sorted medium brown to reddish color						
10			SB-7 10'		SS	14-20-18	10%			
12										
14										
16										
18										
20					SB-7 20'	SS	10-17-22	15%		
22										PID > 100 ppm
24										
26										
28										
30				SB-7 30'	SS	8-16-22	15%			
32										
34										
36										
38										
40				SB-7 W	GW			2 VOAs / 1 L at 11:20 AM		

Drill Date: 8/15/03

Reviewed by: PJM

AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek, CA 94597
(925) 283-6000

Drill Method: Hollow Stem Auger

Logged by: BKR

Total Depth: 40'

Depth to Water: 37'

Project No: 7251

Sheet: 1 of 1

Project Name: Mountain Mike's Pizza

Log of Borehole: SB-8

Client: Mr. Carlos Ratinho

Location: 1304 First Street, Livermore, CA

Depth	USCS		Subsurface Description	Sample Data				Well Data	Remarks	
	Symbol	Label		Sample Label	Type	Blow/ft	Recovery			
0			Ground Surface						Start at 1:10 AM	
			Fill/Asphalt							
2	[Hatched Pattern]	GC	Gravel-sand-clay mixture angular, fine to coarse gravels coarse sands loose, dry poorly sorted medium brown to reddish color	SB-8 10'	SS	20-25-25	10%		PID 37.2 ppm	
4										
6										
8										
10										
12										
14										
16										
18										
20							SB-8 20'	SS		20-23-29
22			slight moisture in areas							
24										
26										
28										
30			soft	SB-8 30'	SS	16-22-35	15%	PID > 100 ppm		
32		GC	increased clay increased moisture							
34										
36										
38			saturated at 38'							
40				SB-8 W	GW			2 VOAs / 1 L at 11:20 AM		

Drill Date: 8/15/03

Reviewed by: PJM

AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek, CA 94597
(925) 283-6000

Drill Method: Hollow Stem Auger

Logged by: BKR

Total Depth: 40'

Depth to Water: 39.5'

ATTACHMENT B

SAMPLE ANALYTICAL DOCUMENTATION



McC Campbell Analytical Inc.

110 2nd Avenue South, #107, Pacheco, CA 94553-5560.
 Telephone : 925-798-1620 Fax : 925-798-1622
 http://www.mccampbell.com E-mail: main@mccampbell.com

All Environmental, Inc.
 2560 Camino Diablo, Ste. #200
 Walnut Creek, CA 94597

Client Project ID: #7251; MFTN: Mike's

Date Sampled: 08/15/03

Date Received: 08/15/03

Client Contact: Brandi Kiel-Reese

Date Extracted: 08/15/03

Client P.O.:

Date Analyzed: 08/15/03-08/16/03

Gasoline Range (C6-C12) Volatile Hydrocarbons as Gasoline*

Extraction method: SW8030B

Analytical methods: SW8015Cm

Work Order: 0308250

Lab ID	Client ID	Matrix	TPH(g)	DF	% SS
002A	SB-6 20'	S	ND	1	111
004A	SB-6 35'	S	ND	1	115
006A	SB-7 20'	S	ND	1	116
007A	SB-7 30'	S	ND	1	114
009A	SB-8 20'	S	ND	1	116
010A	SB-8 30'	S	ND	1	115
011A	SB-6W	W	ND _j	1	102
012A	SB-7W	W	ND _j	1	107
013A	SB-8W	W	ND _j	1	106

Reporting Limit for DF=1;
 ND means not detected at or
 above the reporting limit

W

50

µg/L

S

1.0

mg/Kg

* water and vapor samples and all TCLP & SPLP extracts are reported in µg/L, soil/sludge/solid samples in mg/kg, wipe samples in µg/wipe, product/oil/non-aqueous liquid samples in mg/L.

cluttered chromatogram; sample peak coelutes with surrogate peak.

The following descriptions of the TPH chromatogram are cursory in nature and McC Campbell Analytical is not responsible for their interpretation: a) unmodified or weakly modified gasoline is significant; b) heavier gasoline range compounds are significant (aged gasoline?); c) lighter gasoline range compounds (the most mobile fraction) are significant; d) gasoline range compounds having broad chromatographic peaks are significant; biologically altered gasoline?; e) TPH pattern that does not appear to be derived from gasoline (stoddard solvent / mineral spirit?); f) one to a few isolated non-target peaks present; g) strongly aged gasoline or diesel range compounds are significant; h) lighter than water immiscible sheen/product is present; i) liquid sample that contains greater than ~2 vol. % sediment; j) reporting limit raised due to high MTBE content; k) TPH pattern that does not appear to be derived from gasoline (aviation gas). m) no recognizable pattern.

DHS Certification No. 1644

 Angela Rydelius, Lab Manager

McC Campbell Analytical Inc.

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All Environmental, Inc.
 2500 Camino Diablo, Ste. #200
 Walnut Creek, CA 94597

Client Project ID: #7251; MTN. Mike's
 Client Contact: Brandi Kiel-Reese
 Client P.O.:

Date Sampled: 08/15/03
 Date Received: 08/15/03
 Date Extracted: 08/15/03
 Date Analyzed: 08/16/03

Diesel (C10-23) and Oil (C18+) Range Extractable Hydrocarbons as Diesel and Motor Oil*

Extraction method: SW3550C

Analytical method: SW8015C

Work Order: 0308250

Lab ID	Client ID	Matrix	TPH(d)	TPH(mo)	DF	% SS
0308250-002A	SB-6 20'	S	ND	ND	1	97.5
0308250-004A	SB-6 35'	S	ND	ND	1	98.8
0308250-006A	SB-7 20'	S	ND	ND	1	98.3
0308250-007A	SB-7 30'	S	ND	ND	1	97.8
0308250-009A	SB-8 20'	S	ND	ND	1	98.8
0308250-010A	SB-8 30'	S	ND	ND	1	99.0
0308250-011A	SB-6W	W	ND,i	ND	1	101
0308250-012A	SB-7W	W	ND,i	ND	1	98.2
0308250-013A	SB-8W	W	ND,i	ND	1	102

Reporting Limit for DF =1; ND means not detected at or above the reporting limit	W	50	250	µg/L
	S	1.0	5.0	mg/Kg

* water samples are reported in µg/L, wipe samples in µg/wipe, soil/solid/sludge samples in mg/kg, product/oil/non-aqueous liquid samples in mg/L, and all DISTLC / STLC / SPLP / TCLP extracts are reported in µg/L.

cluttered chromatogram resulting in coeluted surrogate and sample peaks, or; surrogate peak is on elevated baseline, or; surrogate has been diminished by dilution of original extract.

+The following descriptions of the TPH chromatogram are cursory in nature and McC Campbell Analytical is not responsible for their interpretation: a) unmodified or weakly modified diesel is significant; b) diesel range compounds are significant; no recognizable pattern; c) aged diesel? is significant; d) gasoline range compounds are significant; e) unknown medium boiling point pattern that does not appear to be derived from diesel; f) one to a few isolated peaks present; g) oil range compounds are significant; h) lighter than water immiscible sheen/product is present; i) liquid sample that contains greater than ~2 vol. % sediment; k) kerosene/kerosene range; l) bunker oil; m) fuel oil; n) stoddard solvent/mineral spirit.

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Alt Environmental, Inc.
 2500 Camino Diablo, Ste. #200
 Walnut Creek, CA 94597

Client Project ID: #7251; MTN. Mike's
 Client Contact: Brandi Kiel-Reese
 Client P.O.:

Date Sampled: 08/15/03
 Date Received: 08/15/03
 Date Extracted: 08/15/03
 Date Analyzed: 08/15/03-08/18/03

Volatiles Organics by P&T and GC/MS (Basic Target List)*

Extraction Method: SW5030B

Analytical Method: SW8260B

Work Order: 0308250

Lab ID	0308250-002A						
Client ID	SB-6 20'						
Matrix	Soil						
Compound	Concentration *	DF	Reporting Limit	Compound	Concentration *	DF	Reporting Limit
Acetone	ND	1.0	50	Benzene	ND	1.0	5.0
Bromobenzene	ND	1.0	5.0	Bromochloromethane	ND	1.0	5.0
Bromodichloromethane	ND	1.0	5.0	Bromoform	ND	1.0	5.0
2-Butanone (MEK)	ND	1.0	10	Bromomethane	ND	1.0	5.0
n-Butyl benzene	ND	1.0	5.0	sec-Butyl benzene	ND	1.0	5.0
tert-Butyl benzene	ND	1.0	5.0	Carbon Disulfide	ND	1.0	5.0
Carbon Tetrachloride	ND	1.0	5.0	Chlorobenzene	ND	1.0	5.0
Chloroethane	ND	1.0	5.0	2-Chloroethyl Vinyl Ether	ND	1.0	5.0
Chloroform	ND	1.0	5.0	Chloromethane	ND	1.0	5.0
2-Chlorotoluene	ND	1.0	5.0	4-Chlorotoluene	ND	1.0	5.0
Dibromochloromethane	ND	1.0	5.0	1,2-Dibromo-3-chloropropane	ND	1.0	5.0
1,2-Dibromoethane (BDB)	ND	1.0	5.0	Dibromomethane	ND	1.0	5.0
1,2-Dichlorobenzene	ND	1.0	5.0	1,3-Dichlorobenzene	ND	1.0	5.0
1,4-Dichlorobenzene	ND	1.0	5.0	Dichlorodifluoromethane	ND	1.0	5.0
1,1-Dichloroethane	ND	1.0	5.0	1,2-Dichloroethane (1,2-DCA)	ND	1.0	5.0
1,1-Dichloroethene	ND	1.0	5.0	cis-1,2-Dichloroethene	ND	1.0	5.0
trans-1,2-Dichloroethene	ND	1.0	5.0	1,2-Dichloropropane	ND	1.0	5.0
1,3-Dichloropropane	ND	1.0	5.0	2,2-Dichloropropane	ND	1.0	5.0
1,1-Dichloropropene	ND	1.0	5.0	cis-1,3-Dichloropropene	ND	1.0	5.0
trans-1,3-Dichloropropene	ND	1.0	5.0	Ethylbenzene	ND	1.0	5.0
Hexachlorobutadiene	ND	1.0	5.0	2-Hexanone	ND	1.0	5.0
Iodomethane (Methyl iodide)	ND	1.0	50	Isopropylbenzene	ND	1.0	5.0
4-Isopropyl toluene	ND	1.0	5.0	Methyl-t-butyl ether (MTBE)	ND	1.0	5.0
Methylene chloride	ND	1.0	5.0	4-Methyl-2-pentanone (MIBK)	ND	1.0	5.0
Naphthalene	ND	1.0	5.0	n-Propyl benzene	ND	1.0	5.0
Styrene	ND	1.0	5.0	1,1,1,2-Tetrachloroethane	ND	1.0	5.0
1,1,2,2-Tetrachloroethane	ND	1.0	5.0	Tetrachloroethene	ND	1.0	5.0
Toluene	ND	1.0	5.0	1,2,3-Trichlorobenzene	ND	1.0	5.0
1,2,4-Trichlorobenzene	ND	1.0	5.0	1,1,1-Trichloroethane	ND	1.0	5.0
1,1,2-Trichloroethane	ND	1.0	5.0	Trichloroethene	ND	1.0	5.0
Trichlorofluoromethane	ND	1.0	5.0	1,2,3-Trichloropropane	ND	1.0	5.0
1,2,4-Trimethylbenzene	ND	1.0	5.0	1,3,5-Trimethylbenzene	ND	1.0	5.0
Vinyl Acetate	ND	1.0	50	Vinyl Chloride	ND	1.0	5.0
Xylenes	ND	1.0	5.0				

Surrogate Recoveries (%)

%SS1:	92.7	%SS2:	107
%SS3:	112		

Comments:

* water and vapor samples and all TCLP & SPLP extracts are reported in µg/L, soil/sludge/solid samples in µg/kg, wipe samples in µg/wipe, product/oil/non-aqueous liquid samples in mg/L.
 ND means not detected above the reporting limit; N/A means analyte not applicable to this analysis.
 # surrogate diluted out of range or surrogate coelutes with another peak.
 h) lighter than water immiscible sheen/product is present; i) liquid sample that contains greater than ~2 vol. % sediment; j) sample diluted due to high organic content.

DHS Certification No. 1644

 Angela Rydelius, Lab Manager

All Environmental, Inc. 2500 Camino Diablo, Ste. #200 Walnut Creek, CA 94597	Client Project ID: #7251; MTN. Mike's	Date Sampled: 08/15/03
		Date Received: 08/15/03
	Client Contact: Brandi Kiel-Reese	Date Extracted: 08/15/03
	Client P.O.:	Date Analyzed: 08/15/03-08/18/03

Volatiles Organics by P&T and GC/MS (Basic Target List)*

Extraction Method: SW5030B Analytical Method: SW8260B Work Order: 0308250

Lab ID:	0308250-004A
Client ID:	SB-6 35'
Matrix:	Soil

Compound	Concentration *	DF	Reporting Limit	Compound	Concentration *	DF	Reporting Limit
Acetone	ND	1.0	5.0	Benzene	ND	1.0	5.0
Bromobenzene	ND	1.0	5.0	Bromochloromethane	ND	1.0	5.0
Bromodichloromethane	ND	1.0	5.0	Bromoform	ND	1.0	5.0
2-Butanone (MEK)	ND	1.0	10	Bromomethane	ND	1.0	5.0
n-Butyl benzene	ND	1.0	5.0	sec-Butyl benzene	ND	1.0	5.0
tert-Butyl benzene	ND	1.0	5.0	Carbon Disulfide	ND	1.0	5.0
Carbon Tetrachloride	ND	1.0	5.0	Chlorobenzene	ND	1.0	5.0
Chloroethane	ND	1.0	5.0	2-Chloroethyl Vinyl Ether	ND	1.0	5.0
Chloroform	ND	1.0	5.0	Chloromethane	ND	1.0	5.0
2-Chlorotoluene	ND	1.0	5.0	4-Chlorotoluene	ND	1.0	5.0
Dibromochloromethane	ND	1.0	5.0	1,2-Dibromo-3-chloropropane	ND	1.0	5.0
1,2-Dibromoethane (EDB)	ND	1.0	5.0	Dibromomethane	ND	1.0	5.0
1,2-Dichlorobenzene	ND	1.0	5.0	1,3-Dichlorobenzene	ND	1.0	5.0
1,4-Dichlorobenzene	ND	1.0	5.0	Dichlorodifluoromethane	ND	1.0	5.0
1,1-Dichloroethane	ND	1.0	5.0	1,2-Dichloroethane (1,2-DCA)	ND	1.0	5.0
1,1-Dichloroethene	ND	1.0	5.0	cis-1,2-Dichloroethene	ND	1.0	5.0
trans-1,2-Dichloroethene	ND	1.0	5.0	1,2-Dichloropropane	ND	1.0	5.0
1,3-Dichloropropane	ND	1.0	5.0	2,2-Dichloropropane	ND	1.0	5.0
1,1-Dichloropropene	ND	1.0	5.0	cis-1,3-Dichloropropene	ND	1.0	5.0
trans-1,3-Dichloropropene	ND	1.0	5.0	Ethylbenzene	ND	1.0	5.0
Hexachlorobutadiene	ND	1.0	5.0	2-Hexanone	ND	1.0	5.0
Iodomethane (Methyl iodide)	ND	1.0	50	Isopropylbenzene	ND	1.0	5.0
4-Isopropyl toluene	ND	1.0	5.0	Methyl-t-butyl ether (MTBE)	ND	1.0	5.0
Methylene chloride	ND	1.0	5.0	4-Methyl-2-pentanone (MIBK)	ND	1.0	5.0
Naphthalene	ND	1.0	5.0	n-Propyl benzene	ND	1.0	5.0
Styrene	ND	1.0	5.0	1,1,1,2-Tetrachloroethane	ND	1.0	5.0
1,1,2,2-Tetrachloroethane	ND	1.0	5.0	Tetrachloroethene	ND	1.0	5.0
Toluene	ND	1.0	5.0	1,2,3-Trichlorobenzene	ND	1.0	5.0
1,2,4-Trichlorobenzene	ND	1.0	5.0	1,1,1-Trichloroethane	ND	1.0	5.0
1,1,2-Trichloroethane	ND	1.0	5.0	Trichloroethene	ND	1.0	5.0
Trichlorofluoromethane	ND	1.0	5.0	1,2,3-Trichloropropane	ND	1.0	5.0
1,2,4-Trimethylbenzene	ND	1.0	5.0	1,3,5-Trimethylbenzene	ND	1.0	5.0
Vinyl Acetate	ND	1.0	50	Vinyl Chloride	ND	1.0	5.0
Xylenes	ND	1.0	5.0				

Surrogate Recoveries (%)

%SS1:	94.3	%SS2:	106
%SS3:	107		

Comments:

* water and vapor samples and all TCLP & SPLP extracts are reported in µg/L, soil/sludge/solid samples in µg/kg, wipe samples in µg/wipe, product/oil/non-aqueous liquid samples in mg/L.

ND means not detected above the reporting limit; N/A means analyte not applicable to this analysis.

surrogate diluted out of range or surrogate coelutes with another peak.

h) lighter than water immiscible shock/product is present; i) liquid sample that contains greater than ~2 vol. % sediment; j) sample diluted due to high organic content.

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 Walnut Creek, CA 94597

Client Project ID: #7251; MTN. Mike's
 Client Contact: Brandi Kiel-Reese
 Client P.O.:

Date Sampled: 08/15/03
 Date Received: 08/15/03
 Date Extracted: 08/15/03
 Date Analyzed: 08/15/03-08/18/03

Volatiles Organics by P&T and GC/MS (Basic Target List)*

Extraction Method: SW5030B

Analytical Method: SW8260B

Work Order: 0308250

Lab ID	0308250-006A						
Client ID	SB-720'						
Matrix	Soil						
Compound	Concentration *	DF	Reporting Limit	Compound	Concentration *	DF	Reporting Limit
Acetone	ND	1.0	50	Benzene	ND	1.0	5.0
Bromobenzene	ND	1.0	5.0	Bromochloromethane	ND	1.0	5.0
Bromodichloromethane	ND	1.0	5.0	Bromoform	ND	1.0	5.0
2-Butanone (MEK)	ND	1.0	10	Bromomethane	ND	1.0	5.0
n-Butyl benzene	ND	1.0	5.0	sec-Butyl benzene	ND	1.0	5.0
tert-Butyl benzene	ND	1.0	5.0	Carbon Disulfide	ND	1.0	5.0
Carbon Tetrachloride	ND	1.0	5.0	Chlorobenzene	ND	1.0	5.0
Chloroethane	ND	1.0	5.0	2-Chloroethyl Vinyl Ether	ND	1.0	5.0
Chloroform	ND	1.0	5.0	Chloromethane	ND	1.0	5.0
2-Chlorotoluene	ND	1.0	5.0	4-Chlorotoluene	ND	1.0	5.0
Dibromochloromethane	ND	1.0	5.0	1,2-Dibromo-3-chloropropane	ND	1.0	5.0
1,2-Dibromoethane (EDB)	ND	1.0	5.0	Dibromomethane	ND	1.0	5.0
1,2-Dichlorobenzene	ND	1.0	5.0	1,3-Dichlorobenzene	ND	1.0	5.0
1,4-Dichlorobenzene	ND	1.0	5.0	Dichlorodifluoromethane	ND	1.0	5.0
1,1-Dichloroethane	ND	1.0	5.0	1,2-Dichloroethane (1,2-DCA)	ND	1.0	5.0
1,1-Dichloroethene	ND	1.0	5.0	cis-1,2-Dichloroethene	ND	1.0	5.0
trans-1,2-Dichloroethene	ND	1.0	5.0	1,2-Dichloropropane	ND	1.0	5.0
1,3-Dichloropropane	ND	1.0	5.0	2,2-Dichloropropane	ND	1.0	5.0
1,1-Dichloropropene	ND	1.0	5.0	cis-1,3-Dichloropropene	ND	1.0	5.0
trans-1,3-Dichloropropene	ND	1.0	5.0	Ethylbenzene	ND	1.0	5.0
Heptachlorobutadiene	ND	1.0	5.0	2-Hexanone	ND	1.0	5.0
Iodomethane (Methyl iodide)	ND	1.0	50	Isopropylbenzene	ND	1.0	5.0
4-Isopropyl toluene	ND	1.0	5.0	Methyl-t-butyl ether (MTBE)	ND	1.0	5.0
Methylene chloride	ND	1.0	5.0	4-Methyl-2-pentanone (MIBK)	ND	1.0	5.0
Naphthalene	ND	1.0	5.0	n-Propyl benzene	ND	1.0	5.0
Styrene	ND	1.0	5.0	1,1,1,2-Tetrachloromethane	ND	1.0	5.0
1,1,2,2-Tetrachloroethane	ND	1.0	5.0	Tetrachloroethene	ND	1.0	5.0
Toluene	ND	1.0	5.0	1,2,3-Trichlorobenzene	ND	1.0	5.0
1,2,4-Trichlorobenzene	ND	1.0	5.0	1,1,1-Trichloroethane	ND	1.0	5.0
1,1,2-Trichloroethane	ND	1.0	5.0	Trichloroethene	ND	1.0	5.0
Trichlorofluoromethane	ND	1.0	5.0	1,2,3-Trichloropropane	ND	1.0	5.0
1,2,4-Trimethylbenzene	ND	1.0	5.0	1,3,5-Trimethylbenzene	ND	1.0	5.0
Vinyl Acetate	ND	1.0	50	Vinyl Chloride	ND	1.0	5.0
Xylenes	ND	1.0	5.0				

Surrogate Recoveries (%)

%SS1:	91.3	%SS2:	105
%SS3:	110		

Comments:

* water and vapor samples and all TCLP & SPLP extracts are reported in µg/L, soil/slug/solid samples in µg/kg, wipe samples in µg/wipe, product/oil/non-aqueous liquid samples in mg/L.

ND means not detected above the reporting limit; N/A means analyte not applicable to this analysis.

surrogate diluted out of range or surrogate coelutes with another peak.

h) lighter than water immiscible sheen/product is present; i) liquid sample that contains greater than ~2 vol. % sediment; j) sample diluted due to high organic content.

DHS Certification No. 1644

 Angela Rydelius, Lab Manager

All Environmental, Inc. 2500 Camino Diablo, Ste. #200 Walnut Creek, CA 94597	Client Project ID: #7251; MTN. Mike's	Date Sampled: 08/15/03
	Client Contact: Brandi Kjel-Reese	Date Received: 08/15/03
	Client P.O.:	Date Analyzed: 08/15/03-08/18/03
		Date Extracted: 08/15/03

Volatiles Organics by P&T and GC/MS (Basic Target List)*

Extraction Method: SWS030B

Analytical Method: SW8260B

Work Order: 0308250

Lab ID	0308250-007A						
Client ID	SB-7 30'						
Matrix	Soil						
Compound	Concentration *	DF	Reporting Limit	Compound	Concentration *	DF	Reporting Limit
Acetone	ND	1.0	50	Benzene	ND	1.0	5.0
Bromobenzene	ND	1.0	5.0	Bromochloromethane	ND	1.0	5.0
Bromodichloromethane	ND	1.0	5.0	Bromoform	ND	1.0	5.0
2-Butanone (MEK)	ND	1.0	10	Bromomethane	ND	1.0	5.0
n-Butyl benzene	ND	1.0	5.0	sec-Butyl benzene	ND	1.0	5.0
tert-Butyl benzene	ND	1.0	5.0	Carbon Disulfide	ND	1.0	5.0
Carbon Tetrachloride	ND	1.0	5.0	Chlorobenzene	ND	1.0	5.0
Chloroethane	ND	1.0	5.0	2-Chloroethyl Vinyl Ether	ND	1.0	5.0
Chloroform	ND	1.0	5.0	Chloromethane	ND	1.0	5.0
2-Chlorotoluene	ND	1.0	5.0	4-Chlorotoluene	ND	1.0	5.0
Dibromochloromethane	ND	1.0	5.0	1,2-Dibromo-3-chloropropane	ND	1.0	5.0
1,2-Dibromoethane (EDB)	ND	1.0	5.0	Dibromomethane	ND	1.0	5.0
1,2-Dichlorobenzene	ND	1.0	5.0	1,3-Dichlorobenzene	ND	1.0	5.0
1,4-Dichlorobenzene	ND	1.0	5.0	Dichlorodifluoromethane	ND	1.0	5.0
1,1-Dichloroethane	ND	1.0	5.0	1,2-Dichloroethane (1,2-DCA)	ND	1.0	5.0
1,1-Dichloroethene	ND	1.0	5.0	cis-1,2-Dichloroethene	ND	1.0	5.0
trans-1,2-Dichloroethene	ND	1.0	5.0	1,2-Dichloropropane	ND	1.0	5.0
1,3-Dichloropropane	ND	1.0	5.0	2,2-Dichloropropane	ND	1.0	5.0
1,1-Dichloropropene	ND	1.0	5.0	cis-1,3-Dichloropropene	ND	1.0	5.0
trans-1,3-Dichloropropene	ND	1.0	5.0	Ethylbenzene	ND	1.0	5.0
Heptachlorobutadiene	ND	1.0	5.0	2-Hexanone	ND	1.0	5.0
Iodomethane (Methyl iodide)	ND	1.0	50	Isopropylbenzene	ND	1.0	5.0
4-Isopropyl toluene	ND	1.0	5.0	Methyl-t-butyl ether (MTBE)	ND	1.0	5.0
Methylene chloride	ND	1.0	5.0	4-Methyl-2-pentanone (MIBK)	ND	1.0	5.0
Naphthalene	ND	1.0	5.0	n-Propyl benzene	ND	1.0	5.0
Styrene	ND	1.0	5.0	1,1,1,2-Tetrachloroethane	ND	1.0	5.0
1,1,2,2-Tetrachloroethane	ND	1.0	5.0	Tetrachloroethene	ND	1.0	5.0
Toluene	ND	1.0	5.0	1,2,3-Trichlorobenzene	ND	1.0	5.0
1,2,4-Trichlorobenzene	ND	1.0	5.0	1,1,1-Trichloroethane	ND	1.0	5.0
1,1,2-Trichloroethane	ND	1.0	5.0	Trichloroethene	ND	1.0	5.0
Trichlorofluoromethane	ND	1.0	5.0	1,2,3-Trichloropropane	ND	1.0	5.0
1,2,4-Trimethylbenzene	ND	1.0	5.0	1,3,5-Trimethylbenzene	ND	1.0	5.0
Vinyl Acetate	ND	1.0	50	Vinyl Chloride	ND	1.0	5.0
Xylenes	ND	1.0	5.0				

Surrogate Recoveries (%)

%SS1:	90.9	%SS2:	105
%SS3:	106		

Comments:

* water and vapor samples and all TCLP & SPLP extracts are reported in µg/L, soil/sludge/solid samples in µg/kg, wipe samples in µg/wipe, product/oil/non-aqueous liquid samples in mg/L.

ND means not detected above the reporting limit; N/A means analyte not applicable to this analysis.

surrogate diluted out of range or surrogate coelutes with another peak.

h) lighter than water immiscible sheen/product is present; i) liquid sample that contains greater than ~2 vol. % sediment; j) sample diluted due to high organic content.

ATTACHMENT C
PERMIT DOCUMENTATION



ZONE 7 WATER AGENCY

5997 PARKSIDE DRIVE PLEASANTON, CALIFORNIA 94588-5127 VOICE (925) 484-2800 X235 FAX (925) 462-3914

DRILLING PERMIT APPLICATION

FOR APPLICANT TO COMPLETE

FOR OFFICE USE

LOCATION OF PROJECT 1304 1st St.
LIVERMORE

PERMIT NUMBER 23103

WELL NUMBER _____

APN 098 0403 012 00

California Coordinates Source _____ Accuracy _____ ft
N _____ ft. CCE _____ ft
N 098-0403-012-00

PERMIT CONDITIONS

Circled Permit Requirements Apply

APPLICANT NAME CARLOS RATINHO
ADDRESS 1181 ORCHID ST. Phone _____
LIVERMORE Zip 94550

- (A) GENERAL
 1. A permit application should be submitted so as to arrive at the Zone 7 office five days prior to proposed starting date.
 2. Submit to Zone 7 within 60 days after completion of permitted work the original Department of Water Resources Water Well Drillers Report or equivalent for well projects, or drilling logs and location sketch for geotechnical projects.
 3. Permit is void if project not begun within 90 days of approval date.

APPLICANT NAME AEI CONSULTANTS
ADDRESS 2500 CAMINO DIABLO Fax 925-283-6121
STE. 200 Phone 925-283-6000
WALNUT CREEK Zip 94597

- B. WATER SUPPLY WELLS
 1. Minimum surface seal diameter is four inches greater than the well casing diameter.
 2. Minimum seal depth is 50 feet for municipal and industrial wells or 20 feet for domestic and irrigation wells unless a lesser depth is specially approved.
 3. Grout placed by tremie.
 4. An access port at least 0.5 inches in diameter is required on the wellhead for water level measurements.
 5. A sample port is required on the discharge pipe near the wellhead.

TYPE OF PROJECT:
 Construction Geotechnical Investigation
 Destruction Contamination Investigation
 Cathodic Protection Other _____

- C. GROUNDWATER MONITORING WELLS INCLUDING PIEZOMETERS
 1. Minimum surface seal diameter is four inches greater than the well or piezometer casing diameter.
 2. Minimum seal depth for monitoring wells is the maximum depth practicable or 20 feet.
 3. Grout placed by tremie.

PROPOSED WELL USE:
 Domestic Irrigation
 Municipal Remediation
 Industrial Groundwater Monitoring
 Watering Other _____

- (D) GEOTECHNICAL. Backfill bore hole with compacted cuttings or heavy bentonite and upper two feet with compacted material. In areas of known or suspected contamination, tremied cement grout shall be used in place of compacted cuttings.

DILLING METHOD:
 Rotary Air Rotary Hollow Stem Auger
 Cable Tool Direct Push Other _____

- E. CATHODIC. Fill hole above anode zone with concrete placed by tremie.

DILLING COMPANY HEW
DILLER'S LICENSE NO. 604987

- F. WELL DESTRUCTION. See attached.
- (G) SPECIAL CONDITIONS. Submit to Zone 7 within 60 days after completion of permitted work the well installation report including all soil and water laboratory analysis results.

WELL SPECIFICATIONS:
Drill Hole Diameter _____ in. Maximum _____
Casing Diameter _____ in. Depth _____ ft.
Surface Seal Depth _____ ft. Number _____

WELL BORINGS:
Number of Borings 3 Maximum _____
Hole Diameter 8 1/4 in. Depth 50 ft.

ESTIMATED STARTING DATE 8/15/03
ESTIMATED COMPLETION DATE 8/15/03

Applicant hereby agree to comply with all requirements of this permit and Alameda County Ordinance No. 73-68.

Approved Wyman Hong Date 8/14/03
Wyman Hong

APPLICANT'S SIGNATURE Brandi Reese Date 8/14/03

ATTACH SITE PLAN OR SKETCH

R0324

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Monday, October 15, 2007 12:53 PM
To: Wickham, Jerry, Env. Health; SUNIL RAMDASS
Subject: Fuel Leak Case No. RO0000324, Claim No 14294, Livermore Gas and Mini-Mart, 160 Holmes Street, Livermore

Mr. Wickham and Mr. Ramdass:

I'd like to set up a meeting with Alameda County and the FUND to discuss this Fuel Leak Case, strategies for future investigations and remediation, and project scheduling. I understand that it may be difficult to get together to meet (you guys are overworked and understaffed), but having the LOP, FUND, and RP/consultant on the same page is essential to achieving the common goal of a cost effective path to closure.

The topics I'd like to discuss include:

- Investigation and remediation technologies that would be acceptable to the County and FUND (for reimbursement).
- Ways to reduce QM costs, such as running EPA Method 8260 annually (\$3,400 reduction per yr), or limiting the 8260 test to certain wells (MW-2A, and MW-7A/B/C), etc. This will be especially important after the installation of three new well clusters (as proposed in the 10/12/07 work plan).
- Project schedules - we would like to prioritize site work and set up schedules accordingly.
- General investigation and remediation goals (short term, as well as long term)

Please let me know what you guys think.

Sincerely
James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

10/17/2007

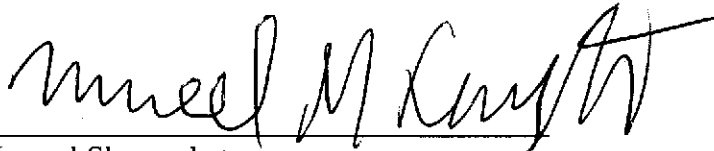
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Third Quarter 2007 Groundwater Monitoring and Interim
Remedial Progress Report
Report Date: October 15, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

Alameda County

OCT 22 2007

Environmental Health

R0324

Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

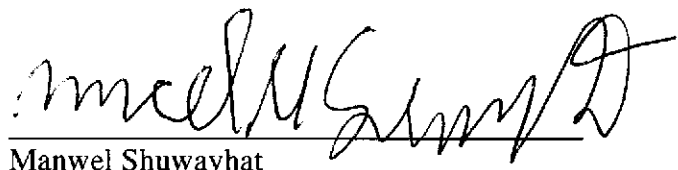
Alameda County
OCT 22 2007
Environmental Health

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Work Plan for Additional Site Investigation
Report Date: October 12, 2007

To Whom It May Concern:

I have reviewed the document referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat



September 25, 2007
Project No.: 015-01-029

Mr. Robert Cave
AQ Engineer/Toxic Evaluation
Bay Area Air Quality Management District (BAAQMD)
939 Ellis Street
San Francisco, California 94109

**Subject: Notification of 1-day Soil Vapor Extraction (SVE) Pilot Testing for
160 Holmes Street, Livermore, California**

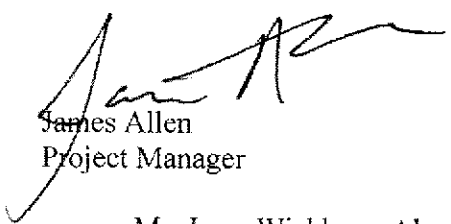
Dear Mr. Cave:

On behalf of Mr. Manwel and Samira Shuwayhat, Allterra Environmental, Inc. (Allterra) has prepared this notification of pilot test activities at the property located at 160 Holmes Street, Livermore, California (Site). This notification provides a summary of work to be conducted and measures proposed to abate soil vapor gas extracted during pilot testing activities.

Allterra is conducting a 1-day SVE pilot test at the Site on September 28, 2007. While conducting the SVE pilot test Allterra will be removing soil vapor gas with Rotron Blower Model 454. Soil vapor gases extracted will be directed through vapor phase granulated activated carbon (GAC) for abatement.

Should you need any additional information or have any questions, contact Allterra at (831) 425-2608.

Sincerely,
Allterra Environmental, Inc.



James Allen
Project Manager

cc: Mr. Jerry Wickham, Alameda County Department of Environmental Health
Manwel and Samira Shuwayhat, Livermore Gas and Mini Mart
Mr. Sunil Ramdass, Underground Storage Tank Cleanup Fund

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]

Sent: Friday, September 21, 2007 11:04 AM

To: Wickham, Jerry, Env. Health

Cc: SUNIL RAMDASS

Subject: Informal vapor extraction pilot test for Fuel Leak Case No. RO0000324, Livermore Gas and Mini-Mart, 160 Holmes Street, Livermore, California

Mr. Wickham

Next week are planning to conduct an informal vapor extraction pilot test using new well EW-3. The reasons for the pilot test are:

- water levels are the lowest they've been in years
- EW-3's screen interval is from 25-30 feet bgs, which targets "smear zone" contamination (suspected source area from 24'-30')
- Data will be helpful for future work plans and proposed remediation

Data that will be collected includes: vacuum, vapor flow rate, vapor levels (samples), and influence on nearby wells

If you can think of any other data that we should target, let me know.

Sincerely

James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

9/21/2007

R0324

Wickham, Jerry, Env. Health

To: James Allen

Subject: RE: Request for 30-day Deadline Extension for Work Plan for Fuel Leak Case No. RO0000324, Livermore Gas and Mini Mart, 160 Holmes St., Livermore

James,

Based upon your request, the schedule for Work Plan submittal for the above referenced case is extended to October 14, 2007.

Regards,

Jerry Wickham

Alameda County Environmental Health

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

510-567-6791 phone

510-337-9335 fax

jerry.wickham@acgov.org

From: James Allen [mailto:james@allterraenv.com]

Sent: Tuesday, August 21, 2007 10:49 AM

To: Wickham, Jerry, Env. Health

Subject: Request for 30-day Deadline Extension for Work Plan for Fuel Leak Case No. RO0000324, Livermore Gas and Mini Mart, 160 Holmes St., Livermore

Mr. Wickham:

Allterra is requesting a 30-day extension for the Work Plan for Further Site Characterization. We propose that the new deadline be October 14, 2007.

Sincerely,

James Allen

--

James Allen

Project Manager

Allterra Environmental, Inc.

Office (831) 425-2608

Fax: (831) 425-2609

8/22/2007

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

July 13, 2007

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. RO0000324 and Geotracker Global ID T0600102287, Livermore Gas and Mini-mart, 160 Holmes Street, Livermore, CA 94553

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted documents entitled, "Draft Corrective Action Plan for Fuel Leak Case No. RO0000324," dated June 12, "Well Investigation Report for Fuel Leak Case No. RO0000324," dated June 7, 2007 and "First Quarter 2007 Groundwater Monitoring Report and Interim Remedial Progress Report for Fuel Leak Case No. RO0000324," dated March 7, 2007, and "Second Quarter 2007 Groundwater Monitoring Report and Interim Remedial Progress Report for Fuel Leak Case No. RO0000324," dated June 7, 2007. All reports were prepared by Allterra Environmental, Inc. The Draft CAP reviews the site history, summarizes site conditions, and recommends groundwater extraction as the preferred remedial alternative for the site. Elevated concentrations of fuel hydrocarbons and oxygenates have been detected in soil and groundwater. Methyl tert-butyl ether (MTBE) was detected at highly elevated concentrations in soil and groundwater in the area between the dispensers and USTs. MTBE was detected in soil at concentrations up to 140 milligrams per kilogram (mg/kg) and was detected in groundwater at concentrations up to 1,500,000 micrograms per liter ($\mu\text{g/L}$). Based on our review of the case file and Draft CAP, we do not concur with groundwater extraction as the preferred remedial alternative for the site. As discussed in the technical comments below, we believe that a significant source of fuel hydrocarbons and oxygenates exists at the site. In addition, we believe that further characterization is required to address several data gaps related to the plume extent and the vertical extent of contamination prior to revision of the Draft CAP.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Summary of Petroleum Hydrocarbon Impacts to Soil.** Section 4.1.1 entitled *Summary of Petroleum Hydrocarbon Impacts to Soil*, concludes that, "most of the contaminant source (soil contamination) was removed during over-excavation work completed after UST and dispenser removals." We do not concur with this assessment. Instead, we believe there is a significant source of fuel hydrocarbons and methyl tert butyl ether (MTBE) in soil at the site and probably extending off-site to the northwest. During the source area investigation conducted in January 2007, MTBE was detected in soil at elevated concentrations at several sampling locations west of the USTs and dispensers. MTBE and other oxygenates have low

organic carbon partition coefficients relative to BTEX and are less likely to occur in soil samples because they are less likely to adsorb to naturally occurring organic carbon (American Petroleum Institute. 2000. *Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE*). The detection of MTBE at concentrations of up to 140 milligrams per kilogram indicates a significant soil source. Please note that the concentrations of MTBE in soil exceed the proposed cleanup goal for MTBE in soil of 0.023 mg/kg by several orders of magnitude. Groundwater extraction would not effectively reduce MTBE concentrations in soil. Total petroleum hydrocarbons as gasoline (TPHg) were generally detected in soil at relatively low concentrations during the Source Area Investigation. However, TPHg was detected in groundwater at elevated concentrations (up to 210,000 micrograms per liter [$\mu\text{g/L}$]) at several sampling locations. It is not plausible that TPHg is present in groundwater at concentrations that generally exceed the solubility of the mixture of fuel hydrocarbons in TPHg without a significant source of soil contamination or free product. Based on the above factors, we believe that remedial action beyond groundwater extraction is needed in the source area. Please see the technical comments below regarding further characterization steps that are recommended to fill data gaps in order to develop a more effective remedial alternative.

2. **Depth of Soil Contamination in Source Area.** As discussed in technical comment 1, elevated concentrations of MTBE were detected in soil in the area of soil borings GP8, GP9, GP-10, GP13, GP14, and GP15. In each of these soil borings, the highest concentration of MTBE was detected in the lowest sample, which was collected at depths of 24 or 28 feet bgs. In order to define the vertical extent of soil contamination, we request that you advance a minimum of two soil borings in the area of the previously referenced borings to define the extent of the vertical contamination. This may be accomplished by collecting soil samples below a depth of 28 feet bgs or may be conducted in conjunction with the vertical delineation requested in technical comment 3 below through the use of an in-situ technology such as ultra violet induced fluorescence or membrane interface probe. Please present plans for vertical definition of soil contamination in the source area in the Work Plan requested below.

3. **Plume Extent.** In reviewing the historical groundwater analytical data, we noted grab groundwater sample data collected by Geo Environmental Technology in 2001 indicating that 3,800 $\mu\text{g/L}$ of MTBE was detected in groundwater at a sample location (B-3) that is beyond the current estimated extent of the plume. In addition, 16,000 $\mu\text{g/L}$ of MTBE was detected in 2001 in grab groundwater sample B-5, which is located near the southern edge of the current estimated extent of the plume. The concentration of MTBE detected in groundwater from boring B-5 was greater than the concentration of MTBE detected in groundwater from boring B-4, which is near the MW-7 well cluster. These data suggest that the plume may be larger than the current estimated plume extent and that downgradient well clusters MW-5 and MW-7 may not be located along the center of the plume. A grab groundwater sample collected from boring HP-1 in November 2005 contained 24 $\mu\text{g/L}$ of TBA and 12 $\mu\text{g/L}$ of MTBE. However, it is possible that the most contaminated portion of the plume is below the grab groundwater sample collected from HP-1, which was collected at a depth of 28 feet bgs. In the Work Plan requested below, we request that you propose additional site characterization to assess groundwater quality in the area between well cluster MW-7 and well MW-4A and in the area of former by Geo Environmental Technology boring B-3.

4. **Vertical Extent of Groundwater Contamination.** There is some uncertainty regarding the vertical extent of groundwater contamination due to some inconsistency in previous results. In source area boring MB-1, MTBE was detected in each of the three grab groundwater samples collected (28, 50, and 70 feet bgs). The grab groundwater samples collected at depths of 50 and 70 feet bgs from boring MB-1 contained MTBE at concentrations of 1,500 and 1,200 µg/L, respectively. However, groundwater collected from adjacent source area well MW-1B (screened at a depth of 50 to 55 feet bgs) contained MTBE at a concentration of less than 10 µg/L. Inconsistent results were also obtained from well cluster MW-7 and boring MB-3. TBA was detected at a concentration of 16,000 µg/L in the grab groundwater sample collected from boring MB-3 at a depth of 70 feet bgs. However, groundwater samples from well MW-7C (screened from 65 to 70 feet bgs) generally do not contain TBA at concentrations greater than 24 µg/L. The Draft CAP assumes that the results from the monitoring well samples are more representative and that the extent of groundwater contamination below 50 feet bgs is limited. There is also some uncertainty with regard to the depth of the fine-grained layer that is a potential aquitard. A five-foot thick fine-grained layer was encountered in boring MW-1B; however, no fine-grained layer was apparently encountered at similar depths in boring MB-3. We request that you propose additional investigation that will help to resolve some of the uncertainty regarding the vertical extent of groundwater contamination and to better target vertical intervals of the aquifer for remediation. In conjunction with the work requested in technical comment 2, please present plans in the Work Plan requested below to better define the vertical extent of groundwater contamination.
5. **Sampling of Groundwater Monitoring Wells.** In reviewing the groundwater monitoring reports, we note several groundwater sampling and documentation procedures that require improvement. The total depths of the wells noted on the Groundwater Sampling Field Logs varies from one quarter to the next for individual wells and many are not consistent with well construction diagrams. The largest discrepancy was noted for well MW-6, which is screened from 20 to 50 feet bgs according to the well construction diagram and tables in the Draft CAP. The total depth of the MW-6 on the Groundwater Sampling Field Log is assumed to be 25 feet, which resulted in an estimated casing volume of 0.1 gallon (total purge volume of 0.3 gallons assuming 3 casing volumes total purge) during the April 16, 2007 sampling event. The casing volume should have been 4.1 volumes for a total purge volume of 12.3 gallons rather than 0.3 gallons. As a result, well MW-6 and several other wells were apparently not purged sufficiently during this event and the previous sampling events checked. Please review the well construction diagrams for each well and use the correct total depth when purging and sampling the wells. Information entered on the Groundwater Sampling Field Logs is incomplete. The following information must be entered each time a well is sampled: depth to water prior to sampling, depth of water at the end of purging, time at beginning of purging, time at the end of purging, time of sampling, total purge volume, the type of equipment used for purging, the type of equipment used for sampling, the type of equipment used for field measurements, and whether the well dewatered during purging. Any unusual conditions or problems with the integrity of the well are to be noted in the comments. Please improve the well sampling and documentation methods in future quarterly monitoring reports.
6. **Well MW-6.** In reviewing the Groundwater Sampling Field Logs for well MW-6, we note that a "med" entry was recorded for odor during the January 4, 2007 sampling event. However, no fuel hydrocarbons or oxygenates were detected in the groundwater sample. The

observation of an odor and the analytical results appear to be inconsistent. In the future, please review and evaluate the accuracy of these types of inconsistencies as necessary. Additional comments such as observations of sheen would be useful on the Groundwater Sampling Field Logs.

7. **Cleanup Goals.** We have no objections to the proposed cleanup goals in the Draft CAP.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **September 14, 2007** – Work Plan for Further Site Characterization
- **45 days following end of each quarter** - Quarterly Monitoring and Interim Remediation Reports

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Manwel and Samira Shuwayhat
RO0000324
July 13, 2007
Page 6

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Sunil Ramdass
UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

RECEIVED

JUN 20 2007

ENVIRONMENTAL HEALTH SERVICES

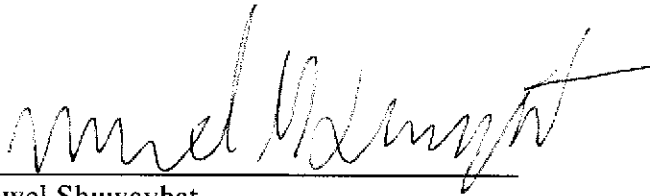
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Draft Corrective Action Plan
Report Date: June 12, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

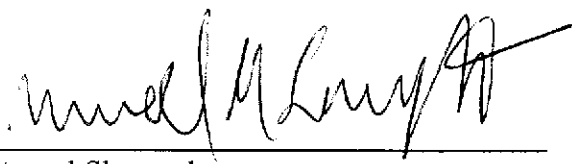
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Second Quarter 2007 Groundwater Monitoring and Interim Remedial Progress Report
Report Date: June 7, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

RECEIVED

JUN 18 2007

ENVIRONMENTAL HEALTH SERVICES

RECEIVED
JUN 20 2007
ENVIRONMENTAL HEALTH SERVICES

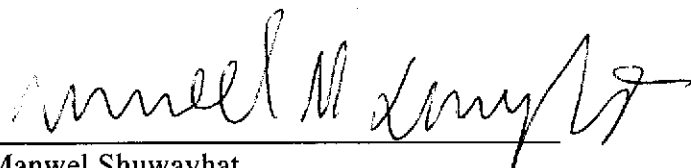
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Well EW-3 Installation Report
Report Date: June 7, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

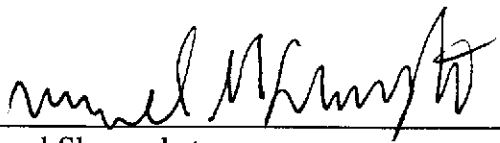
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Work Plan for Well Installation
Report Date: April 3, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

APR 3 2007
ENVIRONMENTAL HEALTH SERVICES

120524

Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: First Quarter 2007 Groundwater Monitoring and Interim Remedial Progress Report
Report Date: March 7, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

MAR 15 2007
ENVIRONMENTAL HEALTH SERVICES



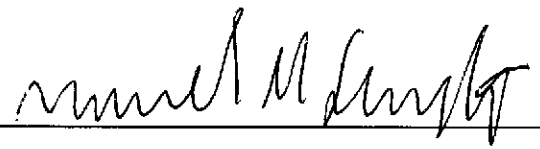
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Manwel and Samira Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Source Area Investigation Report
Report Date: February 26, 2007

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Wickham, Jerry, Env. Health

To: James Allen

Subject: RE: Status Update for Source Area Investigation at 160 Holmes St., Livermore (Case No. RO0000324)

I certainly have no objection to the use of a utility locator. In addition, hand augering to five feet prior to boring is also acceptable.

Jerry Wickham

Alameda County Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
510-567-6791 Phone
510-933-9335 Fax
jerry.wickham@acgov.org

From: James Allen [mailto:james@allterraenv.com]

Sent: Friday, December 01, 2006 9:15 AM

To: Wickham, Jerry, Env. Health

Subject: Status Update for Source Area Investigation at 160 Holmes St., Livermore (Case No. RO0000324)

Mr. Wickham

We've obtained the boring permit from Zone 7 and will soon be marking the site for USA. We plan to drill the borings in mid-December.

Because the borings are in the vicinity of the USTs and subsurface piping, we plan to hire a private underground utility locator to identify subsurface utilities at the site. This step was not proposed in the original work plan, however, we believe it is a necessary step in order to avoid drilling through fuel piping. Please reply if you have any objections.

Sincerely,
James

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

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

October 27, 2006

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. RO0000324, Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA – Work Plan Approval

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Revised Work Plan for Source Area Investigation for Fuel Leak Case No. RO0000324," dated October 16, 2006. The proposed work described in the revised Work Plan is approved provided that technical comment 1 below is addressed during the field investigation. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Grab Groundwater Sampling.** We do not concur with the collection of grab groundwater samples from an open borehole. Please collect groundwater samples from the direct push borings using screen points or a groundwater profiler that allows collection of a depth-discrete groundwater sample. The proposed use of a temporary well casing and screen is also acceptable. Collecting the groundwater samples from the upper 5 feet of water column within each borehole is acceptable.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 27, 2007** – Soil and Groundwater Investigation Report
- **45 days following end of each quarter** - Quarterly Monitoring Reports

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

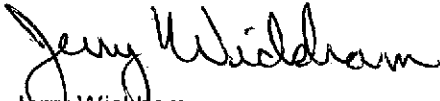
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

**Alameda County Environmental Cleanup
Oversight Programs
(LOP and SLIC)**

ISSUE DATE: July 5, 2005

REVISION DATE: May 31, 2006

PREVIOUS REVISIONS: October 31, 2005,
December 16, 2005

SECTION: Miscellaneous Administrative Topics & Procedures

SUBJECT: Electronic Report Upload (ftp) Instructions

Effective January 31, 2006, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities.

REQUIREMENTS

- Entire report including cover letter must be submitted to the ftp site as a **single portable document format (PDF) with no password protection**. (Please do not submit reports as attachments to electronic mail.)
- It is **preferable** that reports be converted to PDF format from their original format, (e.g., Microsoft Word) rather than scanned.
- Signature pages and perjury statements **must** be included and have either original or electronic signature.
- **Do not password protect the document**. Once indexed and inserted into the correct electronic case file, the document will be secured in compliance with the County's current security standards and a password. **Documents with password protection will not be accepted.**
- Each page in the PDF document should be rotated in the direction that will make it easiest to read on a computer monitor.
- Reports must be named and saved using the following naming convention:
RO#_Report Name_Year-Month-Date (e.g., RO#5555_WorkPlan_2005-06-14)

Additional Recommendations

- A separate copy of the tables in the document should be submitted by e-mail to your Caseworker in **Excel** format. These are for use by assigned Caseworker only.

Submission Instructions

- 1) Obtain User Name and Password:
 - a) Contact the Alameda County Environmental Health Department to obtain a User Name and Password to upload files to the ftp site.
 - i) Send an e-mail to dehloptoxic@acgov.org.
 - or
 - ii) Send a fax on company letterhead to (510) 337-9335, to the attention of: **ftp Site Coordinator**.
 - b) In the subject line of your request, be sure to include "**ftp PASSWORD REQUEST**" and in the body of your request, include the **Contact Information, Site Addresses, and the Case Numbers (RO# available in Geotracker)** you will be posting for.
- 2) Upload Files to the ftp Site
 - a) Using Internet Explorer (IE4+), go to <ftp://alcoftp1.acgov.org>
 - (i) Note: Netscape and Firefox browsers will not open the FTP site.
 - b) Click on File, then on Login As.
 - c) Enter your User Name and Password. (Note: Both are Case Sensitive.)
 - d) Open "My Computer" on your computer and navigate to the file(s) you wish to upload to the ftp site.
 - e) With both "My Computer" and the ftp site open in separate windows, drag and drop the file(s) from "My Computer" to the ftp window.
- 3) Send E-mail Notifications to the Environmental Cleanup Oversight Programs
 - a) Send email to dehloptoxic@acgov.org notify us that you have placed a report on our ftp site.
 - b) Copy your Caseworker on the e-mail. Your Caseworker's e-mail address is the entire first name then a period and entire last name at acgov.org. (e.g., firstname.lastname@acgov.org)
 - c) The subject line of the e-mail must start with the RO# followed by **Report Upload**. (e.g., Subject: RO1234 Report Upload)

Wickham, Jerry, Env. Health

To: James Allen

Subject: RE: Soil vapor sampling questions regarding Case No. RO0000324, Livermore Gas & Mini Mart, 160 Holmes St., Livermore

James,

Using a phased approach for collection of the soil vapor samples as proposed below is fine. The use of vapor mini-wells or implants is acceptable versus the driven probe/rod methods. I assume you will be proposing the soil vapor sampling methods in the initial Work Plan.

Regards,

Jerry Wickham

Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

From: James Allen [mailto:james@allterraenv.com]

Sent: Tuesday, October 03, 2006 3:49 PM

To: Wickham, Jerry, Env. Health

Subject: Soil vapor sampling questions regarding Case No. RO0000324, Livermore Gas & Mini Mart, 160 Holmes St., Livermore

Subject: Revised Work Plan for Source Area Investigation

Mr. Wickham:

Just wanted to bounce a few ideas off you and hopefully get some feedback.

In our original work plan, we proposed installing 19 soil borings roughly set up in a grid pattern. These borings should give us a really good idea of the extent of soil and gw contamination on-site. In your 9/19/06 letter, you requested that soil vapor samples also be collected from each of the 19 borings. The 3 different sample types should give us the data necessary to fully characterize source area contamination.

Proposed vapor sample methodology:

I discussed vapor sample methodology and protocol w/ our driller, ECA. Based on ECA's experience, the "Permanent/ Semi-permanent Gas Probe" (as described in DTSC's Advisory-Active Soil Gas Investigations") provides better data than the "Temporary Gas Probe Method." Additionally, the Permanent/Semi-permanent Gas Probe can be set up for "multi-depth sampling". Therefore, our revised work plan will propose the "Permanent/ Semi-permanent Gas Probe" method.

Proposed Plan of Attack for Soil Vapor Sampling:

In general, we think that the most streamlined and cost-effective approach for completing the soil vapor sampling would be to install soil borings, collect soil samples, evaluate soil data, and install soil gas probes in locations that target soil "hot-spots".

Step 1: install the original 19 soil borings, using a PID to monitor VOCs, collecting soil samples from appropriate locations, and collecting groundwater samples. Submit soil and water samples to a lab for testing.

10/5/2006

Step 2: Review and evaluate lab data from soil samples. Using sample data (boring location, sample depth, hydrocarbon level, PID readings), propose soil vapor sample probe locations (with proposed sample depth). The proposed locations will be presented in a site plan for review and approval by ACEH.

Step 3: Upon ACEH approval of soil vapor sample probe locations, the probes will be installed, samples collected, and samples submitted for lab testing.

Step 4: Prepare a report documenting all the investigation work.

What do you think?

Thanks,
James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

10/5/2006

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

September 19, 2006

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case [REDACTED] Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the documents entitled, "Work Plan for Source Area Investigation Report for Fuel Leak Case No. RO0000324," dated September 12, 2006, and "Third Quarter 2006 Groundwater Monitoring Report," dated August 30, 2006. The Work Plan proposes soil and groundwater sampling from 19 direct push borings at the site. In order to address the items discussed in the technical comments below, we request that you submit a revised Work Plan by **October 31, 2006**.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Proposed Boring Locations.** The proposed locations for the source area investigation boreholes are acceptable.
2. **Proposed Sample Collection.** We concur with the proposed continuous soil sample collection for logging and screening. Soil samples are to be submitted for laboratory analyses from all depths where staining, odor, or elevated photoionization readings are observed. If no staining, odor, or elevated photoionization readings are observed, we request that the soil samples collected from depths of 8, 24, and 28 feet bgs be analyzed from each soil boring regardless of screening results. We do not concur with the proposal to only analyze soil samples collected from depths of 24 and 28 feet bgs if elevated concentrations of petroleum hydrocarbons are detected in the soil sample collected at 20 feet bgs. This request is based upon review of data from previous soil borings, which indicate that results from the soil sample collected at 20 feet bgs may not provide an indication of soil contamination below 20 feet bgs. As shown on Table 1, TPHg was frequently not detected in soil samples collected from 20 feet bgs but was detected in the same boring in soil samples collected at depths of 24 and 28 feet bgs. As an example, the soil sample collected at 20 feet bgs from boring MB-3 did not contain detectable concentrations of TPHg but the soil sample collected from 28 feet bgs in boring MB-3 contained 1,400 milligrams per kilogram of TPHg.

3. **Proposed Laboratory Analyses for Soil and Groundwater Samples.** The proposed laboratory analyses for soil and groundwater samples are acceptable.
4. **Soil Vapor Sampling.** In order to help assess whether soil vapor extraction we request that one or more soil vapor samples be collected from each soil boring. The proposed depths of the soil vapor samples may be based upon results from continuous logging and screening. Please present plans for soil vapor sampling from each of the proposed soil borings in the revised Work Plan requested below.
5. **Grab Groundwater Sampling.** Please provide additional information in the revised Work Plan requested below on the depth interval and method for collection of a groundwater sample from each soil boring.
6. **Quarterly Monitoring.** Please continue the quarterly groundwater monitoring program for the site. Results from interim groundwater extraction are also to be reported in the quarterly monitoring reports requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **October 31, 2006** – Revised Work Plan for Source Area Investigation
- **45 days following the end of each quarter** - Quarterly Monitoring Report

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed

locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Manwel and Samira Shuwayhat
September 19, 2006
Page 4

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201, Zone 7 Water Agency, 100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani, Livermore-Pleasanton Fire Department, 3560 Nevada Street
Pleasanton, CA 94566

Sunil Ramdass, SWRCB Cleanup Fund, 1001 I Street, 17th floor, Sacramento, CA 95814-
2828

James Allen, Allterra Environmental, Inc., 849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Tuesday, September 05, 2006 10:12 AM
To: Wickham, Jerry, Env. Health
Cc: SUNIL RAMDASS
Subject: Status Update: Case No. RO0000324, Livermore Gas & Mini Mart, 160 Holmes St., Livermore (Claim No. 14294)

Mr. Wickham:

I just spoke with Mr. Ramdass of the FUND; we talked about "pre-approval" for the interim groundwater extraction work (plume migration control, mass removal). He indicated that we could go ahead with the work, but asked that we keep an eye on our costs and make sure we are not pumping out "clean water". Both of these objectives will be easy to achieve since we do efficient and cost effective work and the primary extraction well (EW-1) has MTBE levels of 12,000 ppb and is 3 feet from well MW-1A (MTBE at 160,000 ppb).

We plan to fill our empty tank with water from EW-1 as soon as tomorrow. Data collected will be included in the 4th quarter GM report (the 3rd quarter report was already finalized).

Sincerely,
James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

R0324

Alameda County
SEP 06 2006
Environmental Health

RECEIVED
SEP 06 2006
ENVIRONMENTAL HEALTH SERVICES

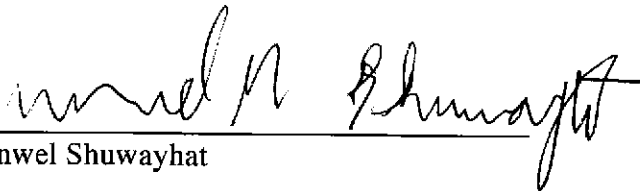
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Third Quarter 2006 Groundwater Monitoring Report
Report Date: August 30, 2006

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Manwel Shuwayhat

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

August 15, 2006

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. [REDACTED] Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the documents entitled, "Soil and Groundwater Investigation Report for Fuel Leak Case No. RO0000324," dated May 2, 2006, "Dual-Phase Extraction Pilot Test Report for Fuel Leak Case No. RO0000324," dated May 23, 2006, and "Interim Remediation of Groundwater for Fuel Leak Case No. RO0000324," dated August 8, 2006. The Soil and Groundwater Investigation Report presents the results from soil borings advanced in November 2005 and monitoring wells installed in February 2006. The Dual-Phase Extraction Pilot Test Report presents the results from one-day pilot DPE tests conducted at wells EW-1 and EW-2 on April 11 and 12, 2006. The Interim Remediation of Groundwater report presents a proposal to conduct interim groundwater extraction from wells EW-1 and EW-2.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS ON SOIL AND GROUNDWATER INVESTIGATION REPORT

1. **Plume Delineation.** Petroleum hydrocarbons were not detected in groundwater samples from downgradient monitoring well MW-5A. Based on these results, the Soil and Groundwater Investigation Report concluded that the distal edge of the hydrocarbon plume has been delineated. We concur that further investigation of the distal end of the plume is not required at this time. The results of quarterly groundwater monitoring are to be reviewed in order to evaluate the need for further plume delineation.
2. **Aquifer 2 Below the Regional Aquitard.** The regional aquitard was apparently encountered at depths of 54 to 69 feet below ground surface during the site investigation. The Soil and Groundwater Investigation Report recommends using data from the new monitoring well network to evaluate the vertical extent of dissolved contamination in Aquifer 1 over time prior to investigating Aquifer 2. We concur with review of data from the recently installed wells prior to proposing investigation of Aquifer 2. However, the lowermost grab groundwater sample collected from MB-1 at 70 feet bgs in November 2005 was apparently collected below the regional aquitard and contained 990 micrograms per liter ($\mu\text{g/L}$) of TPHg and 1,200 $\mu\text{g/L}$ of MTBE. If the regional aquitard is present at 58 feet bgs as indicated by the log from boring MW-1B, then the plume apparently extends below the regional aquitard into Aquifer 2. Please review these results along with data from the newly installed wells and present

recommendations regarding Aquifer 2 in the groundwater monitoring reports requested below.

3. **Cross Sections.** The incorporation of soil and groundwater data on the cross sections is useful for understanding the distribution of contamination with respect to the site geology. However, the data are difficult to read against the background of the symbols for fine- and coarse-grained material. In future reports where the cross sections are presented, please increase the size of the displayed data or use a different background for the geologic materials in order to make the data more readable on the cross sections.
4. **Quarterly Monitoring.** Please continue quarterly monitoring of the newly installed and existing monitoring wells. Groundwater samples are to be analyzed for TPHg, TPHd, BTEX, and fuel oxygenates ETBE, TAME, DIPE, TBA, ethanol, and methanol. Please present the results in the monitoring reports requested below.

TECHNICAL COMMENTS ON DUAL-PHASE EXTRACTION PILOT TEST REPORT

5. **Interim Dual-Phase Extraction.** Influent vapor samples collected during the dual-phase extraction (DPE) test contained low to not detected concentrations of petroleum hydrocarbons. We do not concur that long-term soil vapor extraction is likely to result in an increase in vapor concentrations and will effectively treat the source area. Based on the results of the DPE pilot test, it is not clear whether there is a significant source of hydrocarbons in the soil that requires soil vapor extraction or if a source exists, whether extraction wells EW-1 and EW-2 are in the proper locations to treat the source area. Therefore, we do not concur with the installation of an interim DPE system at this time. We request that you conduct additional investigation in the potential source area to assess whether a significant mass of hydrocarbons and fuel oxygenates are present in the soil, soil vapor, and shallow groundwater. Previous investigations have apparently focused on the perimeters of the property rather than the area of the former USTs, product lines, and dispensers. Therefore, please submit a Work Plan as requested below, to further investigate the potential source area.

TECHNICAL COMMENTS ON INTERIM GROUNDWATER EXTRACTION

6. **Interim Groundwater Extraction.** The August 8, 2006 document entitled, "Interim Remediation of Groundwater for Fuel Leak Case No. RO0000324," proposes limited interim groundwater extraction and treatment in order to initiate plume control. Groundwater will be extracted from wells EW-1 and EW-2 and treated at the surface prior to periodic discharge to the sanitary sewer. The proposal is acceptable to initiate plume control.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **October 18, 2006** – Work Plan for Source Area Investigation
- **November 15, 2006** - Quarterly Monitoring Report for the Third Quarter 2006

- **February 15, 2007** - Quarterly Monitoring Report for the Fourth Quarter 2006

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature,

and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

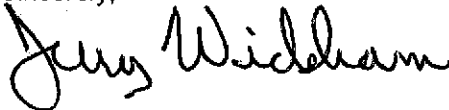
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201, Zone 7 Water Agency, 100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani, Livermore-Pleasanton Fire Department, 3560 Nevada Street
Pleasanton, CA 94566

Sunil Ramdass, SWRCB Cleanup Fund, 1001 I Street, 17th floor, Sacramento, CA 95814-
2828

James Allen, Allterra Environmental, Inc., 849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

RO324

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Monday, July 10, 2006 6:15 PM
To: Wickham, Jerry, Env. Health
Subject: Re: Case No. RO0000324, Livermore Gas & Mini Mart, 160 Holmes St., Livermore (Claim No. 14294)

Thanks for the reply. I'll be out of the office for most of the week, so I'll probably get that to you next week.

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

On 7/10/06 5:52 PM, "Wickham, Jerry, Env. Health" <jerry.wickham@acgov.org> wrote:

James,
The proposal to conduct interim groundwater extraction seems reasonable. Please submit an expanded description of the interim extraction and discharge equipment and operation. Please also describe the discharge permit requirements.

Regards,
Jerry Wickham
Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

From: James Allen [mailto:james@allterraenv.com]
Sent: Thursday, July 06, 2006 11:23 AM
To: Wickham, Jerry, Env. Health
Cc: SUNIL RAMDASS
Subject: Case No. RO0000324, Livermore Gas & Mini Mart, 160 Holmes St., Livermore (Claim No. 14294)

Subject: Interim Groundwater Extraction and Discharge

Mr. Wickham:

We received our temporary wastewater discharge permit from the City of Livermore and plan to discharge groundwater generated during remedial DPE pilot testing. After discharging groundwater from the water storage tank, we have two options; 1) clean out the storage tank and have it removed from the site, or 2) continue renting the tank and use it for interim groundwater extraction and discharge activities.

We recommend the 2nd option. Extracting groundwater from EW-1 and EW-2 will begin plume migration control and removal of high levels of dissolved hydrocarbons. At this point, it will be cost effective because we already have the wastewater discharge permit in hand and a storage tank on-site. For documenting the interim groundwater extraction, upcoming quarterly groundwater monitoring reports would include a section that discusses quantities of extracted

7/12/2006

groundwater, water sample analytical data, and an estimate of mass removal for TPHg, benzene, and MTBE. Interim groundwater extraction would continue during the permitting and construction process for the interim remediation system.

Upon Alameda County approval, Allterra will begin interim extraction this quarter (3rd qtr 2006) and the 3rd quarter report will include a section that documents the activities. Please reply with comments or concerns.

Sincerely,
James

7/12/2006

R0324

RECEIVED

MAY 30 2006

ENVIRONMENTAL HEALTH SERVICES

Alameda County
MAY 31 2006
Environmental Health

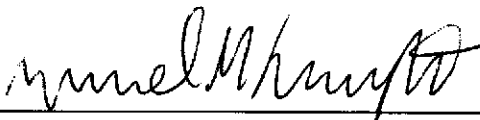
Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Second Quarter 2006 Groundwater Monitoring Report
Report Date: May 22, 2006

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Mr. Manwel Shuwayhat

R0324

Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Alameda County
MAY 11 2006
Environmental Health

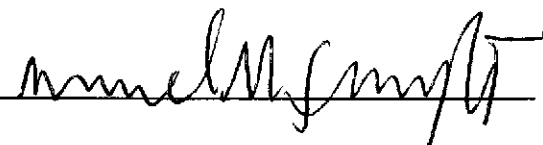
Client: Manwel and Samira Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Soil and Groundwater Investigation Report
Report Date: May 2, 2006

2006 MAY 11 PM 12:50

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Monday, April 17, 2006 4:36 PM
To: Wickham, Jerry, Env. Health
Cc: SUNIL RAMDASS
Subject: Fuel Leak Case No. RO0000324, Livermore Gas & Mini-mart, 160 Holmes, Livermore

Mr. Wickham

Project update for Fuel Leak Case No. RO0000324, Livermore Gas & Mini-mart, 160 Holmes, Livermore

- Last week we completed our remedial DPE pilot testing at the subject site. Two 1-day tests were performed on each new extraction well (EW-1 and EW-2). Flow rates measured and samples were collected for vapor and GW. Pilot testing activities and results will be documented in a report that will be submitted to your office for review.
- 2nd quarter 2006 groundwater sampling was completed during the first week of April.
- The soil and groundwater investigation report is coming along. We plan on completing and submitting the report by the end of the month.

Hope all is well.

James

--

James Allen
Project Manager
Allierra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

4/18/2006

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

April 12, 2006

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. RO0000324 and Geotracker Global ID T0600102287, Livermore Gas and Mini-mart, 160 Holmes Street, Livermore, CA 94553

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted document entitled, "Work Plan for Well Installation for Fuel Leak Case No. RO0000324," dated April 3, 2007 and prepared on your behalf by Allterra Environmental, Inc. The Work Plan proposes the installation of one extraction well (EW-3) in the area of soil boring GP14 where highly elevated concentrations of fuel hydrocarbons and oxygenates have been detected in soil and groundwater. Methyl tert-butyl ether (MTBE) was detected at concentrations up to 140 milligrams per kilogram (mg/kg) in soil samples from boring GP14 and was detected in a grab groundwater sample from boring GP14 at a concentration of 1,500,000 micrograms per liter ($\mu\text{g/L}$).

The proposed well installation for EW-3 is acceptable. Following installation of well EW-3, interim groundwater extraction is to be conducted from well EW-3 instead of existing wells EW-1 and EW-2. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **June 12, 2007** – Draft Corrective Action Plan
- **45 days following end of each quarter** - Quarterly Monitoring and Interim Remediation Reports

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

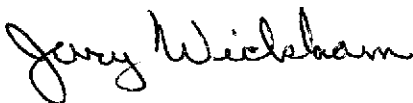
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Sunil Ramdass
UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

RO 324

2006 APR -7 PM 1:4

Alameda County
APR 10 2006
Environmental Health

ALLTERRA

April 5, 2006
Project No.: 015-01-009

Mr. Robert Cave
AQ Engineer/Toxic Evaluation
Bay Area Air Quality Management District (BAAQMD)
939 Ellis Street
San Francisco, California 94109

Subject: Notification of 2-day Dual-Phase Extraction (DPE) Pilot Testing for Valero Gas Station, 160 Holmes Street, Livermore, California


Dear Mr. Cave:

On behalf of Mr. Manwel and Mrs. Samira Shuwayhat, Allterra Environmental, Inc. has prepared this notification of pilot test activities at the property located at 160 Holmes Street in Livermore California (Site). This notification provides a summary of work to be conducted and measures proposed to abate soil vapor gas extracted during pilot testing activities.

Allterra is conducting a 2-day DPE pilot test at the Site on April 10 and 11, 2006. While conducting the DPE pilot test Allterra will be extracting groundwater with a submersible pump and removing soil vapor gas with Fuji Blower Model VFC508P-2T. Groundwater extracted will be transferred to an on-site storage tank. Soil vapor gases extracted will be directed through two vessels, in series, each containing 200 pounds (lbs) of vapor phase granulated activated carbon (GAC) for treatment. Assuming the GAC has 40% absorption efficiency by weight, 400 lbs of GAC should treat up to 160 lbs of petroleum hydrocarbon contaminants. Provided the test duration will not exceed two days and the anticipated concentrations of petroleum hydrocarbons in soil vapors extracted is estimated to be less than 7 lbs per day, 400 lbs of GAC appears to be sufficient to abate petroleum hydrocarbon contaminants prior to discharge.

Should you need any additional information or have any questions, contact Allterra at (831) 425-2608.

Sincerely,
Allterra Environmental, Inc.


James Allen
Project Manager

cc: Mr. Jerry Wickham, Alameda County Environmental Health Services
Mr. Manwell and Mrs. Samira Shuwayhat, Property Owners

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

April 3, 2006

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. [REDACTED] Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA – Work Plan Addendum Approval

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the document entitled, "Addendum to the Interim Remediation Action Plan for Fuel Leak Case No. RO0000324," dated March 31, 2006. The addendum proposed modifications to the dual-phase extraction (DPE) testing for the site. DPE testing will be conducted using recently installed wells EW-1 and EW-2. We concur with the proposed modifications and request that you perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **May 2, 2006** – Soil and Groundwater Investigation Report
- **June 9, 2006** – Results of DPE Pilot Test
- **August 15, 2006** - Quarterly Monitoring Report for the Second Quarter 2006

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

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In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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UNDERGROUND STORAGE TANK CLEANUP FUND

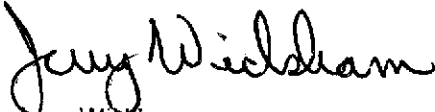
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AGENCY OVERSIGHT

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If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Matt Katen, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

R0324

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Tuesday, March 28, 2006 1:58 PM
To: 'James Allen'
Subject: RE: 160 Holmes St., Livermore - Remedial Pilot Testing Modifications

James,

A brief Work Plan Addendum to explain revised items or additional items to those presented in the August 25, 2005 Interim Remedial Action Plan is acceptable.

Regards,

Jerry Wickham

Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

From: James Allen [<mailto:james@allterraenv.com>]
Sent: Monday, March 27, 2006 3:59 PM
To: Wickham, Jerry, Env. Health
Cc: SUNIL RAMDASS; Gregory L. Nolen
Subject: 160 Holmes St., Livermore - Remedial Pilot Testing Modifications

Mr. Wickham

We plan on preparing a work plan addendum for the August 12, 2005 Interim Remedial Action Plan for 160 Holmes St. (Livermore Gas and Minimart). Reasons for the work plan addendum are briefly discussed below:

- As you are aware, we recently installed 2 new extraction wells (EW-1 and EW-2) at 160 Holmes St. We plan on using these two wells for upcoming remedial pilot testing. This will be addressed in the Addendum.
- The pilot test equipment will be different: we plan on using a 2-HP blower and a submersible pump for dual-phase extraction pilot testing. More specific information will be included in the Addendum.

The work plan addendum will be short and I should be able to get it to you later this week or early next week. If this is agreeable to you, please send me some sort of email acknowledgement (for UST Cleanup Fund compliance purposes).

Thanks

James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

3/28/2006

R0324

Wickham, Jerry, Env. Health

From: Wickham, Jerry, Env. Health
Sent: Friday, March 24, 2006 11:25 AM
To: 'James Allen'
Subject: RE: Deadline Extension Request Followup - 160 Holmes Street, Livermore

James,

Based on your request, the schedule for submittal of the DPE pilot test report is extended to April 28, 2006.

Regards,

Jerry Wickham

Hazardous Materials Specialist
Alameda County Environmental Health
1131 Harbor Bay Parkway
Suite 250
Alameda, CA 94502-6577
510-567-6791 phone
510-337-9335 Fax
jerry.wickham@acgov.org

From: James Allen [<mailto:james@allterraenv.com>]
Sent: Friday, March 24, 2006 11:23 AM
To: Wickham, Jerry, Env. Health
Subject: Deadline Extension Request Followup - 160 Holmes Street, Livermore

Mr. Wickham:

Just a followup regarding my deadline extension request for the DPE pilot test report. It is currently due April 11, 2006, but we are requesting that the deadline be extended to April 28, 2006.

Your thoughts?

Thanks

James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

3/24/2006

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



F

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

March 20, 2006

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. RO0000324 and Geotracker Global ID T0600102287, Livermore Gas and Mini-mart, 160 Holmes Street, Livermore, CA

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site including the recently submitted documents entitled, "Preliminary Source Area Investigation Data Submittal and Rationale for Not Installing Soil Gas Probes for Fuel Leak Case No. RO0000324," dated February 7, 2007, "Source Area Investigation Report for Fuel Leak Case No. RO0000324," dated February 26, 2007 and "First Quarter 2007 Groundwater Monitoring Report and Interim Remedial Progress Report for Fuel Leak Case No. RO0000324," dated March 7, 2007. All reports were prepared by Allterra Environmental, Inc. The Source Area Investigation Report presents the results of soil and groundwater sampling conducted in 19 shallow soil borings advanced in the source area. Methyl tert-butyl ether (MTBE) was detected at highly elevated concentrations in soil and groundwater in the area between the dispensers and USTs. MTBE was detected in soil at concentrations up to 140 milligrams per kilogram (mg/kg) and was detected in groundwater at concentrations up to 1,500,000 micrograms per liter ($\mu\text{g/L}$). The Source Area Investigation Report recommends continuing quarterly groundwater monitoring and interim groundwater extraction from well EW-1. We concur that quarterly groundwater monitoring and interim groundwater extraction be continued and request that a Corrective Action Plan be prepared.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Soil Vapor Sampling.** The Preliminary Source Area Investigation Data Submittal and Rationale for Not Installing Soil Gas Probes report recommends not installing soil vapor probes because soil sampling results indicate that the majority of soil contamination occurs just above the water table. We concur that the large mass of soil contamination appears to be within the capillary fringe. Benzene concentrations in groundwater generally appear to be less than 500 $\mu\text{g/L}$ outside the immediate source area. Therefore, soil vapor soil sampling is not required at this time.

2. **Groundwater Extraction Well in Area of Boring GP-14.** Highly elevated concentrations of fuel hydrocarbons and oxygenates were detected in the area of soil boring GP14 in order to assess whether free product is present in this area and to conduct interim groundwater extraction. Please submit a Work Plan for well installation in the area of soil boring GP-14.
3. **Corrective Action Plan.** Based on the results from site investigation, remedial pilot tests, and other relevant site data, please prepare the Draft Corrective Action Plan (CAP) requested below. The Draft CAP is to include an evaluation of a minimum of three remedial alternatives.
4. **Request for Identification of Adjacent Property Owners.** Public participation is a requirement for the Corrective Action Plan process. In order to provide notification to potentially affected members of the public, please provide a list of all properties, which are currently or may in the future be directly or indirectly affected by the petroleum release from your site or the proposed corrective action. The list is to identify the properties by street address, parcel number, and property owner name. Please also provide a map showing the street address for each of the listed properties. A current mailing address is to be included for each property owner. ACEH will notify each of the property owners on the list of the proposed corrective action.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **May 4, 2007** – Work Plan for Well Installation in Area of Boring GP-14
- **June 12, 2007** – Draft Corrective Action Plan
- **45 days following end of each quarter** - Quarterly Monitoring and Interim Remediation Reports

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

The Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Manwel and Samira Shuwayhat
March 20, 2007
Page 4

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Sunil Ramdass
UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Tuesday, February 28, 2006 10:34 AM
To: Wickham, Jerry, Env. Health
Subject: Drilling Status - Case No. RO0000324, 160 Holmes St., Livermore

Mr. Wickham:

Another update for the drilling for 160 Holmes St. in Livermore.

Friday: Completed on-site extraction wells EW-1 and EW-2. Both are 40 feet deep w/ screen from 15-40 ft

Monday: Completed off-site monitoring wells MW-5A (35 feet deep w/ screen from 20-35), MW-5B (55 feet deep w/ screen from 50-55), MW-7A (30 feet deep w/ screen from 15-30), and MW-7C (70 feet deep w/ screen from 65-70). (We completed 4 wells in one day because we had 2 drill rigs working at the same time)

Explanation for MW-7C: As I discussed w/ you last Thursday, we identified a clay layer at 55 feet while drilling proposed well MW-1C. Due to the depth of the clay layer, we decided to complete the well as MW-1B with a screen interval from 50-55 feet bgs. On Monday, we identified what appeared to be the same clay layer at 55 feet in our MW-5B boring (and completed the well with screen from 50-55 ft bgs). That brings us to well MW-7C. We logged soil continuously from approximately 32 feet bgs and encountered clay at 70 feet bgs. Between 32 and 70 the soil type was a coarse sandy gravel and there was no clay layer until 70 feet bgs. We completed well MW-7C with a screen interval from 65-70 ft bgs. Therefore, at the MW-7 location, we will have 3 wells, MW-7A, MW-7B, and MW-7C, with screen intervals as originally planned.

Today: We are installing well MW-7B to 50 feet w/ screen from 45-50. We are also installing well MW-4A.

Call me (or send me an email) if you have any questions or comments.

Sincerely,
James

--
James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

2/28/2006

Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Alameda County
MAR 01 2006
Environmental Health

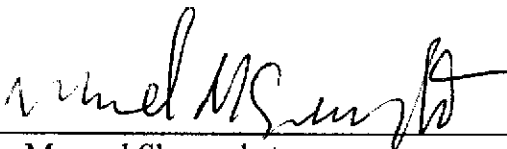
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Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: First Quarter 2006 Groundwater Monitoring Report
Report Date: February 16, 2006

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Mr. Manwel Shuwayhat

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Monday, February 06, 2006 1:38 PM
To: Wickham, Jerry, Env. Health
Cc: Gregory L. Nolen; SUNIL RAMDASS
Subject: Pre-Approval Info for Case No. RO0000324, Livermore Gas and Mini Mart, 160 Holmes St., Livermore

Mr. Wickham:

I spoke with Dave Charter of the UST Cleanup Fund last Friday regarding cost pre-approval for well drilling proposed for the subject site. I told Mr. Charter that we wanted pre-approval for the drilling because it will be fairly extensive and expensive. However, he advised us to go ahead with the drilling without pre-approval because it might take a few weeks for the Fund to get to our request, which could end up delaying the project.

That means that we can go ahead and schedule the drilling. We'd like to get out there starting the week of February 20th. Once everything is scheduled, I'll get back to you.

If you have questions or comments, please reply.

Thanks,
James

--

James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

RO324

Wickham, Jerry, Env. Health

From: James Allen [james@allterraenv.com]
Sent: Friday, February 03, 2006 11:35 AM
To: Wickham, Jerry, Env. Health
Cc: Gregory L. Nolen
Subject: Status Update for Well Drilling, Case No. RO0000324, Livermore Gas and Mini-Mart, 160 Holmes St., Livermore

Mr. Wickham:

We just wanted to provide you with a brief update for the status of upcoming well drilling for 160 Holmes St. in Livermore. To date, we have obtained the following:

- Well installation permit form Zone 7
- Encroachment permit from the City of Livermore
- Access for drilling MW-5A

We are preparing a Cost Pre-Approval Request for submittal to the UST Cleanup Fund (Fund) and anticipate submitting the request next week. We hope the Fund will process the request within about 30 days. After processing by the Fund, drilling will be scheduled to commence ASAP.

I'll send you another email when we schedule the drilling. Currently, it appears we'll be able to make the deadlines set in your 12/28/05 letter.

If you have any question, call me at (831) 425-2608 or send me an email.

Thanks,
James

--
James Allen
Project Manager
Allterra Environmental, Inc.
Office (831) 425-2608
Fax: (831) 425-2609

2/3/2006

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

December 28, 2005

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield, CA 94904

Subject: Fuel Leak Case No. [REDACTED] Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the correspondence entitled, "Response to Alameda County Environmental Health's Technical Comments Regarding Soil and Groundwater Investigation Activities for 160 Holmes Street, Livermore, California," dated December 23, 2005. The December 23, 2005 correspondence presents responses to technical comments contained in ACEH correspondence dated December 16, 2005. We concur with the proposed scope of work with the exceptions discussed in the technical comments below. Please implement the proposed field investigation provided that the modifications to the field investigation requested in the technical comments below are incorporated.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

- 1. Proposed Well Cluster MW-1 (ACEH Technical Comment 5).** The response to ACEH's technical comment on the proposed well cluster MW-1 proposes the collection of soil samples at 5-foot intervals from 50 feet below ground surface (bgs) to total boring depth to identify the top of the clay aquitard. This proposal is not acceptable because continuous sampling is needed to accurately locate the 5-foot long well screen within coarse-grained soils above the top of the clay aquitard. If samples are collected at five-foot intervals, the lack of information over the three or more foot interval between samples does not allow sufficient accuracy for well screen placement. In addition, continuous sampling is needed to confirm that the regional aquitard has been encountered rather than a thin fine-grained layer. Data from the continuously logged boring at MW-7 can be used to project where the top of the regional aquifer will be encountered at well cluster MW-1. We request that soils be continuously sampled and logged from a minimum of 10 feet above the projected top of the aquitard at well cluster MW-1 until the top of the aquitard is encountered and confirmed at the total depth of the boring.
- 2. Evaluation of Well MW-5 (ACEH Technical Comment 6).** The response to ACEH's technical comment on the decommissioning of well MW-5 and the installation of well cluster MW-5 proposes the collection of soil samples at 5-foot intervals from ground surface to the

total depth of the boring during installation of well MW-5C. As discussed in comment 1 above, sampling and logging at 5-foot intervals is not sufficient to select the depth intervals for the proposed 5-foot long well screens. Continuous sampling and logging is required to accurately locate coarse-grained soils above the top of the clay aquitard for well installation. Soil samples may be collected at 5-foot intervals from ground surface to 40 feet bgs for logging purposes. However, continuous logging of the MW-5C boring from 40 feet bgs to the total depth of the boring is required to select the depth intervals where wells MW-5B and MW-5C will be installed.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 15, 2006** – Quarterly Monitoring Report for the Fourth Quarter 2005
- **April 11, 2006** – Results of DPE Pilot Test
- **May 2, 2006** – Soil and Groundwater Investigation Report
- **May 15, 2006** - Quarterly Monitoring Report for the First Quarter 2006

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request. ACEH notes the discussion of UST Cleanup Fund cost pre-approval in your December 23, 2005 correspondence.

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

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In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND


Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham

Hazardous Materials Specialist

Manwel and Samira Shuwayhat
December 28, 2005
Page 4

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Matt Katen, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

James Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

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

December 16, 2005

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield CA 94904

Subject: Fuel Leak Case No. [REDACTED] Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site and the report entitled, "Preliminary Soil and Groundwater Data Submittal and Proposed Boring and Monitoring Well Locations," dated December 9, 2005 and prepared on your behalf by Allterra Environmental, Inc. The report presents preliminary results from direct push soil borings advanced at the site in November 2005. Based on these results, several hypotheses are discussed and field activities to address remaining data gaps for site characterization are proposed. In addition, the report also recommends conducting a pilot test to evaluate dual-phase extraction in the source area.

We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

- 1. Decreasing Concentrations with Depth.** The concentrations of Total Petroleum Hydrocarbons as gasoline (TPHg) and methyl-tert butyl ether (MTBE) in groundwater generally decrease with depth as indicated by the depth-discrete data; however, the increasing concentration of tert-butyl alcohol with depth in boring MB-3 is notable.
- 2. Screen Intervals.** The December 9, 2005 report concludes that the screen intervals for monitoring wells MW-4, MW-5, and MW-6 (20 to 50 feet bgs) appear to be appropriately constructed and do not extend through multiple water-bearing zones. Although there does not appear to be a continuous aquiclude within the upper 50 feet, there is a potential for ambient flow in the wells to affect groundwater monitoring results. The depth-discrete groundwater sample results from boring MB-1 indicate large differences in chemical concentrations over the well screen interval from 20 to 50 feet bgs. MTBE was detected in groundwater at an estimated concentration of 100,000 micrograms per liter ($\mu\text{g/L}$) at a depth of 28 feet bgs but was detected at a concentration of 1,500 $\mu\text{g/L}$ at a depth of 50 feet in boring MB-1. It is not known whether groundwater samples collected from monitoring wells MW-3, MW-4, and MW-5 are more representative of concentrations in the upper or lower portion of the 20 to 50-foot bgs interval or whether they represent an average over the entire interval. The large differences in groundwater concentrations over the 30-foot screen interval along with the potential for ambient flow limit the effectiveness of these wells to provide accurate monitoring results. Therefore, we request that wells MW-4 and MW-5 be

decommissioned and replaced with wells that are of similar construction to that proposed for well MW-7A. Based on the grab groundwater sampling results directly upgradient of well MW-6 replacement of well MW-6 may not be necessary. Please install, develop, and sample the replacement wells for MW-4 and MW-5 and present the results in the Soil and Groundwater Investigation Report requested below.

3. **Depth of Regional Aquitard.** The report hypothesizes that Hydropunch borings may have encountered the top of a clay aquitard at a depth of 70 feet bgs. The report also indicates that this hypothesis will be tested during future drilling that includes advancement of a deep monitoring well. However, the proposed scope of work does not describe methods that would confirm the presence of a clay aquitard at approximately 70 feet bgs. Therefore, we have requested in comments 4 and 5 that borings be advanced to locate the aquitard.
4. **Proposed Well Cluster MW-7.** ACEH concurs with the proposed installation of groundwater monitoring wells with depth-discrete screen intervals near boring MB-3 but requests further information regarding the stratigraphy at this location prior to installation of deeper wells. Boring MB-3 was only logged to a depth of 32 feet bgs. Prior to installation of wells MW-7B and MW-7C, we request that a boring be advanced and continuously sampled from the base of the logged interval at 32 feet bgs to the top of the clay aquitard. If the clay aquitard is encountered at a depth of 70 feet bgs and the interval from 65 to 70 feet bgs is a water-bearing layer, installation of well MW-7C with a screen zone from 65 to 70 feet bgs is acceptable. The screen interval should be adjusted as necessary to sample groundwater above the top of the clay aquitard. Installation of well MW-7B with a screen interval from 45 to 50 feet bgs is acceptable if the continuously sampled deep soil boring confirms that the well will be screened across coarse-grained soils that represent a water-bearing unit rather than an aquiclude. Please present the results in the Soil and Groundwater Investigation Report requested below.
5. **Proposed Well Cluster MW-1.** Installation of proposed well MW-1B with a screen interval from 45 to 50 feet bgs is acceptable based on the boring log for MB-1 (logged to a depth of 50 feet bgs). Prior to installation of proposed well MW-1C, we request that a boring be advanced and continuously sampled from the base of the former logged interval at 50 feet bgs to the top of the clay aquitard. If the clay aquitard is encountered at a depth of 70 feet bgs and the interval from 65 to 70 feet bgs is a coarse-grained layer, installation of well MW-1C with a screen zone from 65 to 70 feet bgs is acceptable. The screen interval should be adjusted as necessary to sample groundwater above the top of the clay aquitard. Please present the results in the Soil and Groundwater Investigation Report requested below.
6. **Evaluation of Well MW-5.** As previously discussed in comment 2, ACEH requests that well MW-5 be decommissioned and replaced with a well of similar construction (MW-5A) to that proposed for well MW-7A. Due to the elevated concentration of TBA detected in groundwater at 50 and 70 feet bgs in boring MB-3, we request that wells also be installed at deeper intervals (MW-5B and MW-5C), similar to the proposed MW-7 well cluster. Prior to installation of wells MW-5B and MW-5C, we request that a boring be advanced and continuously sampled to the top of the clay aquitard. If the clay aquitard is encountered at a depth of 70 feet bgs and the interval from 65 to 70 feet bgs is a water-bearing layer, installation of well MW-5C with a screen zone from 65 to 70 feet bgs is acceptable. The screen interval should be adjusted as necessary to sample groundwater above the top of the clay aquitard. Installation of well MW-5B with a screen interval from 45 to 50 feet bgs is

acceptable if the continuously sampled deep soil boring confirms that the well will be screened across coarse-grained soils that represent a water-bearing unit rather than an aquiclude. Please present the results in the Soil and Groundwater Investigation Report requested below.

7. **Borings in Retail Area along Transect with Well MW-5.** The "Soil and Groundwater Investigation Work Plan," dated June 30, 2005 and the Revised Map received in response to ACEH comments on the Work Plan included proposed borings B-4 and DB-6 in addition to boring MB-5 in the retail area east of First Street. These borings were not advanced during the most recent phase of work and plans to advance the borings are not discussed in the report. Please complete these borings and present the results in the Soil and Groundwater Investigation Report requested below or provide correspondence describing the rationale as to why these borings are no longer needed prior to implementation of field activities.
8. **Interim Remediation.** ACEH concurs with the proposed installation of two extraction wells and performance of dual-phase extraction (DPE) tests using the new wells. Please implement the DPE pilot test and present the results in the Pilot Test Report requested below.
9. **Hypothesis 4 and Sampling Second Aquifer.** Allterra hypothesizes in the December 9, 2005 report that the hydrocarbon plume has not been impacted and recommends monitoring groundwater quality in the lower portion of aquifer 1. If groundwater monitoring results from well MW-7 confirm the detection of elevated TBA in grab groundwater sample MB-3-C, installation of a well in the second aquifer will be required. Based on groundwater sampling results from the wells installed at approximately 70 feet bgs, please present a recommendation in the Soil and Groundwater Investigation report requested below regarding the need for installation of a well in the second aquifer.
10. **Groundwater Analyses.** In addition to the analyses conducted for groundwater samples during the previous phase of work, please include methanol and ethanol as analytes for groundwater samples collected during the proposed investigation and quarterly groundwater monitoring. Please continue quarterly groundwater monitoring and present your results in the quarterly monitoring reports requested below.

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **February 15, 2006** – Quarterly Monitoring Report for the Fourth Quarter 2005
- **April 11, 2006** – Results of DPE Pilot Test
- **May 2, 2006** – Soil and Groundwater Investigation Report
- **May 15, 2006** - Quarterly Monitoring Report for the First Quarter 2006

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

Effective **January 31, 2006**, the Alameda County Environmental Cleanup Oversight Programs (LOP and SLIC) require submission of all reports in electronic form to the county's ftp site. Paper copies of reports will no longer be accepted. The electronic copy replaces the paper copy and will be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program ftp site are provided on the attached "Electronic Report Upload (ftp) Instructions." Please do not submit reports as attachments to electronic mail.

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at jerry.wickham@acgov.org.

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature,

and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

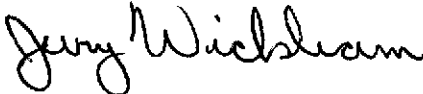
Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Nathaniel Allen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

RO324

Wickham, Jerry, Env. Health

From: greg@allterraenv.com
Sent: Thursday, December 08, 2005 2:20 PM
To: Wickham, Jerry, Env. Health
Cc: James Allen
Subject: RE: Fuel Leak Case No.RO0000324, Livermore Gas and Mini Mart

Mr. Wickham,
 Good afternoon

Beginning November 10, and ending November 14, Allterra supervised the installation of 11 of the proposed soil borings. We have analyzed the data and completed a "Preliminary Soil and Groundwater Data Submittal". The submittal is in production and you should receive a copy for your review early next week (perhaps Monday). The submittal details the results of the investigation along with our conclusions, current hypothesis and proceeding recommendations. As part of the recommendations we propose a more comprehensive form of the DPE test and a modified soil boring strategy targeting specific zones. I look forward to your comments.

Thanks
 Greg L. Nolen
 Project Manager
 Allterra Environmental, Inc.

From: Wickham, Jerry, Env. Health [mailto:jerry.wickham@acgov.org]
Sent: Thursday, December 08, 2005 8:29 AM
To: Gregory L. Nolen
Subject: RE: Fuel Leak Case No.RO0000324, Livermore Gas and Mini Mart

Greg,

Did you conduct a DPE test on well MW-1 and if so, when will you present those results? Also, will you be able to prepare a site investigation report by December 21 or will you be requesting an extension?

Thanks,
Jerry Wickham
 Hazardous Materials Specialist
 Alameda County Environmental Health
 1131 Harbor Bay Parkway
 Suite 250
 Alameda, CA 94502-6577
 510-567-6791 phone
 510-337-9335 Fax
jerry.wickham@acgov.org

From: Gregory L. Nolen [mailto:greg@allterraenv.com]
Sent: Thursday, August 25, 2005 2:08 PM
To: Wickham, Jerry, Env. Health
Subject: Fuel Leak Case No.RO0000324, Livermore Gas and Mini Mart

Dear Mr. Wickham:

Just a quick note to acknowledge that I have received your letter of August 19, 2005 and will begin coordination

12/8/2005

R0324

Allterra Environmental, Inc.
849 Almar Avenue, Suite C
No. 281
Santa Cruz, California 95060

Alameda County
DEC 06 2005
Environmental Health

Client: Mr. Manwel Shuwayhat
Project Location: 160 Holmes Street, Livermore, California
Subject: Fourth Quarter 2005 Groundwater Monitoring Report
Report Date: November 23, 2005

To Whom It May Concern:

I have reviewed the report referenced above and approve its distribution to the necessary regulatory agencies. Should any of the regulatory agencies require it, I am prepared to declare, under penalty of perjury that, "to the best of my knowledge the information contained in the subject report is true and correct."

Sincerely,



Mr. Manwel Shuwayhat

Wickham, Jerry, Env. Health

To: greg@allterraenv.com

Subject: RE: Livermore Gas and Mini-mart, 160 Holmes, Livermore, CA - drilling schedule

Greg,

The revised boring locations are acceptable. Thanks for notification of your drilling schedule.

Regards,

Jerry Wickham

Hazardous Materials Specialist

Alameda County Environmental Health

1131 Harbor Bay Parkway

Suite 250

Alameda, CA 94502-6577

510-567-6791 phone

510-337-9335 Fax

jerry.wickham@acgov.org

From: greg@allterraenv.com [mailto:greg@allterraenv.com]

Sent: Tuesday, November 01, 2005 11:07 AM

To: Wickham, Jerry, Env. Health

Subject: Livermore Gas and Mini-mart, 160 Holmes, Livermore, CA - drilling schedule

Mr. Wickham:

Attached is a revised boring location map for the referenced project. The revisions address technical comment No.1 of your August 19, 2005 letter. We hope to begin drilling on-site on November 10, 2005, starting with MB-2 to get a fix on the basic lithology and then proceeding with MB-1 where we hope to establish vertical delineation. Next on the schedule would be DB-1 and 2 which will provide lithology and lateral ND points to depth = to MB-1. If site information warrants, a multi-point boring can be installed at these locations. The shallow borings B-1,2 and 3 will complete this part of the on-site investigation.

Following the on-site work we will move to the Hanson Park area to install DB-3,4 and 5 and MB-3, all of which will be multi-point borings with depth discrete groundwater samples, and then on to the retail area on the North side of First St.

We are currently working with these property owners on access agreements and hope to have them in place by the end of this week. Mike Killoran in our office is getting the encroachment permit to drill in the park which should be complete by the end of this week as well.

The balance of your August 19, 2005 letter, technical comments will be included within the course of our work scope. If you have any questions feel free to call myself or Mike at this office.

Thank You,

Greg L. Nolen
Project Manager
Allterra Environmental, Inc.

11/1/2005

RECEIVED

SEP 15 2005

ENVIRONMENTAL HEALTH SERVICES

RO 324

September 2, 2005

Ms. Donna Drogos
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

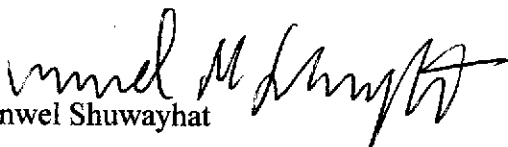
Subject: Perjury Statement for the Third Quarter 2005 Groundwater Monitoring Report, 160 Holmes Street, Livermore, California

Dear Ms. Drogos:

I declare, under penalty of perjury, that the information and/or recommendations contained in the referenced report are true and correct to the best of my knowledge.

Sincerely,

Manwel Shuwayhat



Wickham, Jerry, Env. Health

From: Gregory L. Nolen [greg@allterraenv.com]
Sent: Thursday, August 25, 2005 2:08 PM
To: Wickham, Jerry, Env. Health
Subject: Fuel Leak Case No.RO0000324, Livermore Gas and Mini Mart

Dear Mr. Wickham:

Just a quick note to acknowledge that I have received your letter of August 19, 2005 and will begin coordination and permitting of the worksopes under discussion. As requested in your letter, Allterra will provide the revised soil boring location map shortly, and will integrate the other technical comments into our proposed Soil and Groundwater Investigation Workplan.

Sincerely,

Greg Nolen
Project Manager
Allterra Environmental, Inc.
831-425-2608 office
831-425-2609 fax
408-656-0705 cell

12/8/2005

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

ENVIRONMENTAL HEALTH SERVICES

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

August 19, 2005

Manwel and Samira Shuwayhat
54 Wolfe Canyon Road
Kentfield CA 94904

Subject: Fuel Leak Case No. [REDACTED], Livermore Gas and Mini-mart, 160 Holmes Street,
Livermore, CA – Work Plan Approval

Dear Mr. and Ms. Shuwayhat:

Alameda County Environmental Health (ACEH) staff has reviewed the fuel leak case file for the above-referenced site, a Soil and Groundwater Investigation Work Plan, dated June 30, 2005, and an Interim Remedial Action Plan, dated August 10, 2005. The work plans were prepared on your behalf by Allterra Environmental, Inc. The Soil and Groundwater Investigation Work Plan describes a scope of work to characterize the on-site and off-site extent of petroleum hydrocarbons, destroy existing monitoring wells with screen intervals that connect separate water-bearing zones, reinstall groundwater monitoring wells with appropriate screen intervals, and perform a conduit study. ACEH concurs with the Soil and Groundwater Investigation Work Plan provided that the technical comments below are addressed. The technical comments request that a revised boring location map be submitted prior to implementation of the proposed soil and groundwater investigation.

The Interim Remedial Action Plan proposes to conduct a dual phase extraction (DPE) pilot test in well MW-1. ACEH concurs with the proposal to conduct a DPE pilot test in well MW-1 prior to conducting the soil and groundwater investigation.

ACEH requests that you address the following technical comments, perform the proposed work, and send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to jerry.wickham@acgov.org) prior to the start of field activities.

TECHNICAL COMMENTS

- 1. Soil Borings.** The Soil and Groundwater Investigation Work Plan proposes the use of three sampling strategies for soil borings: "standard," "continuous-core," and "multi-point" soil borings. The use of "standard borings" to investigate vadose zone contamination within the source area and the proposed on-site boring locations are acceptable. The purpose of the "continuous-core" soil borings in the downgradient location is not clear. ACEH requests that the proposed downgradient borings be "multi-point" soil borings located within transects that are approximately perpendicular to the estimated direction of groundwater flow in order to define both the lateral and vertical extent of contamination along the groundwater flow path. Each transect is to consist of a minimum of three borings. Please submit a revised boring location map for ACEH approval prior to field activities.

2. **Soil Samples.** The Soil and Groundwater Investigation Work Plan indicates that soil samples may be collected at 4', 8', and 12' from the "standard soil borings." Soil samples in the "standard" borings are to be collected down to first-encountered groundwater and at all depths where staining, odor, or elevated photoionization readings are observed. Since the depth to groundwater in well MW-1 was more than 18 feet during the May 2005 monitoring event, soil samples for laboratory analyses will be required at depths greater than 12 feet below ground surface. For the "continuous-core" and "multi-point" soil borings, soil samples are to be collected for laboratory analyses at all depths where staining, odor, or elevated photoionization readings are observed.
3. **Backfilling of Soil Borings.** All borings are to be backfilled from the bottom up with a neat cement and bentonite mixture.
4. **Groundwater Samples.** The proposed depth-discrete groundwater samples are to be collected using methods, such as a "dual-tube" sampling system, that prevent downhole contamination of the lower groundwater samples by groundwater from shallower intervals.
5. **Well EX-1.** Well EX-1 is within the source area and has a filter pack that extends from approximately 29 to 55 feet bgs. The well is reported to be screened in permeable sands and gravels. However, the well is six inches in diameter but yielded only 30 gallons of water during a 30 minute pumping test. A "multi-point" soil boring is currently proposed immediately adjacent to existing extraction well EX-1. If the "multi-point" soil boring indicates that the filter pack and screen interval for well EX-1 connects separate water-bearing zones, ACEH requests that well EW-1 be destroyed. As discussed in the Interim Remediation Action Plan, well EX-1 should not be used for interim remediation.
6. **Monitoring Well Destruction.** ACEH concurs with the plan to destroy existing monitoring wells MW-4 through MW-6 because these wells appear to be screened across separate water-bearing layers. Please evaluate further the need to destroy existing monitoring wells MW-1 through MW-3 based upon the results of soil borings to be completed in the area of wells MW-1 through MW-3.
7. **Monitoring Well Installation.** ACEH concurs with the proposed installation of multiple chamber monitoring wells. As discussed in the Soil and Groundwater Investigation Work Plan, optimal locations for the monitoring wells are to be selected based upon the soil boring results.
8. **Laboratory Analyses.** Soil and groundwater samples are to be analyzed for TPHg, TPHd, BTEX, fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBA, EtOH), and additives (EDB and 1,2-DCA).
9. **Site Conceptual Model.** As discussed during the August 11, 2005 meeting between Donna Drogos and Jerry Wickham of ACEH and Greg Nolen and Michael Killoran of Allterra, ACEH encourages application of an electronic site conceptual model format for reporting. The use of this format, which was provided on CD to Allterra Environmental, Inc., during the August 11, 2005 meeting, is encouraged but not mandatory.

10. **Incorporation of Results from Nearby Sites.** Please incorporate results from investigations conducted at nearby sites into the characterization for 160 Holmes, as appropriate.
11. **Technical References.** The Soil and Groundwater Investigation Work Plan incorporates several elements of interactive and expedited site assessments. ACEH encourages the use of interactive and expedited site assessment methods. We suggest the following documents be consulted as technical references: the U.S. Environmental Protection Agency's (EPA) *Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators* (EPA 510-B-97-001), March 1997; ASTM E 1912-98 *Standard Guide for Accelerated Site Characterization for Confirmed or Suspected Petroleum Releases*; ITRC *Technical and Regulatory Guidance for the Triad Approach: A New Paradigm for Environmental Project Management*, December 2003; and *A Guideline for Dynamic Workplan and Field Analytics: The Key to Cost-Effective Site Characterization and Cleanup* (Robbat 1997).

TECHNICAL REPORT REQUEST

Please submit technical reports to Alameda County Environmental Health (Attention: Jerry Wickham), according to the following schedule:

- **October 25, 2005** - Quarterly Report for the Third Quarter 2005
- **December 21, 2005** - Soil and Groundwater Investigation Report
- **February 28, 2006** - Quarterly Report for the Fourth Quarter 2005

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

ELECTRONIC SUBMITTAL OF REPORTS

ACEH's Environmental Cleanup Oversight Programs (LOP and SLIC) now request submission of reports in electronic form. The electronic copy is intended to replace the need for a paper copy and is expected to be used for all public information requests, regulatory review, and compliance/enforcement activities. Instructions for submission of electronic documents to the Alameda County Environmental Cleanup Oversight Program FTP site are provided on the attached "Electronic Report Upload Instructions." Submission of reports to the Alameda County FTP site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitoring wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all reports is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements (http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting).

PERJURY STATEMENT

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

If you have any questions, please call me at (510) 567-6791.

Sincerely,



Jerry Wickham
Hazardous Materials Specialist

Manwel and Samira Shuwayhat
August 19, 2005
Page 5

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Colleen Winey, QIC 80201
Zone 7 Water Agency
100 North Canyons Parkway
Livermore, CA 94551

Danielle Stefani
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton, CA 94566

Greg Nolen
Allterra Environmental, Inc.
849 Almar Avenue, Suite C, No. 281
Santa Cruz, CA 95060

Donna Drogos, ACEH
Jerry Wickham, ACEH

R0324

Alameda County
JUL 13 2005
Environmental Health

July 6, 2005

Mr. Jerry Wickham
Alameda County Environmental Health Services
1131 Harbor Bay Parkway, Suite 250
Alameda, California 94502-6577

Subject: Perjury Statement for the June 30, 2005 Soil and Groundwater Investigation Work Plan, Livermore Gas and Mini-mart, 160 Holmes Street, Livermore, California

Dear Mr. Wickham:

I declare, under penalty of perjury, that the information and/or recommendations contained in the attached work plan are true and correct to the best of my knowledge.

Sincerely,



Manwel Shuwayhat

GET

Geo Environmental Technology

4/20/05

Mr. Robert Schultz, P.G.
County of Alameda Health Care Services, Environmental Protection Program
1131 Harbor Bay Parkway, #250
Alameda County, California 94502-6577

Dear Mr. Schultz,

Mrs. Shuwayhat sent us a copy of your 3/29/05 letter regarding the gas station located at 160 Holmes Street, Livermore, Fuel Leak Case #RO0000324. We have noted your comments and will comply with the stipulated timetable.

At this time we would like to present compliance verification for geotracker data uploads. We have uploaded all data since the site's enrollment into geotracker and have requested EDF reports from STL, Entech and McCampbell Laboratories for the quarters prior to the site's enrollment. These EDF reports may be delayed if they have to be created manually.

For future correspondence, the correct address for the Shuwayhats is:

54 Wolfe Canyon Road
Kentfield, CA 94904

Please call me anytime should you need additional information.

Sincerely,



Dimitri Kelly
Staff Scientist

Cc Manwel & Samira Shuwayhat

Electronic Submittal Information

[Main Menu](#) |
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 [Upload EDD](#) |
 [Check EDD](#)

Your EDF file has been successfully uploaded!

Confirmation Number: 9846907019
Date/Time of Submittal: 3/21/2005 10:46:54 AM
Facility Global ID: T0600102287
Facility Name: LIVERMORE GAS AND MINI MART
Submittal Title: 1st QM 2005
Submittal Type: GW Monitoring Report

Click [here](#) to view the detections report for this upload.

LIVERMORE GAS AND MINI MART 160 HOLMES ST LIVERMORE, CA 94550	Regional Board - Case #: 01-2482 SAN FRANCISCO BAY RWQCB (REGION 2) - (BG) Local Agency (lead agency) - Case #: 4130 ALAMEDA COUNTY LOP - (AG)
--	---

<u>CONF #</u>	<u>TITLE</u>	<u>QUARTER</u>
9846907019	1st QM 2005	Q1 2005
<u>SUBMITTED BY</u>	<u>SUBMIT DATE</u>	<u>STATUS</u>
Costas Orountiotis	3/21/2005	PENDING REVIEW

SAMPLE DETECTIONS REPORT

# FIELD POINTS SAMPLED	6
# FIELD POINTS WITH DETECTIONS	4
# FIELD POINTS WITH WATER SAMPLE DETECTIONS ABOVE MCL	3
SAMPLE MATRIX TYPES	WATER

METHOD QA/QC REPORT

METHODS USED	SW8015B, SW8021F
TESTED FOR REQUIRED ANALYTES?	N

- MISSING PARAMETERS NOT TESTED:
- SW8015B REQUIRES ETBE TO BE TESTED
 - SW8015B REQUIRES TAME TO BE TESTED
 - SW8015B REQUIRES DIPE TO BE TESTED
 - SW8015B REQUIRES TBA TO BE TESTED
 - SW8015B REQUIRES DCA12 TO BE TESTED
 - SW8015B REQUIRES EDB TO BE TESTED
 - SW8021F REQUIRES ETBE TO BE TESTED
 - SW8021F REQUIRES TAME TO BE TESTED
 - SW8021F REQUIRES DIPE TO BE TESTED
 - SW8021F REQUIRES TBA TO BE TESTED
 - SW8021F REQUIRES DCA12 TO BE TESTED
 - SW8021F REQUIRES EDB TO BE TESTED

LAB NOTE DATA QUALIFIERS	N
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QA/QC FOR 8021/8260 SERIES SAMPLES

TECHNICAL HOLDING TIME VIOLATIONS	0
METHOD HOLDING TIME VIOLATIONS	0
LAB BLANK DETECTIONS ABOVE REPORTING DETECTION LIMIT	0
LAB BLANK DETECTIONS	0
DO ALL BATCHES WITH THE 8021/8260 SERIES INCLUDE THE FOLLOWING?	
- LAB METHOD BLANK	Y
- MATRIX SPIKE	N
- MATRIX SPIKE DUPLICATE	N
- BLANK SPIKE	Y
- SURROGATE SPIKE - NON-STANDARD SURROGATE USED	Y

WATER SAMPLES FOR 8021/8260 SERIES

MATRIX SPIKE / MATRIX SPIKE DUPLICATE(S) % RECOVERY BETWEEN 65-135%	Y
MATRIX SPIKE / MATRIX SPIKE DUPLICATE(S) RPD LESS THAN 30%	Y
SURROGATE SPIKES % RECOVERY BETWEEN 85-115%	N
BLANK SPIKE / BLANK SPIKE DUPLICATES % RECOVERY BETWEEN 70-130%	Y

SOIL SAMPLES FOR 8021/8260 SERIES

MATRIX SPIKE / MATRIX SPIKE DUPLICATE(S) % RECOVERY BETWEEN 65-135%	n/a
MATRIX SPIKE / MATRIX SPIKE DUPLICATE(S) RPD LESS THAN 30%	n/a
SURROGATE SPIKES % RECOVERY BETWEEN 70-125%	n/a
BLANK SPIKE / BLANK SPIKE DUPLICATES % RECOVERY BETWEEN 70-130%	n/a

FIELD QC SAMPLES

<u>SAMPLE</u>	<u>COLLECTED</u>	<u>DETECTIONS > REPD</u>
QCTB SAMPLES	N	0
QCEB SAMPLES	N	0
QCAB SAMPLES	N	0

Logged in as GEOENVIRONMENTAL (AUTH_RP)

CONTACT SITE ADMINISTRATOR.

Electronic Submittal Information

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UPLOADING A GEO_WELL FILE

Processing is complete. No errors were found!
Your file has been successfully submitted!

<u>Submittal Title:</u>	Manwel GEO_WELL
<u>Submittal Date/Time:</u>	4/11/2005 1:16:53 PM
<u>Confirmation Number:</u>	2074253678

[Back to Main Menu](#)

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(AUTH_RP)

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UPLOADING A GEO_MAP FILE

YOUR IMAGE UPLOAD WAS SUCCESSFUL!

<u>Facility Name:</u>	LIVERMORE GAS AND MINI MART
<u>Global ID:</u>	T0600102287
<u>Submittal Type:</u>	GEO_MAP
<u>Submittal Date/Time:</u>	3/21/2005 3:00:18 PM
<u>Confirmation Number:</u>	8865903556

Click [here](#) to view the image.

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Logged in as GEOENVIRONMENTAL
(AUTH_RP)

CONTACT SITE [ADMINISTRATOR](#).

RECEIVED

APR 25 2005

ENVIRONMENTAL HEALTH SERVICES

March 29, 2005

Manwell Shuwayhat
Livermore Gas and Mini Mart
160 Holmes St.
Livermore, CA 94550

Subject: Fuel Leak Case No. RO0000324, Livermore Gas and Mini Mart, 160 Holmes St.
Livermore, California – Workplan Request

Dear Mr. Shuwayhat:

Alameda County Environmental Health (ACEH) has reviewed the case file for the above-referenced site. ACEH is very concerned by the high methyl tert-butyl ether (MTBE) and petroleum hydrocarbon concentrations detected at your site. Your site overlies a sensitive drinking water aquifer, and public water well 3S/2E-08P01 (State Well No. 0110003-006, owned by the California Water Service, is located within 1,500 ft of the site, in the apparent downgradient direction. Groundwater monitoring performed on March 10, 2004, detected up to 260,000 ug/L MTBE, 72,000 ug/L TPHg, and 6,000 ug/L benzene in onsite well MW-1. Offsite monitoring well MW-5, screened from 20 to 50 ft bgs and located 220 ft northwest of the site, exhibited 1,100 ug/L MTBE and 57 ug/L TPHg on March 10, 2004. Up to 1,400 ug/L MTBE has been detected downgradient of your site and appears to be the result of your release. This letter presents a request for three-dimensional site characterization and interim cleanup of soil and groundwater contamination from the unauthorized release(s) at your site. Please review the following technical comments and submit the requested reports following the schedule below.

TECHNICAL COMMENTS

To date, limited progress has been made toward delineating or mitigating the petroleum hydrocarbon and MTBE release. The lateral and vertical extent of subsurface contamination is undefined. Furthermore, the site lithology and hydrogeology remain largely uncharacterized. Based on the location of your site in a sensitive use area, and on the persistently high MTBE concentrations in onsite and offsite monitoring wells, site characterization and active remediation appear necessary to protect groundwater resources and sensitive receptors. ACEH has the following requests.

1) Hydrogeologic Characterization and Site Investigation

The data collected to date indicate that offsite contaminants have migrated to the northwest of your site, crossgradient to your consultant's calculated groundwater flow direction. In addition, MTBE concentrations have historically been higher in well MW-5 than in the more proximal well MW-4. These inconsistencies appear to suggest that multiple water bearing zones are present beneath the site and that the existing monitoring well array is insufficient. Because the screen intervals of the site monitoring wells range from 15 to 30 ft and span multiple water bearing zones, the calculated potentiometric surface elevation is suspect. Boring logs and driller's reports for the existing monitoring wells suggest that the site lithology is vertically heterogeneous. Supplemental hydrogeologic characterization is necessary, and groundwater monitoring is required in all identified water bearing zones at and downgradient from your site. We request that you 1) compile all existing hydrogeologic and contaminant concentration data,

2) identify data gaps, and 3) propose necessary additional sampling locations in the Soil and Water Investigation Workplan requested below. Specific issues to be addressed in your workplan include:

- A. Source Area - During UST removal activities in 1999, petroleum hydrocarbons and MTBE were detected beneath the east dispenser island and beneath the east end of the USTs. Soil sample MW-1-19, collected in the apparent downgradient direction from the dispenser islands contained 800 mg/kg TPHg and 21 mg/kg MTBE. Geo Environmental Technology's July 2003 Soil Vapor Extraction Feasibility Study failed to provide any cross-sections or other comprehensive depictions of the extent of soil and groundwater contamination. Additional investigation appears necessary. Please propose sufficient borings in appropriate locations to fully define the lateral and vertical extent of the source area.
- B. Downgradient Concentration Trends - MTBE at 1,100 ug/L was recently detected in downgradient monitoring well MW-5. The hydrogeology of your site and the downgradient area needs to be characterized, including identification of all potentially impacted water bearing zones. The downgradient extent of MTBE needs to be characterized in each identified zone. We recommend that you propose depth-discrete grab groundwater sampling to accomplish these objectives.
- C. Vertical Concentration Trends - Contamination has been reported in the gravels encountered at greater than 30 ft bgs in wells MW-4 through MW-6 and in well EX-1. Deeper hydrogeology beneath the site needs to be assessed. The vertical extent of contamination needs to be characterized and monitored. We recommend that you propose depth-discrete grab groundwater sampling to accomplish these objectives.
- D. Monitoring Wells - Your current monitoring wells appear to inappropriately screen multiple water-bearing zones. At your site, we require multi-level groundwater monitoring. Monitoring devices, such as well clusters or multi-level wells are recommended. We recommend that you install at least some of the replacement monitoring wells as part of your efforts to define source area, vertical and downgradient contaminant concentrations. Evaluation of horizontal and vertical hydraulic gradients from the initial replacement wells may be used to guide your downgradient and vertical grab groundwater sampling. We recommend that you site and determine appropriate screen intervals for the remainder of your future monitoring wells based on the results of a grab sampling investigation.
- E. Hydraulic Conditions - As part of your assessment of the site, we require that you determine groundwater flow gradients within and between identified water bearing zones. We are concerned that past evaluations of horizontal groundwater flow may have relied on faulty data from inappropriately screened monitoring wells. To date, no evaluation of vertical gradients has been performed.
- F. Report - Your report needs to include an update of the Site Conceptual Model outlined under Comment #6, below.

We request that you immediately pursue any off site access agreements or encroachment permits that you may need to complete your investigation activities. Further, we request that you send us a list of all likely offsite property owners from whom an access agreement may be necessary following the schedule noted below. As necessary, ACEH will send an access request letter to owners of the properties where you propose to perform investigation activities.

We also recommend that your investigation incorporate expedited site assessment techniques. Expedited site assessment tools and methods are a scientifically valid and cost-effective approach to fully define the three-dimensional extent of the plume. Technical protocol for expedited site assessments are provided in the U.S. Environmental Protection Agency's (EPA) *Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators* (EPA 510-B-97-001), March 1997; ASTM E 1912-98 *Standard Guide for Accelerated Site Characterization for Confirmed or Suspected Petroleum Releases*; and ITRC *Technical and Regulatory Guidance for the Triad Approach: A New Paradigm for Environmental Project Management*, December 2003.

2) Conduit Study

We request that you perform a conduit study that details the potential migration pathways and potential conduits (wells, utilities, pipelines, etc.) for horizontal and vertical migration that may be present in the vicinity of the site. The purpose of the conduit study is to locate and determine the probability of the dissolved plume encountering preferential pathways and conduits that could spread contamination. Of particular concern is the identification of abandoned wells and improperly destroyed wells that can act as vertical conduits to deeper water bearing zones in the vicinity of your site. Discuss your analysis and interpretation of the results of the conduit study and report your results in the Soil and Water Investigation Workplan requested below.

- A. Well Survey - ACEH requests that you locate all wells (monitoring and production wells: active, inactive, standby, decommissioned, abandoned and dewatering, drainage and cathodic protection wells) within 2,000 ft of the subject site. We recommend that you obtain well information from both Zone 7 Water Agency and the State of California Department of Water Resources, at a minimum. As part of your detailed well survey, please perform a background study of the historical land uses of the site and properties in the vicinity of the site. Use the results of your background study to determine the existence of unrecorded/unknown (abandoned) wells, which can act as pathways for migration of contamination at and/or from your site. Please review historical sources such as Sanborn maps, aerial photos, etc., when performing the background study. Include appropriate photographic prints, in stereo pairs, of historic aerial photos used as part of your study. We also request that you list by date all aerial photographs available for the site from the aerial survey company or library you use during your study. Please refer to the Regional Board's guidance for identification, location, and evaluation of potential deep well conduits (Attachment A) when conducting your preferential pathway study.
- B. Utility Survey - An evaluation of all utility lines and trenches (including sewers, storm drains, pipelines, trench backfill, etc.) within and near the site and plume area is required as part of your study. Your conduit study needs to contain all information required by 23 CCR 2654(b).
- C. Report - Submittal of map(s) and cross-section(s) showing the study area and the horizontal and vertical locations of all wells, utility lines and trenches identified in your study, and the use of tables to report the data collected as part of your survey are required. Include an evaluation of the probability of the dissolved phase plumes for all constituents of concern encountering preferential pathways and conduits that could spread the contamination, particularly in the vertical direction, to deeper drinking water aquifers.

3) Evaluation of Potential Impacts to Water Supply Wells

Please perform an analysis to determine if your plume is within the capture zone of any water supply wells in the area. In performing your analysis consider the regional stratigraphy, water supply well construction and pumping rate over time, groundwater recharge, etc. Please refer to the following documents during your analysis: US Environmental Protection Agency, "State Methods for Delineating Source Water Protection Areas for Surface Water Supplied Sources of Drinking Water," EPA 816-R-97-008, August 1997; US Environmental Protection Agency, "State Source Water Assessment and Protection Programs Guidance," Final Guidance, Office of Water, EPA 816-R-97-009, August 1997; and California Department of Health Services, Drinking Water Source Assessment and Protection (DWSAP) Program Document, January 1999.

We request that you make a preliminary estimate of the mass discharge of contaminants of concern emanating from your site. Mass discharge estimates can, in some cases, be used to predict potential impacts of dissolved contaminants to water supply wells. We recommend that you refer to the following document during your calculations: ChevronTexaco, "Mass Flux Estimates to Assist Decision-Making, Technical Bulletin," June 2002, included as Attachment B. We recognize that this estimate may need to be refined in the future as additional data are collected. Report the results of your evaluation in the Soil and Groundwater Assessment Workplan requested below.

4) Interim Remedial Action

ACEH requests that you initiate interim remediation at your site. The purpose of migration control is to prevent continued creation of a dissolved contaminant plume. Due to the high levels of petroleum hydrocarbons and oxygenates detected at your site, the large volume of groundwater contaminated by your site, and the presence of a water supply well immediately downgradient of your plumes, we request that you immediately implement migration control. GET's December 2002 *Pump Test* report stated "a small scale, low intensity, interim source removal system may be utilized." Please outline your proposal for migration control in the Interim Remediation Workplan requested below. We request that you collect sufficient hydraulic and concentration data during interim remediation to evaluate and clearly understand subsurface conditions, evaluate plume control efficacy, and document mass removal. Please document migration control progress in the Monthly Reports requested below. Please note that additional remediation of the distal end of your plume will be required in the future.

5) Destroy Inappropriately Screened Monitoring Wells

All existing monitoring wells appear to be screened across multiple water bearing zones and may act as conduits for vertical migration of contaminants. We request that you further evaluate this potential risk and destroy any wells that may act as vertical conduits for contaminant migration. Please propose the necessary well destructions in the Soil and Water Investigation Workplan requested below.

6) Project Approach and Investigation Reporting

We anticipate that characterization and remediation work in addition to what is requested in this letter will be necessary at and downgradient from your site. Considerable cost savings can be realized if your consultant focuses on developing and refining a viable Site Conceptual Model (SCM) for the project. A SCM is a set of working hypotheses pertaining to all aspects of the contaminant release, including site geology, hydrogeology, release history, residual and dissolved contamination, attenuation mechanisms, pathways to nearby receptors, and likely

magnitude of potential impacts to receptors. The SCM is used to identify data gaps that are subsequently filled as the investigation proceeds. As the data gaps are filled, the working hypotheses are modified, and the overall SCM is refined and strengthened. Subsurface investigations continue until the SCM is no longer likely to change as new data are collected. At this point, the SCM is said to be "validated." The validated SCM then forms the foundation for developing the most cost-effective corrective action plan to protect existing and potential receptors.

Technical guidance for developing SCMs is presented in *Strategies for Characterizing Subsurface Releases of Gasoline Containing MTBE*, American Petroleum Institute Publication No. 4699, dated February 2000; "Expedited Site Assessment Tools for Underground Storage Tank Sites: A Guide for Regulators" (EPA 510-B-97-001), prepared by the U.S. Environmental Protection Agency (EPA), dated March 1997; and "Guidelines for Investigation and Cleanup of MTBE and Other Ether-Based Oxygenates, Appendix C," prepared by the State Water Resources Control Board, dated March 27, 2000.

The SCM for this project is to incorporate, but not be limited to, the following:

- A. A concise narrative discussion of the regional geologic and hydrogeologic setting. Include a list of technical references you reviewed.
- B. A concise discussion of the on-site and off-site geology, hydrogeology, release source and history, secondary source areas, remediation status, risk assessment, plume migration, attenuation mechanisms, preferential pathways, and potential threat to downgradient receptors. The SCM shall include an analysis of the hydraulic flow system at and downgradient from the site, including potential vertical hydraulic gradients.
- C. Local and regional maps showing location of sources, extent of soil and groundwater contamination for appropriate depth intervals (i.e., an interpretive drawings and isoconcentration maps—not a plot of laboratory results), rose diagram of recent and historical groundwater gradients, and locations of receptors. "Receptors" include, but are not limited to, all supply wells and surface water bodies within 2,000 feet of the source area, and all potentially impacted schools, hospitals, daycare facilities, residences, and other areas of heightened concern for vapor impact.
- D. Geologic cross-sections (parallel and perpendicular to the contaminant plume axis) which include subsurface geologic features, depth to groundwater, man-made conduits, soil boring and sampling locations, monitoring well construction, and an interpretive drawing of the vertical extent of soil and groundwater contamination (i.e., an interpretive drawing—not a plot of laboratory results).
- E. Temporal changes in the plume location and concentrations are also a key element of the SCM. In addition to providing a measure of the magnitude of the problem, these data are often useful to confirm details of the flow system inferred from the hydraulic head measurements.
- F. Exposure evaluation flowchart (similar to Figure 2 in ASTM's *Standard Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites*) and/or a graphical SCM (similar to Figure 1 in the Central Valley Regional Water Quality Control Board's *Appendix A – Reports, Tri - Regional Board Staff Recommendations For Preliminary Investigation And Evaluation Of Underground Tank Sites*, 16 April 2004).

- G. Plots of chemical concentrations vs. time and vs. distance from the source. Plots should be shown for each monitoring well which has had detectable levels of contaminants.
- H. Summary tables of chemical concentrations in each historically sampled media (including soil, groundwater and soil vapor).
- I. Boring and well logs (including construction/screening), and a summary table indicating construction specifications for each monitoring and extraction well.
- J. Identification and listing of specific data gaps that require further investigation during subsequent phases of work.
- K. Proposed activities to investigate and fill data gaps identified above.

7) Quarterly Groundwater Monitoring

Monitoring of all wells associated with your site on a quarterly basis is required. We request that you analyze groundwater samples from all monitoring wells for TPHg, BTEX, fuel oxygenates (MTBE, TAME, ETBE, DIPE, TBA, EtOH), and additives (EDB, and 1,2-DCA). Quarterly status reports (required under 23 CCR §2652(d)) are to include the following minimum information:

- A. A description of the groundwater sampling event, including field logs. Field logs shall contain depth to water, method of purging, water quality parameters, volume of water purged, site conditions, and any changes noted in the condition of the well and/or water quality data.
- B. A table(s) listing all monitoring well details including: well number, date installed, casing diameter, casing material, slot size, surveyed elevation, reference elevation, screen interval, filter pack interval, and aquifer zone.
- C. Cumulative data tables containing all soil and groundwater analytical results, reporting limits, depth to groundwater, groundwater elevations and Analytical Laboratory.
- D. Groundwater elevation maps for appropriate water bearing units, as applicable. If the site is in remediation with groundwater pump and treat operations, define the zone of capture for any extraction well(s) on the contour map.
- E. A groundwater flow diagram showing historical flow directions and gradients (Rose Diagrams).
- F. Isoconcentration contour maps for petroleum products and constituents in appropriate water bearing units, as applicable.
- G. A copy of the laboratory analytical data report.
- H. Status and timelines of investigation and cleanup activities including the results of all investigations implemented or proposed to date.
- I. If applicable, the status of any ongoing remediation, including operational data on the mass of contaminant removed from the subsurface, system operating time, the effectiveness of the remediation system, and any field notes pertaining to the operation and maintenance of the system.
- J. Method of disposal of any contaminated soil or water, and manifests for transport of all hazardous substances.

- K. Applicable conclusions and recommendations. For example, if the existing monitoring well network does not define the lateral and vertical extent of groundwater degradation, the discharger is to submit a proposal and workplan to complete additional work as needed to define the extent. We request that Quarterly Reports contain a discussion of the results of your plume monitoring, in particular whether the results are consistent with the SCM. Be sure to point out any anomalies in the data, and include recommended activities to investigate and resolve those data anomalies.

REPORT REQUESTS

Please submit technical reports to Alameda County Environmental Health according to the following schedule:

- June 30, 2005 – Soil and Water Investigation Workplan
- July 30, 2005 – List of off-site property owners for access request
- 90 days after Workplan Approval – Soil and Water Investigation Report
- August 15, 2005 – Interim Remedial Action Plan
- 90 days after Interim Remediation Workplan Approval – Interim Remediation Startup Report
- End of First Month of Each Quarter - Quarterly Monitoring Report covering the previous quarter's groundwater monitoring

ACEH makes this request pursuant to California Health & Safety Code Section 25296.10. 23 CCR sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to a reportable unauthorized release from a petroleum UST system, and require your compliance with this request.

Professional Certification and Conclusions/Recommendations

The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that workplans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

Perjury Statement

All workplans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

GEOTRACKER ELECTRONIC SUBMITTALS

Our review of the State Water Resources Control Board's (SWRCB) GeoTracker website indicates that you have not uploaded electronic copies of all required analytical data to the State database. Pursuant to 23 CCR 2729 and 2729.1, beginning September 1, 2001, all analytical data (soil, groundwater and soil vapor) submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB Geographic Information Management System database ("GeoTracker") system. Further, beginning January 1, 2002, the locations and elevations (top of casing) of all monitoring wells must be surveyed and uploaded to the GeoTracker database. Elevation must be surveyed to mean sea level, and latitude and longitude must be accurate to within one meter, using NAD 83. In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the GeoTracker database and submit verification to ACEH by June 30, 2005.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports or enforcement actions by ACEH may result in your becoming ineligible to receive cleanup cost reimbursement from the State's Underground Storage Tank Cleanup Fund (senate Bill 2004).

AGENCY OVERSIGHT

If it appears as though significant delays are occurring or reports are not submitted as requested we will consider referring your case to the County District Attorney or other appropriate agency, for enforcement. California Health and Safety Code, Section 25299.76 authorizes ACEH enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

Please call me at (510) 567-6719 or contact me via email at robert.schultz@acgov.org with any questions regarding this case.

Sincerely,

Robert W. Schultz, P.G.
Hazardous Materials Specialist

Attachments: A, B

cc: Manwell Shuwayhat, 202 S. Main St., Ripon, CA 95366 (w/enc)
Matt Katen, Zone 7 Water District, QIC 80201 (w/o enc)
Donna Drogos, ACEH (w/o enc)



California Regional Water Quality Control Board

San Francisco Bay Region



Terry Tamminen
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
(510) 622-2300 • Fax (510) 622-2460
<http://www.swrcb.ca.gov/rwqcb2>

Arnold Schwarzenegger
Governor

Alameda County

NOV 20 2003

Date: November 21, 2003
File No. 2198.17 (SAH)

Environmental Health

Mr. Carlos Ratinho
1181 Orchid Street
Livermore, CA 94551

R0324

Livermore Gas &
Mini-Mart
160 Holmes St.
Livermore

SUBJECT: Property at 1304 First Street, Livermore, California

Dear Mr. Ratinho:

This letter explains the status of the subject property with respect to groundwater pollution in the vicinity.

The subject site consists of an approximate 0.6-acre parcel located just north of the intersection of First and Holmes Streets in Livermore, California. The site, which is currently developed as a restaurant, is owned by the Dentici family, and is identified as Assessor's Parcel No. 098-0403-012. Mr. Carlos Ratinho intends to purchase the site and operate a new restaurant.

A Phase I environmental assessment performed for the site in April 2003 by M.J. Kloberdanz and Associates of Modesto, California indicates that beginning in the 1930s, the site was occupied by a residence and an automobile repair garage that also sold gasoline. However, according to the property owner, gasoline sales at the site ceased in the late 1950s. Available information indicates that the residence and garage were demolished in 1972 to accommodate development of the site as a restaurant. Available reports indicate that the gasoline service station appears to have been removed prior to that time.

Test results from soil and groundwater quality investigations performed at the site in July and August 2003 by AEI Consultants of Walnut Creek, indicated the presence of MTBE in groundwater beneath the site at concentrations of 0.75 to 1,400 parts per billion (ppb). However, soil samples collected during these investigations did not contain gasoline hydrocarbon constituents above the laboratory method reporting limits. Also, MTBE was not used in gasoline until the 1980s.

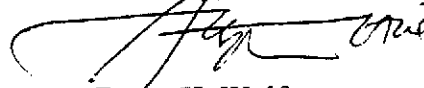
A review of local regulatory agency files indicates that an existing gasoline service station (the Livermore Gas and Mini Mart located at 160 Holmes Street) is located approximately 250 feet south-southeast (upgradient) of the subject site. Investigations performed at the Holmes Street site indicate that MTBE is present in groundwater at the site at concentrations up to 290,000 ppb

and in a roadway median between 160 Holmes and the subject site at 3,800 to 16,000 ppb. This progression of decreasing MTBE concentrations downgradient of the 160 Holmes site is consistent with the expected migration of MTBE from that site. Based on these test results, the local groundwater flow direction, and the absence of gasoline storage at the subject site since the late 1950s, the presence and concentration of MTBE measured in groundwater at 1304 First Street is consistent with a release at 160 Holmes Street.

Based on information currently available to Board staff, we conclude that groundwater pollution detected beneath the subject property is likely the result of the migration of pollutants in groundwater from 160 Holmes Street. In general, the Board does not pursue enforcement action against a property owner whose land overlies contaminated groundwater if that contamination is solely the result of the migration of groundwater contaminants from an off-site source or sources. Accordingly, the Board will not name current and future owners of the subject property as dischargers with respect to groundwater pollution from offsite sources. However, the Board may hold such a property owner responsible for investigation or cleanup tasks if he or she refuses to provide reasonable access to an upgradient discharger attempting to investigate and cleanup off-site groundwater pollution.

If you have any questions, please contact Stephen Hill of my staff at (510) 622-2361 [e-mail sah@rb2.swrcb.ca.gov].

Sincerely,



to
Bruce H. Wolfe
Executive Officer

cc: Andrew Lee
CIT Lending
1526 Cole Blvd., Bldg 3, Suite 200
Denver, CO 80401

Nina Sinclair
TMC Development
611 Front Street
San Francisco, CA 94111

Brad Hirst
Equity Enterprises
1811 Santa Rita Road, Suite 128
Pleasanton, CA 84566

Donna Drogos
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

1181 ORCHID ST. LIVERMORE.CA 94551
CELL# (925) 872-1428
FAX# (925) 455-9552

CARLOS RATINHO

Fax

To: DONNA DROGOS **From:** CARLOS RATINHO
Fax: (510) 337-9335 **Pages:** 7 including cover
Phone: **Date:** 11/19/2003
Re: 1304 FIRST ST. LIVERMORE CA **CC:** STEPHEN A. HILL

Urgent For Review Please Comment Please Reply Please Recycle

VERY IMPORTANT

To Donna,

Aim sending you a couple of sample letters that I was able to obtain. I have spoken to Stephen A. Hill at the California Regional Water Quality Control Board; he needs you to concur with Mr. Dennis Laduzinsky's findings so that he could get us this letter. It would be very much appreciated if you could do this as soon as possible! Mr. Stephen A. Hill is expecting to hear from you on this manner. His number is (510) 622-2361.

Thanks For Your Help,

Carlos Ratinho

E-mail ratinhofamily@sbcglobal.net

Fax- (925) 455-9552



SANAG REVISAO LETTER



Yelo Wilson
Governor

Date: August 5, 1997

WEPA

San Francisco Bay
Regional Water
Quality Control
Board

Raymond Monahan
~~Mr. Richard Jones~~
Chief, Finance Division
U.S. Small Business Administration
San Francisco District Office
455 Market Street, 6th Floor
San Francisco, CA 94105-2445

AUG 07 1997

81 Webster Street Suite
0
Oakland, CA 94612
(415) 244-1255
X (510) 286-1390

SUBJECT: [REDACTED]

Dear Mr. Jones:

This letter explains the status of the subject property with respect to groundwater pollution in the vicinity. The subject property is located at [REDACTED]. Petroleum hydrocarbons as bunker C oil have been detected in the groundwater both up and down gradient of the subject property. Bunker C oil impact has been recognized by the Board as a regional problem in the vicinity of the site. However, analytical results of soil samples indicate that bunker C oil is not detectable on the site.

Based on information currently available to Board staff, we conclude that no bunker C oil was used at the site and that the subject property did not contribute to the widespread regional groundwater problem. Groundwater pollution detected beneath the subject property is likely the result of the migration of pollutants from up gradient sites. In general, the Board does not pursue enforcement action against a property owner whose land overlies contaminated groundwater if that contamination is solely the result of the migration of contaminants from an off-site source or sources. Accordingly, the Board will not hold current and future owners of the subject properties responsible for investigation or cleanup tasks with respect to groundwater pollution from off-site sources. However, the Board may hold such a property owner responsible for investigation or cleanup tasks if he or she refuses to provide reasonable access to an up gradient discharge attempting to investigate and cleanup off-site groundwater pollution.

If you have any questions, please contact Mr. Vic Pal of my staff at (510) 286-0687.

Sincerely,

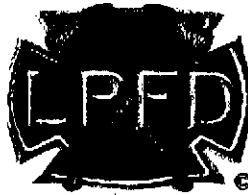
Lucretia K. Barsamian
Lucretia K. Barsamian
Executive Officer

cc: [REDACTED] TMC Development



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.

Livermore - Pleasanton



Fire Department

November 14, 2003

Mr. Carlos Ratinho
1181 Orchid St.
Livermore, CA 94551

Subject: 1304 First St., Livermore, California

Dear Mr. Ratinho:

The Livermore-Pleasanton Fire Department will not hold past, current, or future property owners (including Ratinho Real Estate Inc.), lenders (including CIT Lending), or the Small Business Administration involved in 1304 First St. Livermore, CA responsible for contamination at this site that originated off-site. Based upon the reports submitted to this office, we concur that it appears the contamination originated off-site.

Please contact me at 925-454-2338 or dstefani@lpfire.org if you have any questions or need additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danielle Stefani', written over a horizontal line.

Danielle Stefani
Hazardous Materials Coordinator

3560 Nevada Street, Pleasanton, CA 94566

Administration & Suppression
(925) 454-2361
Fax 249-2397

Fire Prevention Bureau
(925) 454-2361
Fax 454-2367

YAHOO! Mail 

[Print](#) - [Close Window](#)

From: "BRAD-EQUITY" <BRAD-EQUITY@email.msn.com>
To: ratinhofamily@sbcglobal.net
CC: "Louis M. Dentici" <louis1@joimail.com>, "Dorothy V. Cavalli" <dodie@peoplepc.com>, dennis.laduzinsky@ngem.com
Subject: 1304 First St., Livermore, Ca
Date: Mon, 17 Nov 2003 10:13:31 -0800

Dear Carlos:

After numerous discussions with the Sellers, a final decision has been made!
This is a very serious and Last Notice to Close Escrow or the Contract is VOID!

The effective date of the Contract:	April 1, 2003
Your Due Diligence expired:	May 31, 2003
Close of Escrow scheduled:	June 30, 2003

It is now almost FIVE (5) MONTHS BEYOND your time to close.

Due to your lender's requirement for a Phase II inspection and the eventual findings of MTBE in groundwater 38 feet below the surface, the Seller has allowed you additional time to close. The Seller's lease and insurance expired October 31, 2003. New insurance was placed at a cost of \$4,000.00 for three (3) months. Two (2) Phase II drillings and laboratory analysis have been conducted. Northgate Environmental Management was retained to shepherd a request for a Letter of Acceptable Compliance through Alameda County Health Dept.

Somehow there seems to be a misconception that your time to close is unlimited. That is NOT correct!

You are hereby notified that:

- 1) The limit for RECEIPT of a Letter of Acceptable Compliance that will satisfy your lender is 5:00 p.m., Friday, November 21, 2003.
- 2) The limit for RECEIPT of all lender instructions and documents at North American Title Co. is 5:00 p.m., Tuesday, December 2, 2003, (this takes into consideration the Thanksgiving Holiday.)
- 3) The limit to Record Close of Escrow is 12:00 noon, Friday, December 5, 2003.
- 4) If ANY of the above deadlines are NOT met, the Seller will move on to close with the already existing back-up contract which does NOT require any loan.

This is a regrettable position for you and we are not pleased to give you this Final Notice - but this is IT!!!

Bradley A. Hirst
Equity Enterprises
Agent for Sellers

cc: Louis & Margaret Dentici (Seller)
Dorothy Cavalli (Seller)
Dennis Laduzinsky (Northgate Environmental Management)

cc via fax 510-337-9335: Donna Drogos, Alameda Co. Health Dept., including copy of Purchase and Sale Agreement and Schedule Letter sent at request of Ratinho/Laduzinsky



*northgate
environmental
management, inc.*

3629 Grand Avenue
Oakland, CA 94610
510 - 839 0688
Fax 510 - 839 4350

FACSIMILE COVER SHEET

To: Donna Drogos
Alameda County Health Dept

Fax No.: (510) 337-9335
Phone No: (510) 5676700

From: Dennis Leduzinsky (510) 839-2939

Date: Wednesday, November 19, 2003 -- 12:27 PM

Number of Pages (including cover sheet): 5 pages

COMMENTS

Re: 1304 First Street, Livermore

Letter from Livermore - Pleasanton Fire Department regarding the site.

Sample letters for other sites from RWQCB on similar issues. Mr. Carlos Ratinho has discussed the site with Stephen Hill of the RWQB who apparently indicated he could write a similar letter pending concurrence from you regarding environmental conditions at the site.

Please call me to discuss this at your earliest convenience.

If you have any questions, please call me (510) 839 2939.

Thanks,

Dennis

If you do not receive all of the pages, please call us at (510) 839-0688.



November 14, 2003

Mr. Carlos Ratinho
1181 Orchid St.
Livermore, CA 94551

Subject: 1304 First St., Livermore, California

Dear Mr. Ratinho:

The Livermore-Pleasanton Fire Department will not hold past, current, or future property owners (including Ratinho Real Estate Inc.), lenders (including CIT Lending), or the Small Business Administration involved in 1304 First St. Livermore, CA responsible for contamination at this site that originated off-site. Based upon the reports submitted to this office, we concur that it appears the contamination originated off-site.

Please contact me at 925-454-2338 or dstefani@lpfire.org if you have any questions or need additional assistance.

Sincerely,

Danielle Stefani
Hazardous Materials Coordinator

3560 Nevada Street, Pleasanton, CA 94566

Administration & Suppression
(925) 454-2361
Fax 249-2397

Fire Prevention Bureau
(925) 454-2361
Fax 454-2367



SANMAB REVISED LETTER



Date: August 5, 1997

Pete Wilson
Governor

W/EPD

San Francisco Bay
Regional Water
Quality Control
Board

31 Webster Street, Suite
9
Oakland, CA 94612
(916) 286-1255
X (510) 286-1380

Raymond Monahan
Mr. Richard Jones
Chief, Finance Division
U.S. Small Business Administration
San Francisco District Office
455 Market Street, 6th Floor
San Francisco, CA 94105-2445

AUG 07 1997

SUBJECT: [REDACTED]

Dear Mr. Jones:

This letter explains the status of the subject property with respect to groundwater pollution in the vicinity. The subject property is located at [REDACTED]. Petroleum hydrocarbons as bunker C oil have been detected in the groundwater both up and down gradient of the subject property. Bunker C oil impact has been recognized by the Board as a regional problem in the vicinity of the site. However, analytical results of soil samples indicate that bunker C oil is not detectable on the site.

Based on information currently available to Board staff, we conclude that no bunker C oil was used at the site and that the subject property did not contribute to the widespread regional groundwater problem. Groundwater pollution detected beneath the subject property is likely the result of the migration of pollutants from up gradient sites. In general, the Board does not pursue enforcement action against a property owner whose land overlies contaminated groundwater if that contamination is solely the result of the migration of contaminants from an off-site source or sources. Accordingly, the Board will not hold current and future owners of the subject properties responsible for investigation or cleanup tasks with respect to groundwater pollution from offsite sources. However, the Board may hold such a property owner responsible for investigation or cleanup tasks if he or she refuses to provide reasonable access to an up gradient discharger attempting to investigate and cleanup off-site groundwater pollution.

If you have any questions, please contact Mr. Vic Fai of my staff at (510) 286-0687.

Sincerely,

for Loretta K. Barsamian
Loretta K. Barsamian
Executive Officer

cc: [REDACTED] TMC Development



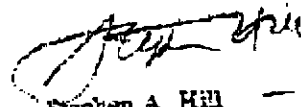
Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

Regulatory Status

As stated above, based on information currently available to Board staff, we conclude that groundwater pollution detected beneath the Site is likely the result of the migration of pollutants in groundwater from the upgradient property. In general, the Board does not pursue enforcement action against a property owner whose land overlies contaminated groundwater if that contamination is solely the result of the migration of groundwater contaminants from an off-site source or sources. Accordingly, the Board will not name current and future owners of the Site as dischargers with respect to groundwater pollution from off-site sources. However, the Board may hold such a property owner responsible for investigation or cleanup tasks if he or she refuses to provide reasonable access to an upgradient discharger attempting to investigate and cleanup off-site groundwater pollution.

If you have any questions, please contact Chuck Headlee of my staff at (510) 622-2344, chh@rb2.swrcb.ca.gov.

Sincerely,



Stephen A. Hill
Chief, Toxics Cleanup Division

(510) 622-2361

For Loretta K. Barsanian
Executive Officer

cc: Jim Crowley
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

BRAD-EQUITY

From: BRAD-EQUITY [BRAD-EQUITY@email.msn.com]
Sent: Monday, November 17, 2003 10:14 AM
To: ratinhofamily@sbcglobal.net
Cc: Louis M. Dentici; Dorothy V. Cavalli; dennis.laduzinsky@ngem.com
Subject: 1304 First St., Livermore, Ca

Dear Carlos:

After numerous discussions with the Sellers, a final decision has been made! This is a very serious and Last Notice to Close Escrow or the Contract is VOID!

The effective date of the Contract: April 1, 2003
Your Due Diligence expired: May 31, 2003
Close of Escrow scheduled: June 30, 2003

It is now almost FIVE (5) MONTHS BEYOND your time to close.

Due to your lender's requirement for a Phase II inspection and the eventual findings of MTBE in groundwater 38 feet below the surface, the Seller has allowed you additional time to close. The Seller's lease and insurance expired October 31, 2003. New insurance was placed at a cost of \$4,000.00 for three (3) months. Two (2) Phase II drillings and laboratory analysis have been conducted. Northgate Environmental Management was retained to shepherd a request for a Letter of Acceptable Compliance through Alameda County Health Dept.

Somehow there seems to be a misconception that your time to close is unlimited. That is NOT correct!

You are hereby notified that:

- 1) The limit for RECEIPT of a Letter of Acceptable Compliance that will satisfy your lender is 5:00 p.m., Friday, November 21, 2003.
- 2) The limit for RECEIPT of all lender instructions and documents at North American Title Co. is 5:00 p.m., Tuesday, December 2, 2003, (this takes into consideration the Thanksgiving Holiday.)
- 3) The limit to Record Close of Escrow is 12:00 noon, Friday, December 5, 2003.
- 4) If ANY of the above deadlines are NOT met, the Seller will move on to close with the already existing back-up contract which does NOT require any loan.

This is a regrettable position for you and we are not pleased to give you this Final Notice - but this is IT!!!

Bradley A. Hirst
Equity Enterprises
Agent for Sellers

cc: Louis & Margaret Dentici (Seller)
Dorothy Cavalli (Seller)
Dennis Laduzinsky (Northgate Environmental Management)

cc via fax 510-337-9335: Donna Drogos, Alameda Co. Health Dept., including copy of Purchase and Sale Agreement and Schedule Letter sent at request of Ratinho/Laduzinsky



Equity Enterprises
Real Estate Brokerage
and Development

April 2, 2003

Carlos J. Ratinho and Manuel G. Ratinho
1811 Orchid Street
Livermore, CA 94551

Louis M. Dentici, Trustee
12476 Cresthaven
Groveland, CA 95321

Dorothy V. Cavalli, Trustee
725 Sandpiper Common
Livermore, CA 94551

RE: 1304 First St., Livermore, CA, Alameda Co. APN 98-403-12

Dear: Carlos and Manuel (Purchaser)
Louie and Dorothy (Seller)

Attached is your copy of the fully executed Purchase and Sale Agreement, including the Addendum, for 1304 First Street, Livermore, CA. Everyone is working diligently and performing well. At this point, it appears we will have a relatively smooth escrow. With good fortune and hard work, we may be able to close in less than ninety (90) days.

The addendum should be satisfactory because I will recommend that the Seller not terminate the existing lease with ViCorp until the equipment is removed (that they want to remove) and any damage repaired.

Escrow will be handled by Michele Ciprion of North American Title Company – Pleasanton. The escrow number is 52410158-MLC. Michele's telephone number is (925) 460-9700.

Here is the schedule of critical dates:

1. **Effective Date of Contract – April 1, 2003**
2. **Buyer's Financing Contingency – 35 days – May 6, 2003**
3. **Buyer's Due Diligence – 60 days – May 31, 2003**
4. **Close of Escrow – 90 days – June 30, 2003**

If anyone has any questions at any time, please feel free to call me.

Yours truly,

Bradley A. Hirst

BAH/sb

(925) 484-3636

Email: brad-equity@msn.com

Fax (925) 484-3923

PURCHASE AND SALE AGREEMENT

THIS DOCUMENT IS INTENDED TO BE A LEGALLY BINDING AGREEMENT, READ IT CAREFULLY.

THIS PURCHASE AGREEMENT is entered into by and between **CARLOS J. and SUZANN RATINHO**, husband and wife, and **MANUEL G. and THERESA RATINHO**, husband and wife, together as **TENANTS IN COMMON ("Buyer")**, and **LOUIS M. and MARGARET S. DENTICI**, TRUSTEES of The Louis M. and Margaret S. Dentici Family Trust dated October 10, 1990, and **DOROTHY V. CAVALLI**, TRUSTEE of THE DOROTHY V. CAVALLI 1995 TRUST dated February 24, 1995 ("Seller").

The Property consists of all land and improvements located at:

1304 First Street, Livermore, California, County of Alameda
APN# 98-403-12

TERMS AND CONDITIONS

Seller agrees to sell the Property and buyer agrees to purchase the Property, on the following terms and conditions.

- 1) **PURCHASE PRICE:** The purchase price for the Property is one million one hundred thousand and 00/100 (**\$1,100,000.00**). The balance of the purchase price shall be payable at close of escrow pursuant to the terms stated below.
- 2) **DEPOSIT:** Within three (3) business days after the Effective Date, Buyer shall deposit with Escrow Holder the amount of \$10,000.00. Upon satisfaction of Buyer's contingencies in Paragraphs 6 and 7, the deposit will be increased to \$75,000.00. Entire deposit will pass to Seller, become forfeitable, but applicable to purchase price.
- 3) **DEPOSIT INTEREST:** Title Company shall place the Deposit in an interest bearing account controlled by the Title Company. All such accrued interest shall be credited toward the Purchase Price at the Closing.
- 4) **ESCROW & CLOSING:** Within three (3) business days after the Effective Date (as defined in Paragraph 27 below) Buyer shall open escrow with North American Title Company (the "Escrow Holder") by the simultaneous deposit of a copy of this Agreement and Buyer's Deposit with the Escrow Holder. Seller and Buyer agree to prepare and execute such escrow instructions as may be necessary and appropriate to close the transaction. Should said instructions fail to be executed as required, Escrow Holder shall and is hereby directed to close escrow pursuant to the terms and conditions of this Agreement. Close of escrow (or the "Closing Date" which shall mean the date on which the deed transferring title is recorded) shall occur **NINETY DAYS FROM CONTRACT EXECUTION** or as otherwise indicated in section 6. The Buyer shall pay for the cost of its title insurance; Buyer and Seller shall split escrow fees 50/50. Seller shall pay documentary transfer taxes. Buyer and Seller shall split all other closing costs.
- 5) **TITLE:** Within five (5) days after the Effective Date of this Agreement, Seller shall procure and cause to be delivered to Buyer a preliminary title report issued by North American Title Company (the "Title Company") for the Property. Within five (5) days following the Effective Date, Buyer shall either approve in writing the exceptions contained in said title report or specify in writing any exceptions to which Buyer reasonably objects. If Buyer objects to any exceptions, Seller shall, within five (5) days after receipt of Buyer(s) objections, deliver to Buyer written notice that either (1) Seller will, at Seller's expense, attempt to

Buyer's Initials CSJ TRM - Seller's Initials MD. DVC
MJD

remove the exception(s) to which Buyer has objected before the Closing Date or (II) Seller is unwilling or unable to eliminate said exceptions (s). If Seller fails to so notify Buyer or is unwilling or unable to remove any such exception by the Closing Date, Buyer may elect to terminate this Agreement and receive back the entire Deposit, in which event Buyer and Seller shall have no further obligations under this Agreement, or, alternatively, Buyer may elect to purchase the Property subject to such exceptions (s).

Seller shall convey by grant deed to Buyer (or to such other person or entity as Buyer may specify) marketable fee title subject only to the exceptions approved by Buyer in accordance with this Agreement. Title shall be insured by a CLTA policy of title insurance, unless otherwise differently required by Buyer's lender, to be issued by the Title Company in the amount of the purchase price. All title insurance and title related costs shall be paid by Buyer.

6) **BUYER'S FINANCIAL CONTINGENCY:** Buyer shall apply for a SBA loan upon contract execution. Buyer shall have **thirty-five (35) days** to obtain loan approval. Both parties anticipate that such loan approval will have some conditions attached thereto, i.e. Phase I, real estate appraisal, review of Buyer's financial records, etc. Buyer will have sixty (60) days from contract execution to satisfy all due diligence and SBA loan conditions.

7) **BUYER'S PROPERTY CONTINGENCIES:**

7.1) **BOOKS AND RECORDS:** Seller agrees to provide Buyer access to the items listed below within five (5) business days following the Effective Date:

a. Any rental agreements, leases, in Seller's possession, maintenance records, service contracts, insurance policies, latest tax bill(s) and other written agreements or notices which affect the property.

b. Copies of any plans related to the site, building, and tenant interior improvements and any reports for the property related to environmental condition (Phase 1), local soils, or seismic condition in Seller's possession.

7.2) **ENVIRONMENTAL ISSUES:** Buyer shall have the right to perform any environmental or structural inspections Buyer selects at Buyer's option and sole cost. To the best of Seller's actual knowledge, no tenant, occupant, or previous owner of the Property has used, generated, released, discharged, stored or disposed of any hazardous materials or hazardous waste on, under, in, or upon the Property and the Property does not contain asbestos or other hazardous materials. Seller has received no notice, warning, notice of violation, administrative complaint, judicial complaint, or other formal or informal notice alleging the conditions on the Property are or have been in violation of any environmental law, or informing Seller that the Property subject to investigation or inquiry has hazardous substances on the Property or the potential violation of any environmental law. Seller has disclosed to Buyer all information, records, and studies maintained by Seller in connection with the property concerning hazardous substances. Furthermore, to the best of Seller's actual knowledge the Property is in compliance with all applicable laws and governmental regulations pertaining to air and water quality, hazardous waste, waste disposal matters, and other environmental matters.

Buyer agrees to purchase the property in its "As-is" condition. Buyer, at Buyer's option, shall be responsible for the cost of conducting its own investigation, if any, and any and all environmental tests with respect to the property, including, but not limited to a Phase I Environmental Survey.

BUYER'S ACCESS: Seller hereby grants the Buyer and his contractors, agents and employees the right to enter the property to conduct any reports or reviews.

Buyer's Initials CRD TR Seller's Initials MSD

- 7.3) **LEASES:** Seller shall terminate existing lease with Vicorp/Bakers Square at close of escrow.
- 7.4) **CONDITION OF PROPERTY:** It is understood and agreed that the Property is being sold "as is" that Buyer has or will prior to the Closing Date, inspected the Property, and that neither Seller nor Agent makes any representation or warranty as to the physical condition, the soils condition and the presence or absence of hazardous materials on or about the Property, and that neither Seller nor Agent makes any representation or warranty as to the physical condition, the soils condition and the presence or absence of hazardous materials on or about the Property or its suitability for Buyer's intended use.
- 7.5) **BUYER'S RIGHT TO TERMINATE:** If Buyer disapproves of any of the above contingencies, Buyer may cancel the sale be relieved of any obligations to Seller by notifying Seller and escrow holder in writing on or before sixty (60) days from contract execution. In the event Buyer cancels this contract in the manner prescribed, Buyer's deposit shall be returned to Buyer.
- 8) **RISK OF LOSS:** Risk of loss to the Property shall be borne by Seller until title has been conveyed to Buyer. In the event that the improvements on the Property are destroyed or materially damaged between the Effective Date of this agreement and the date title is conveyed to Buyer, Buyer shall have the option of demanding and receiving back the entire Deposit and being released from all obligations hereunder, or alternatively, taking such improvements as Seller can deliver. Upon the Effective Date, Seller shall maintain the Property through close of escrow in the same condition and repair, reasonable wear and tear expected.
- 9) **POSSESSION:** Possession of the Property shall be delivered to Buyer on the Closing Date.
- 10) **LIQUIDATED DAMAGES:** By placing their initials immediately below, Buyer and Seller agree that it would be impracticable or extremely difficult to fix actual damages in the event of a default solely caused by Buyer, that a portion of Buyers Deposit in the amount of \$75,000.00 hereunder is the parties reasonable estimate of Seller's damages in the event of Buyer's default, and that upon Buyer's default in its purchase obligations under this agreement, not caused by any breach by Seller. Seller shall retain \$75,000.00 from Buyer's Deposit as liquidated damages, which shall be Seller's sole and exclusive remedy in law or at equity for Buyer's default.
- a. Buyer's Initials CRP TR MR Seller's Initials L.M.D. DMC
msd
- 11) **BUYERS SELLER'S AGENT:** It is understood and agreed that Equity Enterprises represents the Seller in this transaction. Buyer has not retained a Broker in this transaction. The undersigned Buyer and Seller acknowledge and agree with the above disclosures and consent to the agency relationships specified.
- 12) **BROKERAGE COMMISSION:** Pursuant to separate agreement Seller shall pay a commission upon close of escrow to Equity Enterprises.
- 13) **OTHER BROKERS:** None.
- 14) **SCOPE OF AUTHORITY AND RESPONSIBILITY:** Neither Buyer's nor Seller's Agent(s) shall have the authority to bind either Buyer or Seller to any modification or amendment of this Agreement. Agent(s) shall not be responsible for performing any due diligence or other investigation of the Property on behalf of either Buyer or Seller, or for providing either party with professional advice with respect to any legal, tax, engineering, construction or hazardous materials issues.
- 15) **BROKER DISCLAIMER:** Buyer and Seller acknowledges that, except as otherwise expressly stated herein, Agent(s) has/have not made any investigation, determination, warranty or representation with

Buyer's Initials CRP TR MR Seller's Initials L.M.D. DMC
msd

respect to any of the following; (a) the financial condition or business prospects of any tenant, or such tenant's intent to continue or renew its tenancy in the Property; (b) the legality of the present or any possible future use of the Property under any federal, state or local law @ pending or possible future action by any governmental entity or agency which may affect the Property; (d) the physical condition of the Property, including but not limited to, soil conditions, the structural integrity of the improvements, and the presence or absence of fungi or wood-destroying organisms; (e) the accuracy or completeness of income and expense information and projections, of square footage figures, and of the texts of lessee, options, and other agreements affecting the Property; (f) the possibility that lease, options or other documents exist which affect or encumber the Property and which have not been provided or disclosed by Seller; or (g) the presence or location of a any hazardous materials on or about the Property, including, but not limited to, asbestos, PCB's, or toxic, hazardous or contaminated substances, and underground storage tanks.

a. Buyer agrees that investigation and analysis of the foregoing matters is Buyer's sole responsibility and that Buyer shall not hold Agent(s) responsible therefore. Buyer further agrees to reaffirm its acknowledgment of this disclaimer at close of escrow and to confirm that is has relied upon no representations of Agent(s), in connection with its acquisition of the Property.

16) **ARBITRATION OF DISPUTES:** If a controversy arises with respect to the subject matter of this Purchase Agreement or the transaction contemplated herein (including but not limited to the parties, rights to the Deposit or the payment of commissions as provided herein), Buyer, Seller and Agent(s) agree that such controversy shall be settled by final, binding arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

a. **Notice:** By initialing in the space below you are agreeing to have any dispute arising out of the matters included in the "Arbitration of disputes" provision decided by neutral arbitration as provided by California law and you are giving up any rights you might possess to have the dispute litigated in court or jury trial. By initialing in the space below you are giving up your judicial rights to discovery and appeal, unless such rights are specifically included in the "Arbitration of Disputes" provision. If you refuse to submit to arbitration after agreeing to this provision, you may be compelled to arbitrate under the authority of the California Code of Civil Procedure. Your agreement to this arbitration provision is voluntary.

b. We have read and understand the foregoing and agree to submit disputes arising out of the matters included in the "Arbitration of Disputes" provision to neutral arbitration.

a. Buyer's Initials CRP TR M.K. Seller's Initials S.M.D. DVC
mdal

17) **PERSONAL PROPERTY:** Buyer is not buying any personal property that belongs to Vicorp/Bakers Square that is currently in or about the Property. Vicorp/Bakers Square shall remove personal property that they elect prior to the close of escrow. The lease termination agreement between Seller and Vicorp/Bakers Square shall reflect that any Vicorp/Bakers Square personal property remaining on or about the Property after the close of escrow shall belong to the Buyer. Buyer shall have the right to inspect the removal of personal property prior to close of escrow..

18) **SUCCESSORS & ASSIGNS:** This Agreement and addenda hereto shall be binding upon and inure to the benefit of the heirs, successors, agents, representatives and assigns of the parties hereto.

19) **ATTORNEYS' FEES:** In any litigation, arbitration or other legal proceeding which may arise between any of the parties hereto, including Agent(s), the prevailing party shall be entitled to recover its costs, including costs or arbitration, and reasonable attorneys' fees in addition to any other relief to which such party may be entitled.

Buyer's Initials CRP TR M.K. Seller's Initials S.M.D. DVC
mdal

- 20) **TIME:** Time is of the essence of this Agreement.
- 21) **NOTICES:** All notices required or permitted hereunder shall be given to the parties in writing (with a copy to Agent(s)) at their respective addresses as set forth below. Should the date upon which any act required to be performed by this Agreement fall on a Saturday, Sunday or holiday, the time for performance shall be extended to the next business day.
- 22) **FOREIGN INVESTOR DISCLOSURE:** Seller and Buyer agree to execute and deliver any instrument, affidavit or statement, and to perform any act reasonably necessary to carry out the provisions of this Foreign Investment in Real Property Tax Act and regulations promulgated thereunder.
- 23) **REPRESENTATIONS AND WARRANTIES OF SELLER:** Seller hereby represents and warrants to Buyer as follows:
- a) Seller has full right, power, and authority to execute, deliver, and perform this Agreement.
 - b) To the best of Seller's knowledge, Seller is not aware of any condemnation, environmental, zoning or other land-use regulation proceedings, either instituted or planned to be instituted, which would detrimentally affect access to the Property, the use and operation of the Property for its intended purpose, or the value of the Property, nor has Seller received notice of any special assessment proceedings affecting the Property.
 - c) To the best of Seller's knowledge, there is no litigation pending or threatened against Seller or any basis therefore that arises out of the ownership or use of the Property or that might detrimentally affect the use or operation of the Property for its intended purpose or the value of the Property for its intended purpose or the value of the Property or adversely affect the ability of Seller to perform its obligations under this agreement.
 - d) At the time of Closing there will be no outstanding contracts made by Seller for any improvements to the Property which have not been fully paid for and Seller shall cause to be discharged all mechanics' or material men's liens arising from any labor or materials furnished to the Property prior to the time of Closing.
 - e) Seller knows of no facts nor has Seller failed to disclose any fact, which would prevent the Property from being operated after the Closing in the same manner as on the date hereof.
 - f) Seller is not a "foreign person" within the meaning of Section 1445 (f) (3) of the code.
- 24) **BUYER'S CONSENT TO NEW CONTRACTS AFFECTING THE PROPERTY:** Seller shall not, after the effective date of this Agreement, enter into, terminate, or modify and lease, contract, or agreement affecting the Property or the operation thereof after the Closing, or waive any rights of Seller thereunder, without in each case obtaining Buyer's prior written consent thereto which shall not be unreasonably withheld.
- 25) **COOPERATION IN EXCHANGE:** Buyer agrees to cooperate with Seller regarding Seller's interest in effecting a tax deferred 1031 exchange provided there is no cost to Buyer resulting from said cooperation.
- 26) **ADDENDA:** Any addendum attached hereto and either signed or initialed by the parties shall be deemed a part hereof. This Agreement, including addenda, if any, expresses the entire agreement of the parties and supersedes any and all previous agreements between the parties with regard to the Property. There are no other understandings, oral or written, which in any way alter or enlarge its terms, and there are no warranties or representations of any nature whatsoever, either express or implied, except as set forth herein. Any future modification of this Agreement will be effective only if it is in writing and signed by the parties.
- 27) **ACCEPTANCE AND EFFECTIVE DATE:** Buyer's signature hereon constitutes an offer to Seller to purchase the Property on the terms and conditions set forth herein. Unless acceptance hereof is made by Seller's execution of this Agreement and delivery of a fully executed copy to Buyer, either in person or by

Buyer's Initials CS Seller's Initials MD

mail at the address shown below, on or before ten (10) days from contract execution this offer shall be null and void, the Deposit shall be returned to Buyer and neither Seller no Buyer shall have any further rights or obligations the next business day following the date of postmark. The "Effective Date" of this Agreement shall be the date of mutual execution of this Agreement defined as the later of (a) the date on which Seller executes this Agreement, or (b) the date on which Buyer executes this Agreement.

- 28) **GOVERNING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the State of California.
- 29) **ASSIGNABILITY:** Buyer shall have the right to assign his rights hereunder to one or more nominees with written approval of Seller, provided that any such nominee shall assume all the obligations contained herein.

SELLER'S RESPONSIBILITY: Seller shall, until close of escrow, cause the property to be maintained in good and neat condition, including all landscaping, equipment, and fixtures. Seller shall cause the parking lot to be re-sealed, potholes filled, and parking spaces re-stripped to a condition acceptable for conducting a restaurant business.

Buyer's Initials QSP Seller's Initials R.M.D. A.M.C.
M.J.R.

THE PARTIES ARE ADVISED TO CONSULT THEIR RESPECTIVE ATTORNEYS WITH REGARD TO THE LEGAL EFFECT AND VALIDITY OF THIS PURCHASE AGREEMENT.

The undersigned Buyer hereby offers and agrees to purchase the above-described Property for the price and upon the terms and conditions herein stated.

The undersigned Seller hereby agrees to sell the above-described Property for the price and upon the terms and conditions herein stated.

BUYER:

Carlos J. Ratinho 3/24/03
Carlos J. Ratinho Date

Suzann Ratinho 3/24/03
Suzann Ratinho Date

Manuel G. Ratinho 3/25/03
Manuel G. Ratinho Date

Theresa Ratinho 3/25/03
Theresa Ratinho Date

ADDRESS: 1181 Orchid Street
Livermore Ca 94551 *3412*

SELLER:

Louis M. Dentici, Trustee Date: 3-31-03
Louis M. Dentici, Trustee

Margaret S. Dentici, Trustee Date: 3-31-03
Margaret S. Dentici, Trustee

Dorothy V. Cavalli, Trustee Date: 4-1-03
Dorothy V. Cavalli, Trustee

ADDRESS: 7250 Sandpiper Common *32417*
Livermore Ca 94551

Buyer's Initials *CR MR* Seller's Initials *L.M.D. M.S. D.V.*

ADDENDUM TO PURCHASE AND SALE AGREEMENT

The Property consists of all land and improvements located at:

1304 FIRST STREET, LIVERMORE, CALIFORNIA, COUNTY OF ALAMEDA
APN# 98-403-12

PAGE 4:

17) PERSONAL PROPERTY:

Addition is: Any damage to the property caused by the removal of personal property shall be repaired or paid for by the seller.

BUYER:
Carlos Ratinho 3/24/03
CARLOS RATINHO DATE

Suzann Ratinho 3/24/03
SUZANN RATINHO DATE

Manuel G. Ratinho 3/25/03
MANUEL G. RATINHO DATE

Theresa Ratinho 3/25/03
THERESA RATINHO DATE

SELLER:

Louis M. Dentici Trustee 3-31-03
LOUIS M. DENTICI, TRUSTEE DATE

Margaret S. Dentici Trustee 3-31-03
MARGARET S. DENTICI, TRUSTEE DATE

Dorothy Y. Cavalli Trustee 4-1-03
DOROTHY Y. CAVALLI, TRUSTEE DATE

BUYER'S INITIALS *CR*

SELLER'S INITIALS *L.M.D. M.S.D. D.Y.C.*



EQUITY ENTERPRISES
 Commercial Real Estate
 1811 Santa Rita Road, Suite 128
 Pleasanton, CA 94566

TC

FAX TRANSMITTAL

TO: *J*

Name: *Ronna Brogas*

Co: *Alameda Co. Health Dept*

Fax: *510-337-9335*

cc: _____

Fax: _____

cc: _____

Fax: _____

DATE: *11-17-03*

PAGE: *1* OF *11*

FROM:

Brad Hirst
 Equity Enterprises
 Phone: (925) 484-3636
 Fax: (925) 484-3923
 E-mail: brad-equity@msn.com

REMARKS:

1304 First St. Livermore

11-17-03
4:30

*Sent to you at
 request of Dennis Laduginisky*

Thank you

BRAD-EQUITY

From: Stefani, Danielle [DStefani@lpfire.org]
Sent: Friday, November 14, 2003 3:53 PM
To: 'carlos ratinho'
Subject: RE: 1304 first st livermore

Hi Carlos - Here is the letter. As I said, if this does not take care of the issue, let me know ASAP and we will come up with a game plan.

Danielle Stefani

Hazardous Materials Coordinator
 Livermore-Pleasanton Fire Department
 3580 Nevada St.
 Pleasanton, CA 94566

925-454-2338 office
 925-454-2367 fax

-----Original Message-----

From: carlos ratinho [mailto:ratinhofamily@sbcglobal.net]
Sent: Friday, November 14, 2003 10:06 AM
To: dstefani@lpfire.org
Subject: Fwd: 1304 first st livermore

Note: forwarded message attached.

Post-it® Fax Note	7671	Date	# of pages ▶
To	Dennis Leduzinski	From	Brad Horst
Co./Dept.	Northgate Fire		Equity Enterprises
Phone #		Phone #	925-484-3636
Fax #	510-539-4350	Fax #	925-484-3923

11/16/03

RECEIVED
NOV 15 2003

BY:.....

November 14, 2003

Mr. Carlos Ratinho
1181 Orchid St.
Livermore, CA 94551

Subject: 1304 First St., Livermore, California

Dear Mr. Ratinho:

The Livermore-Pleasanton Fire Department will not hold past, current, or future property owners (including Ratinho Real Estate Inc.), lenders (including CIT Lending), or the Small Business Administration involved in 1304 First St. Livermore, CA responsible for contamination at this site that originated off-site. Based upon the reports submitted to this office, we concur that it appears the contamination originated off-site.

Please contact me at 925-454-2338 or dstefani@lpfire.org if you have any questions or need additional assistance.

Sincerely,

Danielle Stefani

Chu, Eva, Env. Health

From: SHARI KNIERIEM [SKNIERIE@cwpswrcb.ca.gov]
Sent: Wednesday, August 14, 2002 9:14 AM
To: Shuwayhatg@aol.com
Cc: EChu@co.alameda.ca.us
Subject: Re: questions about cleanup???? thankyou

<http://www.swrcb.ca.gov/cwphome/ustcf/docs/assignmentofclaims/assignment2.pdf>

Question 1. Listed above for your review is a draft that the Fund has prepared to aid the claimants if they should decide to assign their rights of the subject claim to a prospective buyer. The assignment can be done at the time the site is sold. If you should have questions regarding the assignment, you may contact Laura Beck of our office at (916) 341-5640.

Questions 2,3, & 5 is not the Fund's purview. The Fund is a reimbursement program to assist owners/operators that have experienced an unauthorized release of petroleum that has caused contamination to the soil and or groundwater and the local regulator is requiring corrective action.

Question 4. This site is in the Local Oversight Program (LOP). You should contact the LOP for this information. The LOP is the agency that oversees the corrective action at the subject site. Alameda County Environmental Health Services is the LOP. The staff person at the LOP that is overseeing the subject site is Ms. Eva Chu, you may contact her at (510) 567-6762.

Question 6. Your parents may remain the responsible party even if they sell the subject site.

Question 7. Please contact the LOP.

I am forwarding your e-mail to Eva Chu at Alameda County.

Shari Knieriem
UST Cleanup Fund
(916) 341-5714
Fax (916) 341-5806
sknierie@cwpswrcb.ca.gov

>>> <Shuwayhatg@aol.com> 08/13/02 05:20PM >>>
hi Shari:
claim:014294
address: 160 holmes street, livermore ca 94550

hi Shari, thanks for returning my call today... i recently took of leave of absence to help my father, who is ill, to sell the family business... i am extremely unaware of this industry and the contamination clean-up process underground. enclosed is a list of questions regarding our site... i understand that you may not be able to answer all the questions -- if you can refer to the person that i should talk to about some of the questions you cant answer it would be greatly appreciated... i just dont know where to start, hopefully you can help. thank you sooo much, gus.

1. is it possible to legally transfer responsibility of cleanup to a buying party? and can he be the one to get reimbursed as we were? in other words, if we sell to someone else "as is", (and he or she know about the current problems underground) we do not want to be liable anymore, and do not want to get sued in the future if other problems arise or if he is unable to get it

done. is this contamination problem something that can haunt us in the future? how does this work?

2. do you know if any banks will finance a loan to a buying party who is interested in our station?

3. Do you know of any lawyers who specialize in these areas and are familiar with your programs that could be recommended to us.

4. Any idea what steps need to be taken or as to how much longer until certificate of clean land is given to us? How bad is our site and what else needs to get done?

5. We were told be a real estate agent that stations are never clean and that processes can take forever and ever because new laws are always coming up. is this true?

6. one potential buyer wants to buy the station under the agreement that we are responsible for the cleanup...can we continue to get reimbursed for our efforts even if we sell to a third party?

7. How can we obtain a report as to an analysis of our current contamination problem?

thanks again, your help is appreciated by our family -- feel free to call me at 510-541-5471.

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

RO0000324

February 22, 2002

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
160 Holmes Street
Livermore, CA 94550

RE: Aquifer Pump Test and MTBE Treatment Study for 160 Holmes Street, Livermore, CA

Dear Mr. Shuwyahat:

I have completed review of Geo Environmental Technologies' (GET) February 2002 *Offsite Assessment and Installation of Groundwater Monitoring Wells* report prepared for the above referenced site. Three off-site groundwater monitoring wells and one on-site extraction well were installed. Surprisingly, groundwater from the new off-site wells did not contain TPHg, BTEX and MTBE at the magnitude expected. Rather, low levels were detected. The on-site extraction well contained 13,000ppb TPHg, 180ppb benzene and 2,200ppb MTBE. On-site wells MW-1 through MW-3 were not monitored since they remain dry.

GET recommended to proceed with an aquifer pump test and MTBE treatment study. GET also recommended to perform a soil vapor extraction test, while the shallow wells remain dry. This office concurs with the recommendations. The aquifer pump test and soil vapor test and MTBE treatment study should be commence within 60 days of the date of this letter, or by April 25, 2002.

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

eva chu
Hazardous Materials Specialist

email: Costas Orountiotis
Danielle Stefani

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



September 26, 2001

RO0000324

Mr. Manwel Shuwyahat
Livermore Gas and Mini Mart
160 Holmes Street
Livermore, CA 94550

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

RE: Workplan Approval for 160 Holmes Street, Livermore, CA

Dear Mr. Shuwyahat:

I have completed review of Geo Environmental Technologies' (GET) August 2001 *Workplan: Additional Investigation Extraction Well Installation*, a report prepared for the above referenced site. GET's proposal to install offsite groundwater monitoring wells and an onsite groundwater extraction well is acceptable. The offsite wells will help to delineate the extent of the contaminant plume. The extraction well will be used to perform an aquifer pump test and MTBE treatment study.

Be advised that as of January 2002, all monitoring wells need to be surveyed using latitude/longitude coordinants to sub-meter accuracy. In addition, all future laboratory analytical results need to be filed electronically with the State Water Resources Control Board. A hard copy of the lab results is still required by this office.

Field work should commence within 60 days of the date of this letter, **or by November 28, 2001**. Please provide at least 72 hours advance notice of field activities. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

email: Costas Orountiotis

Chu, Eva, Env. Health

From: Costas7719@aol.com[SMTP:Costas7719@aol.com]
Sent: September 06, 2001 8:27 AM
To: EChu@co.alameda.ca.us
Subject: Re: 160 Holmes, Livermore, CA

Hi Eva

My regular driller is Exploration Geoservices; Bruce informed me that he has the first opening on 10/4/01 and that the full job may take 2-3 days. He will keep me in mind if any cancellations come up and we will install the extraction well first should that be the case; it will take a full day for that well alone. So, that is my tentative schedule for the drill.

The Livermore source control office is sending me the applications for the discharge permit and I have been talking to the equipment manufacturer regarding the MTBE feasibility study; that will be done asap after the extraction well is installed and it will be independent of the rest of the drilling schedule.

Costas

Chu, Eva, Env. Health

From: Costas7719@aol.com[SMTP:Costas7719@aol.com]
Sent: September 05, 2001 3:01 PM
To: EChu@co.alameda.ca.us
Subject: Re: 160 Holmes, Livermore, CA

Hello Eva,

On 8/22/01 I sent my technician to sample the wells at Livermore; he reported that they were dry. In view of that I would like to amend the depth of the proposed wells to 40-45 feet bgs. I have no doubt that groundwater will be rising again if we have anything like normal rainfall, however, it appears that the changes in groundwater elevations are larger than I had anticipated. Additionally, I believe that a longer than traditionally allowed screen interval is needed; in this case I would like to use a screen interval of 30 feet.

Extracted groundwater will not exceed 20,000 gallons (the nominal Baker tank capacity is 22,000 gallons) and it will be pumped at rates of 3-10 gpm. The water will be sampled six times, from the influent and effluent of the MTBE treatment system at differing pumping rates. A final sample will be collected from the tank 24-72 hrs after the pump test is completed and the tank is full. Groundwater in the tank will be tested as required by, and the results submitted to the City of Livermore Source Control office for permission to discharge.

Costas

4.5 CHEMICAL-SPECIFIC PARAMETERS

Table 4-9 provides a description of the chemical-specific toxicity and risk parameters, identifies the pathways to which each is applied, and indicates the mathematical relationship of the RBSLs to the input value.

Table 4-9. Descriptions of Oakland Tier 1 Chemical-Specific Toxicity and Risk Parameters

Input parameter	Description	Applicable Pathways	RBSL Relationship*
Slope factor (oral, inhalation and dermal)	Upper-bound estimate of the probability of a carcinogenic response per unit intake of a chemical over a lifetime.	All.	Inverse. <i>Moderate sensitivity.</i>
Reference dose (oral, inhalation and dermal)	Toxicity value for evaluating non-carcinogenic effects resulting from exposure to a chemical. Used to calculate the hazard quotient.	All.	Parallel. <i>High sensitivity.</i>
Absorption adjustment factor (dermal contact with soil)	Used to calculate desorption of the chemical from the soil matrix and absorption of the chemical across the skin.	<i>Surficial soil.</i>	Inverse. <i>Moderate sensitivity.</i>
Skin permeability coefficient (dermal contact with water)	Used to calculate movement of the chemical in water across the skin and into the bloodstream.	<i>Water used for recreation.</i>	Inverse. <i>Moderate sensitivity.</i>

**Low* sensitivity generally indicates a linear relationship and a range of expected values over which the RBSLs are not very sensitive; *moderate* sensitivity generally indicates a linear relationship and a range of expected values over which the RBSLs are quite sensitive; *high* sensitivity generally indicates a non-linear relationship which may produce changes in the RBSLs of ± 1 order of magnitude over the range of expected values.

Table 4-10 provides a description of the chemical-specific fate and transport parameters, identifies the pathways to which each is applied, and indicates the mathematical relationship of the RBSLs to the input value.

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

RO0000324

May 30, 2001

Mr. Manwel Shuwyahat
Livermore Gas and Mini mart
160 Holmes Street
Livermore, CA 94550

RE: Workplan for 160 Holmes Street, Livermore, CA

Dear Mr. Shuwyahat:

I have completed review of Geo Environmental Technologies' (GET) May 2001 *Downgradient Investigation of Groundwater* report prepared for the above referenced site. Two onsite and three offsite borings were advanced to delineate the lateral extent of groundwater contamination. Based on the results of this investigation, GET recommended the installation of permanent offsite groundwater monitoring wells and one onsite extraction well.

GET's recommendations are appropriate at this time. Please provide a workplan for the installation of permanent groundwater monitoring wells. The workplan is due within 45 days of the date of this letter, or **by July 17, 2001**. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

email: Costas Orountiotis

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

StID 4130

January 26, 2001

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
160 Holmes Street
Livermore, CA 94550

RE: Workplan Approval for 160 Holmes Street, Livermore, CA

Dear Mr. Shuwayhat:

I have completed review of GET's January 22, 2001 *Workplan - Offsite Soil and Groundwater Investigation*, prepared for the above referenced site. GET proposed to advance seven to nine borings using direct push technology. Three of the borings are proposed on-site. Three or more borings are proposed off-site.

Upon review of the location of the proposed borings, I do not believe that proposed Boring B1 and B3 are necessary. Rather, I would like to see additional borings advanced further west/northwest of proposed Boring BZ and BY. It is hoped that these additional borings will help to delineate the extent of the MTBE plume and to help site permanent groundwater monitoring wells. It is also recommended that multiple depth discrete groundwater samples be collected from proposed Boring B5, B6, and BY.

The workplan is acceptable with the above recommended changes/additions. I understand that field work is scheduled for February 1, 2001. If the work schedule changes, please provide an update to this office. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

email: Costas Orountiotis (coetice@hotmail.com)
Danielle Stefani (dstefani@lpfire.org)
Matt Katen, Zone 7 (QIC 80201)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



StID 4130

January 17, 2001

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
160 Holmes Street
Livermore, CA 94550

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

SECOND NOTICE OF VIOLATION

Dear Mr. Shuwayhat:

On October 16, 2000, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting a technical report for expedited site assessment to determine the extent of soil and water contamination on- and offsite due to the unauthorized release of fuel products at **160 Holmes Street, Livermore, CA**. As of the date of this letter, however, we have not received the required workplan. Therefore, this letter constitutes a **Second Notice** that you are in violation of specific laws and that the technical report is due.

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

You are required to submit the technical report for the site to this office **within 15 days** from the date of this letter. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by this agency.

Be advised that failure to be in compliance with corrective action directives may jeopardize your eligibility to remain in the UST Cleanup Fund. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

email: Costas Orountiotis (coetic@hotmail.com)
Danielle Stefani (dstefani@lpfire.org)
Matt Katen, Zone 7 (QIC 80201)
Chuck Headlee (cth@rb2.swrcb.ca.gov)

holmes6

Alameda County Environmental Health

1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
Telephone (510) 567-6700 FAX (510) 337-9335

FACSIMILE COVER SHEET

TO: Costas (408) ²⁴⁸⁻⁷⁶⁸⁵ ~~244-7277~~

FROM: Eva Chu

DATE: ²² Dec 12, 2000

Total number of pages including cover sheet 37

-NOTES- Here is a well survey done by zone 7.
Hopefully it's not too difficult to read. There
appears to be a CWS #3 well around E. Stanley
which may be the nearest production well.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



StID 4130

October 16, 2000

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
160 Holmes Street
Livermore, CA 94550

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

RE: Expedited Site Assessment Work Plan for 160 Holmes Street, Livermore, CA

Dear Mr. Shuwayhat:

I have completed review of ETIC's September 2000 *Preliminary Site Assessment* report prepared for the above referenced site. That report summarized findings during the installation and sampling of three groundwater monitoring wells at the site. Groundwater analytical results identified up to 170,000ppb TPHg, 57,000ppb TPHd, 6,400ppb benzene, and 320,000ppb MTBE in Well MW-1.

Clearly, there has been a fuel release at the site that could potentially impact water supply wells in the Livermore Valley. A California Water Services well is located approximately 1,000 feet downgradient of the site. For this reason, the cleanup priority determined for the site is Class A, a high priority case. In other words, expedited site assessment (ESA) should be conducted at the site. A workplan for continued site assessment on- and off-site is due within 45 days of the date of this letter, or by **December 1, 2000**. A flowchart depicting the EAS process is enclosed. The outcome of the ESA should demonstrate an understanding of the 3-dimensional distribution of contamination, define the geological/hydrogeological site conditions, and identify migration pathways and points of exposure. With this information, an appropriate corrective and/or remedial action plan can be prepared for the site.

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

eva chu
Hazardous Materials Specialist

c: Shari Knieriem, UST Cleanup Fund (w/o)
Matt Katen, Zone 7 (QIC 80201) (w/o)
Sam Palermo, CWS, 195 South N Street, Livermore, CA 94550 (w/o)
Chuck Headlee, SF-RWQCB (w/o)
Danielle Stefani, Livermore-Pleasanton Fire Department (w/o)
Costas Orountiotis, ETIC, 3275 Stevens Creek Blvd, #315, San Jose, CA 95117

holmes5

Chu, Eva, Public Health, EHS

From: Chu, Eva, Public Health, EHS
Sent: September 29, 2000 4:40 PM
To: 'coetic@hotmail.com'
Subject: 160 Holmes Street, Livermore, CA

Costas,

I got your PSA report. I agree with your recommendations to do hydropunches to delineate the extent of the plume before we site the permanent offsite wells.

Would you look into your notes to see what depth the soil samples were collected at the time of tank removal. Soil sample T1-West has 24ppm MTBE, T2 and T3-West had 47ppm MTBE and T4-West had 110ppm MTBE. It may be a good idea to consider vapor extraction as soon as possible to remove MTBE in the vapor phase before it gets into groundwater. Once it's in groundwater, it will be very difficult to remediate. Livermore use their groundwater and we need to protect all water supply wells from potential impact by MTBE. This is a high priority case.

When I get the above information, I will send out a letter for additional investigations at the site.

Hear from you soon.

*Also asked to confirm MTBE + Ether oxygenates next
sampling event (Oct 2000)*



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

August 14, 2000

Bob Cochran
Chevron U.S.A. Products Co.
P O Box 6004 Bldg L
San Ramon, CA 94583-0804

HO 037

AG

8770 6905

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NUMBER 015747; FOR SITE ADDRESS: 30151 INDUSTRIAL PKWY, HAYWARD

Your claim has been accepted for placement on the Priority List in Priority Class "D" with a deductible of \$10,000.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. *It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.*

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an

investigative workplan/Corrective Action Plan (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids and cost preapproval, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact me at (916) 227-4366.

Sincerely,



Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 95894-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphone/ustcr>

ENVIRONMENTAL
PROTECTION
03 MAY 16 AM 9:21

Gray Davis
Governor

MAY 11 2000

Samira Shuwayhat
Manwel & Samira Shuwayhat
202 West Main Street # 7
Ripon, CA 95366

Handwritten notes: #1136, RO 0324, and a signature.

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 014294, FOR SITE ADDRESS: 160 HOLMES ST, LIVERMORE

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 \$30,000. 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.

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 Mark Owens, our Technical Reviewer assigned to claims in your Region, at (916) 227-7883. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.

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.**

"Reimbursement Request" forms which you **must use to request reimbursement of costs incurred.**

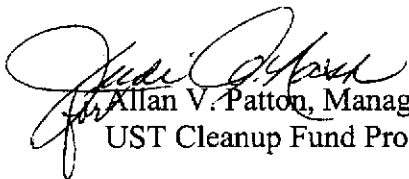
"Spreadsheet" forms which you **must use in conjunction with your reimbursement request.**

➤ **THIS IS IMPORTANT TO YOU, PLEASE NOTE:**

You have 90 calendar days from the date of this letter to submit your first reimbursement request for incurred corrective action costs. **NO EXTENSIONS CAN BE GRANTED.** If you fail to do so, your LOC funds will automatically be reduced to zero (deobligated). Once this occurs, any future funds for this site are subject to availability when you submit your first reimbursement request. We continuously review the status of all active claims. You must continue to remain in compliance and submit a reimbursement request every 6 months. Failure to do so will result in the Fund taking steps to withdraw your LOC.

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

Sincerely,


Allan V. Patton, Manager
UST Cleanup Fund Program

Enclosures

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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

Chu, Eva, Public Health, EH

From: Chu, Eva, Public Health, EH
Sent: lunedì 31 gennaio 2000 8.57
To: 'coetic@hotmail.com'
Subject: 160 Holmes Street, Livermore

Hi Costas,

I know a week ago or so you left a voice mail regarding the above referenced site. You said that a workplan will be coming in about two weeks. This is just a reminder that I need a workplan as soon as possible because the SWRCB-Clean Up Fund was at our office (Jan 14) reviewing the case for compliance and qualification into the Cleanup Fund. Currently, without the required workplan, the site is not in compliance. Once I am in receipt of the workplan, I can notify the SWRQB that the site is under compliance, so they can proceed with qualifying Manwel Shuwayhat and hopefully issue a Letter of Commitment.

If you cannot get a workplan to this office for review, please let me know. Thanks.

eva

evachu

Alameda Co. Environmental Health
Phone: (510) 567-6762
Fax: (510) 337-9335

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

StID 4130

February 8, 2000

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
54 Wolfe Canyon Road
Kentfield, CA 94904

RE: Work Plan Approval for 160 Holmes Street, Livermore, CA

Dear Mr. Shuwayhat:

I have completed review of ETIC's January 2000 *Workplan for PSA* prepared for the above referenced site. The proposal to install three groundwater monitoring wells is acceptable with the following changes/additions:

- A ten foot perforated screen length is proposed for each well. This office recommends that ten feet of screen length below and five feet of screen length above the water table surface be installed to accommodate seasonal groundwater fluctuation.
- Each boring should be properly logged.
- Groundwater monitoring wells should be surveyed to an established benchmark to 0.01 foot.
- Each well should be properly developed 72 hours prior to initial sampling.

The work plan should be implemented within 60 days of the date of this letter. Please notify this office at least 72 hours prior to the start of field work. If you have any questions, I can be reached at (510) 567-6762.

eva chu
Hazardous Materials Specialist

email: Costas Orountiotis (coetic@hotmail.com)
Shari Knieriem (sknierie@cwpswrcb.ca.gov)

holmes4



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

January 19, 2000

Samira Shuwayhat
Manwel & Samira Shuwayhat
54 Wolfe Canyon Rd
Kentfield, CA 94904

300304
~~300304~~
LC

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NUMBER 014294; FOR SITE ADDRESS: 160 HOLMES ST, LIVERMORE

Your claim has been accepted for placement on the Priority List in Priority Class "B" with a deductible of \$5,000.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. *It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.*

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an

*ENVIRONMENTAL PROTECTION AGENCY
OCT 20 PM 3:28*
investigative workplan/Corrective Action Plan (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids and cost preapproval, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact me at (916) 227-4366.

Sincerely,

Shari Knieriem

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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

STID# 4130

LOP - RECORD CHANGE REQUEST FORM

printed:
01/05/2000

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

Insp: EC

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
 StID : 4130 LOC: -0-
 SITE NAME: Livermore Gas & Mini Mart DATE REPORTED : 03/23/1999
 ADDRESS : 160 -0 Holmes Street DATE CONFIRMED: 03/05/1999
 CITY/ZIP : Livermore 94553 MULTIPLE RPs : N

SITE STATUS

CASE TYPE: 0 CONTRACT STATUS: 2 PRIOR CODE:2A4 EMERGENCY RESP: -0-
 RP SEARCH: S DATE COMPLETED: 04/02/1999
 PRELIMINARY ASMNT: - DATE UNDERWAY: -0- DATE COMPLETED: -0-
 REM INVESTIGATION: - DATE UNDERWAY: -0- DATE COMPLETED: -0-
 REMEDIAL ACTION: - DATE UNDERWAY: -0- DATE COMPLETED: -0-
 POST REMED ACT MON:- DATE UNDERWAY: -0- DATE COMPLETED: -0-

ENFORCEMENT ACTION TYPE: 1 DATE ENFORCEMENT ACTION TAKEN: 04/02/1999
 LUFT FIELD MANUAL CONSID: 3
 CASE CLOSED: - DATE CASE CLOSED: -0-
 DATE EXCAVATION STARTED : -0- REMEDIAL ACTIONS TAKEN: -0-

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Manwel Shuwayhat
 COMPANY NAME: Livermore Gas & Mini Mart
 ADDRESS: 202 South Main Street
 CITY/STATE: Ripon, C A 95366

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only			Case Progress Changes	
ANPPGMS _____	LOP _____	DATE _____	LOP _____	DATE _____



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4366
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FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

NOV 30 1999

Bank Of America
169 Lakeshore Ct
Richmond, CA 94804

RD 0334
~~602~~ BC

99 DEC -1 PM 2:41
ENVIRONMENTAL
PROTECTION

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, PROGRAM MANAGER
DECISION FOR ELIGIBILITY DETERMINATION: CLAIM NUMBER 014129; FOR SITE
ADDRESS: 630 29TH AVE, OAKLAND

I have received your request for a Program Manager Decision. Our letter dated November 18, 1999 informed you that your claim has been determined eligible. Therefore, the claim is eligible for placement on the Priority List in Priority Class "D".

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. ***It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.***

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of

Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an *investigative workplan/Corrective Action Plan* (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids and cost preapproval, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact Shari Knieriem at (916) 227-4366.

Sincerely,



Dave Deaner, Manager
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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

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)

StID 4130

November 24, 1999

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
54 Wolfe Canyon road
Kentfield, CA 94904

SECOND NOTICE OF VIOLATION

Dear Mr. Shuwayhat:

On July 26, 1999, the Alameda County Department of Environmental Health, Hazardous Materials Division, sent you a letter requesting a workplan detailing the work to be performed to determine the extent of soil and groundwater contamination at **160 Holmes Street, Livermore, CA**. As of the date of this letter, however, we have not received any communication from you on this matter. Therefore, this letter constitutes a **Second Notice** that you are in violation of specific laws and that the technical report is due.

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

You are required to submit the technical report for the site to this office **within 30 days** from the date of this letter or by **December 27, 1999**. Failure to respond may result in referral of this case to the RWQCB or Alameda County District Attorney to consider for enforcement action. Modification of required tasks or extensions of stated deadlines must be confirmed in writing by either this agency or the RWQCB.

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

eva chu
Hazardous Materials Specialist

holmes3



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4360
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

99 NOV 19 PM 2:15

ENVIRONMENTAL
PROTECTION

NOV 18 1999

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BC

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~~AT~~ LOP

Mr. Thomas M. Downey
Law Offices of Burnham & Brown
1901 Harrison Street, 11th Floor
Oakland, Ca 94612-3501

Dear Mr. Downey:

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND); CLAIM NO. 14129, BANK OF AMERICA (CLAIMANT); 630 29TH AVENUE, OAKLAND (SITE)

I have reviewed your letter dated October 15, 1999 in which you request a reconsideration of our August 20, 1999 staff decision. The staff decision indicates that the claimant is ineligible for placement on the Fund's Priority List because Bank of America (Bank) is not incurring or paying for corrective action costs at the site. You contend that Clayton Environmental Consultants, Inc. (Clayton) is performing the corrective action on the Bank's behalf, therefore, the Bank should be eligible for placement on the Priority List.

As a brief background, in 1995 the claimant retained Clayton to perform an investigation of the site before taking title. Based on Clayton's site investigation report, which indicated that there were no underground storage tanks (UST) situated on the property, the Bank acquired the property. Subsequently, a prospective buyer discovered an abandoned UST located on the property. On August 20, 1996 the Bank and Clayton entered into an agreement whereby Clayton would remove the UST and, if necessary, remediate any contamination. With regard to costs, the parties agreed to cooperate with one another in order that all corrective action costs would be reimbursed by the Fund. It was further agreed that any reimbursement from the Fund would be paid over to the party that incurred the cost.

Section 2812.2(b) of the Cleanup Fund Regulations states "Only corrective action and third party compensation claim costs incurred by or on behalf of a claimant shall be reimbursable from the Fund".

Although the language of the agreement does not specifically state that Clayton is to perform the work on behalf of the Bank or that the Bank is obligated to repay Clayton with reimbursements from the Fund, the factual background and supporting documentation indicate that this is the case. The agreement is clear inasmuch as there is no admission of liability or responsibility by neither the Bank nor Clayton. Also, the agreement was executed by the parties prior to the work being performed and was made with reliance on the Fund for reimbursement of all corrective action costs. In addition, had Clayton discovered the UST during the initial site investigation, the Bank would have been an eligible claimant to the Fund.

Mr. Thomas M. Downey

- 2 -

Therefore, I have determined this claim to be eligible for placement on the Priority List in the Class D category. Please be aware that double payment on account of any corrective action costs is not allowed. Therefore, if either party receives money from another source (i.e. insurance company) for the cleanup of this site, such money must be reported to the Fund regardless of how the money was characterized.

If you have any questions, please call Steve Parada of my staff at (916) 227-4486

Sincerely,



Dave Deaner
Program Manager
UST Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Suite 1400
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

STLD - 4130

"EC"



State Water Resources Control Board

Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor
CALIFORNIA
ENVIRONMENTAL
PROTECTION
AGENCY
SEP 14 PM 1:45

September 13, 1999

Samira Shuwayhat
Manwel & Samira Shuwayhat
P.O. Box 1603
San Anselmo, CA 94979

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, REQUEST FOR FURTHER DOCUMENTATION DURING INITIAL REVIEW: CLAIM NUMBER 014294; FOR SITE ADDRESS: 160 HOLMES ST, LIVERMORE 94553

After reviewing your claim application to the Cleanup Fund, we find that the following additional information is needed to determine your eligibility for placement on the Priority List:

Please provide a copy of your escrow documents that show the terms and conditions of the purchase of the subject site in 1994.

NOTE: Failure to respond to this request within thirty (30) calendar days from the date of this letter may result in an ineligibility determination of your claim.

If you have any questions, please contact me at (916) 227-4366.

Sincerely,

ORIGINAL SIGNED BY

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

loc issued May 2000

*Allen Patton 916-227-4360
fast track for reimbursement*

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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

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)

StID 4130

July 26, 1999

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
54 Wolfe Canyon Road
Kentfield, C A 94904

**SUBJECT: NEW LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS
FOR 160 HOLMES STREET, LIVERMORE, CA**

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

Mr. Shuwayhat
re: PSA for 160 Holmes St, Livermore
July 26, 1999
Page 2 of 2

You may use the enclosed "notice of proposed action" form (sample letter 3) to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

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



eva chu
Hazardous Materials Specialist

Attachments

c: Chuck Headlee, RWQCB

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)

StID 4130

July 26, 1999

Mr. Manwel Shuwayhat
Livermore Gas and Mini Mart
54 Wolfe Canyon Road
Kentfield, C A 94904

RE: **PSA for 160 Holmes Street, Livermore, CA**

Dear Mr. Shuwayhat:

I have completed review of ETIC's July 1999 reports documenting the removal of four underground storage tanks (in February 1999) at the above referenced address. Soil samples collected from the tank excavation contained up to 6,500 parts per million total petroleum hydrocarbons as gasoline (TPHg) and 110 ppm Methy-Tert-Butyl-Ether (MTBE). In addition, a grab water sample collected from a soil boring advanced next to the former USTs contained 100 ppm TPHg and 60ppm MTBE. Clearly an unauthorized release of fuel products has occurred at the site.

At this time, additional investigations are required to delineate the extent and severity of soil and groundwater contamination at the site. Such an investigation shall be in the form of a **Preliminary Site Assessment**, or PSA. The information gathered by the PSA will be used to determine an appropriate course of action to remediate the site, if deemed necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks, and Article 11 of Title 23, California Code of Regulations. The major elements of such an investigation are summarized in the attached Appendix A.

In order to proceed with this site investigation, you should obtain the professional services of a reputable environmental consultant. Your responsibility is to have the consultant submit for review a proposal outlining planned activities for the delineation of soil and groundwater contamination at the site.

The PSA proposal is due **within 60 days** of the date of this letter, or **by September 27, 1999**. Once the proposal is approved, field work should commence within 60 days. A report must be submitted within 45 days after the completion of this phase of work at the site. Subsequent reports are to be submitted quarterly until this site qualifies for RWQCB "sign off." All reports and proposals must be submitted under seal of a California Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer.

Mr. Shuwayhat
re: PSA for 160 Holmes St, Livermore
July 26, 1999
Page 2 of 2

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

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



eva chu
Hazardous Materials Specialist

attachment



State Water Resources Control Board



Division of Clean Water Programs

2014 T Street • Sacramento, California 95814 • (916) 227-4366
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

00 JUL -3 PM 4:14
JUN 29 2000

URSUB RO 0348
AG

Barry Berkett
Thrifty Oil Company
13539 Foster Rd E
Santa Fe Springs, CA 90670

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 002232, FOR SITE ADDRESS: 2504 CASTRO VALLEY BLVD, CASTRO VALLEY

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$300,000. 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.

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 Sunil Ramdass, our Technical Reviewer assigned to claims in your Region, at (916) 227-7748. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.

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.**

"Reimbursement Request" forms which you **must use to request reimbursement of costs incurred.**

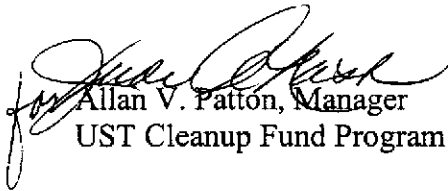
"Spreadsheet" forms which you **must use in conjunction with your reimbursement request.**

➤ **THIS IS IMPORTANT TO YOU, PLEASE NOTE:**

You have 90 calendar days from the date of this letter to submit your first reimbursement request for incurred corrective action costs. **NO EXTENSIONS CAN BE GRANTED.** If you fail to do so, your LOC funds will automatically be reduced to zero (deobligated). Once this occurs, any future funds for this site are subject to availability when you submit your first reimbursement request. We continuously review the status of all active claims. You must continue to remain in compliance and submit a reimbursement request every 6 months. Failure to do so will result in the Fund taking steps to withdraw your LOC.

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

Sincerely,


Allan V. Patton, Manager
UST Cleanup Fund Program

Enclosures

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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



State Water Resources Control Board



Winston H. Hickox
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Environmental
Protection

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FAX (916) 227-4530 • Internet Address: <http://www.swrcb.ca.gov/~cwphome/ustcf>

Gray Davis
Governor

June 7, 2000

Bob Cochran
Chevron U.S.A. Products Co.
P O Box 6004 Bldg L
San Ramon, CA 94583-0804

RO 348 NO INFO [unclear]
#368 [unclear]

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF ELIGIBILITY DETERMINATION: CLAIM NUMBER 015502; FOR SITE ADDRESS: 1700 CASTRO ST, OAKLAND

Your claim has been accepted for placement on the Priority List in Priority Class "D" with a deductible of \$10,000.

We have completed our initial review. The next step in the claim review process is to conduct a compliance review.

Compliance Review: Staff reviews, verifies, and processes claims based on the priority and rank within a priority class. After the Board adopts the Priority List, your claim will remain on the Priority List until your Priority Class and rank are reached. At that time, staff will conduct an extensive Compliance Review at the local regulatory agency or Regional Water Quality Control Board. During this Compliance Review, staff may request additional information needed to verify eligibility. Once the Compliance Review is completed, staff will determine if the claim is valid or must be rejected. If the claim is valid, a Letter of Commitment will be issued obligating funds toward the cleanup. If staff determine that you have not complied with regulations governing site cleanup, you have not supplied necessary information or documentation, or your claim application contains a material error, the claim will be rejected. In such event, you will be issued a Notice of Intended Removal from the Priority List, informed of the basis for the proposed removal of your claim, and provided an opportunity to correct the condition that is the basis for the proposed removal. Your claim will be barred from further participation in the Fund, if the claim application contains a material error resulting from fraud or intentional or negligent misrepresentation.

Record keeping: During your cleanup project you should keep complete and well organized records of all corrective action activity and payment transactions. If you are eventually issued a Letter of Commitment, you will be required to submit: (1) copies of detailed invoices for all corrective action activity performed (including subcontractor invoices), (2) copies of canceled checks used to pay for work shown on the invoices, (3) copies of technical documents (bids, narrative work description, reports), and (4) evidence that the claimant paid for the work performed (not paid by another party). These documents are necessary for reimbursement and failure to submit them could impact the amount of reimbursement made by the Fund. *It is not necessary to submit these documents at this time; however, they will definitely be required prior to reimbursement.*

Compliance with Corrective Action Requirements: In order to be reimbursed for your eligible costs of cleanup incurred after December 2, 1991, you must have complied with corrective action requirements of Article 11, Chapter 16, Division 3, Title 23, California Code of Regulations. Article 11 categorized the corrective action process into *phases*. In addition, Article 11 requires the responsible party to submit an

investigative workplan/Corrective Action Plan (CAP) before performing any work. This phasing process and the workplan/CAP requirements were intended to:

1. help the responsible party undertake the necessary corrective action in a cost-effective, efficient and timely manner;
2. enable the regulatory agency to review and approve the proposed cost-effective corrective action alternative before any corrective action work was performed; and
3. ensure the Fund will only reimburse the most cost-effective corrective action alternative required by the regulatory agency to achieve the minimum cleanup necessary to protect human health, safety and the environment.

In some limited situations *interim cleanup* will be necessary to mitigate a demonstrated immediate hazard to public health, or the environment. Program regulations allow the responsible party to undertake interim remedial action after: (1) notifying the regulatory agency of the proposed action, and; (2) complying with any requirements that the regulatory agency may set. Interim remedial action should only be proposed when necessary to mitigate an immediate demonstrated hazard. ***Implementing interim remedial action does not eliminate the requirement for a CAP and an evaluation of the most cost-effective corrective action alternative.***

Three bids and Cost Preapproval: Only corrective action costs required by the regulatory agency to protect human health, safety and the environment can be claimed for reimbursement. You must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work. ***If you do not obtain three bids and cost preapproval, reimbursement is not assured and costs may be rejected as ineligible.***

If you have any questions, please contact me at (916) 227-4366.

Sincerely,

ORIGINAL SIGNED BY

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Mr. Steve Morse
RWQCB, Region 2
1515 Clay Street, Ste. 1400
Oakland, CA 94612

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

Transfer of Eligible Local Oversight Case

STID 4130 Date transferred 4/1/99 *PH*

Date: 3/30/99 From: Eva CW

Site Name: Livermore Gas + Mini Mart

Address: 160 Holmes Street City: Livermore Zip: 94553

To be eligible for LOP, case must meet 3 qualifications:

1. Y N Tanks Removed? # of removed? _____ Date removed: _____
2. Y N Samples received? Contamination level: 100 ppm in groundwater
 Type of test TPH gasoline
 Contamination should be over 100 ppm TPH to qualify for LOP
3. Y N Petroleum? Circle Type(s): • Avgas • leaded • unleaded • fuel oil • jet
 • diesel • waste oil • kerosene • solvents

Procedure to follow should your site meet all the above qualifications:

1.
 - a. NA Close the deposit refund case.
 - b. NA Account for ALL time you have spent on the case.
 - c. _____ Turn in account sheet to Leslie.
 If there are funds still remaining it is still better to transfer the case to LOP as the rate for LOP allows more overhead. DO NOT attempt to continue to oversee the site simply because there are funds remaining!
 Remaining DepRef \$'s: NA
 DepRef Case Closed with Candyce/Leslie? Y N (If no, explain why below.)
2. Submit the completed A and B permit application forms to NORMA. NA
3. Give the entire case to the proper LOP staff.



ENVIRONMENTAL PROTECTION

MAR 26 AM 9:33

March 23, 1999

Mr. Scott Seery
Alameda County Health Care Services
Environmental Health Services
1311 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

STD 4130

RE: LIVERMORE GAS AND MINI MART (Flying Ram)
160 HOLMES STREET, LIVERMORE

Dear Mr. ~~Seery~~ Scott

We are requesting that your office oversee the site investigation and mitigation of Livermore Gas and Mini Mart, located at 160 Holmes Street in Livermore. We have received results from a site soil stability investigation which indicate contamination is present and mitigation is needed. Please find a copy of the referral letter and sample results submitted by ETIC.

Please note the tanks are slated for removal/replacement within the next several weeks; this may allow us to better determine the source of the contamination. I will see that you are copied on the Tank Closure Report when it is completed.

Thank you for your assistance on this project! If you have any questions, please feel free to contact me at (925) 454-2339 (or page me at (925) 328-8932).

Sincerely,

Julie Belomy
Julie Belomy
Hazardous Materials Consultant
LIVERMORE-PLEASANTON FIRE DEPARTMENT

c: Manwel Shuwayhat, Owner

at 16' obvious contamination in silt layer
300-

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.		
REPORT DATE 03/23/99		CASE #		SIGNED: Julie Belomy DATE: 3/23/99		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Julie Belomy, for LP Fire		PHONE (925) 454-2339		SIGNATURE Julie Belomy	
	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 Livermore-Pleasanton Fire Dept.			
	ADDRESS 4550 East Avenue Livermore CA 94550-5046					
RESPONSIBLE PARTY	NAME Manwel Shuwayhat <input type="checkbox"/> UNKNOWN		CONTACT PERSON		PHONE (415) 461-9557	
	ADDRESS 54 Wolfe Canyon Rd. Kentfield CA 94904					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Livermore Gas & Mini Mart		OPERATOR Manwel Shuwayhat		PHONE (415) 461-9557	
	ADDRESS 180 Holmes Street Livermore Alameda 94550					
	CROSS STREET First Street					
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME Livermore-Pleasanton Fire		CONTACT PERSON Julie Belomy		PHONE (925) 454-2339	
	REGIONAL BOARD S.F. RWQCB		PHONE ()			
SUBSTANCES INVOLVED	(1) NAME Gasoline; MTBE; BTEX				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN	
	(2) _____ <input type="checkbox"/> UNKNOWN					
DISCOVERY/ABATEMENT	DATE DISCOVERED 03/22/99		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> INVENTORY CONTROL <input checked="" type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS			
	DATE DISCHARGE BEGAN _____ <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 1/22/99					
SOURCE/ CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER			
	CASE TYPE CHECK ONE ONLY <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input checked="" type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY					
	REMEDIAL ACTION CHECK APPROPRIATE ACTION(S) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input checked="" type="checkbox"/> OTHER (OT) to be determined <input type="checkbox"/> TREATMENT AT HOOKUP (HL) <input type="checkbox"/> VENT SOIL (VS)					
COMMENTS	Contamination encountered during drilling for soil stability evaluation... USTs to be replaced within next two months...					

INSTRUCTIONS

EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25180.5, a government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION

Enter information regarding the tank facility. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options follow:

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at site, but has not been confirmed.
Preliminary Site Assessment Workplan Submitted - workplan/proposal requested of/submitted by responsible party to determine whether ground water has been, or will be, impacted as a result of the release.
Preliminary Site Assessment Underway - implementation of workplan.
Pollution Characterization - responsible party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.
Remediation Plan - remediation plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.
Cleanup Underway - implementation of remediation plan.
Post Cleanup Monitoring in Progress - periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate effectiveness of remedial activities.
Case Closed - regional board and local agency in concurrence that no further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION

Indicate which action have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.
Containment Barrier - install vertical dike to block horizontal movement of contaminant.
Excavate and Dispose - remove contaminated soil and dispose in approved site.
Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).
Remove Free Product - remove floating product from water table.
Pump and Treat Groundwater - generally employed to remove dissolved contaminants.
Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.
Repace Supply - provide alternative water supply to affected parties.
Treatment at Hookup - install water treatment devices at each dwelling or other place of use.
Vacuum Extract - use pumps or blowers to draw air through soil.
Vent Soil - bore holes in soil to allow volatilization of contaminants.
No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.

SIGNATURE - Sign the form in the space provided.

DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies intact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. Regional Water Quality Control Board
3. local Health Officer and County Board of Supervisors or their designee to receive Proposition 65 notifications.
4. Owner/responsible party.