

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # Z 330 741 324

January 5, 2000

STID 2517

Anthony Pettiti
Anthony's Auto Service
15539 Usher Street
San Lorenzo, CA 94580

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

NOTICE OF VIOLATION

RE: 19592 Center Street, Castro Valley – Well Destruction

Dear Mr. Pettiti:

In correspondence from this office dated January 20 and April 21, 1998, you were advised of the requirement to destroy the monitoring wells that were constructed during the investigation of the underground storage tank (UST) release at the referenced site. Such wells must be properly destroyed under permit issued by the Alameda County Public Works Agency (ACPWA) (510/670-5575). This office is aware that the subject monitoring wells will be of no legitimate use in the future, and that you have sold the property to another individual.

Please be advised that you are responsible under law to ensure that these wells are properly destroyed. In addition, final case closure will not occur until this work is completed.

At this time, you are directed to ensure that the subject wells are destroyed under the appropriate ACPWA permit. This work is to be completed within 30 days of the date of this letter. A copy of the final well destruction documents is to be submitted to this office to verify that the requisite work was completed.

Please be advised that failure to comply with this final request will result in this case being referred to the appropriate enforcement agency. Please be further advised that there is a potential for substantial penalties to be levied against you should you fail to comply.

I may be reached at (510) 567-6783 should you have any questions.

Sincerely,


Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Chuck Headlee, RWQCB
Dave Deaner, SWRCB
Cindy Hutcheson, Alameda County Public Works
Bob Chambers, Alameda County District Attorney's Office

Scott

Z 330 741 324

US Postal Service
Receipt for Certified Mail
No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to <i>Anthony Pettiti</i>	
Street & Number <i>15539 Usher St.</i>	
Post Office, State, & ZIP Code <i>San Lorenzo CA 94580</i>	
Postage	\$ <i>2.98</i>
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ <i>2.98</i>
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

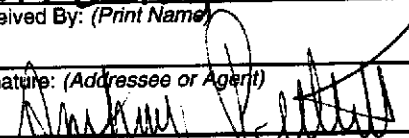
I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *STID 2517*
Anthony Pettiti
Anthony's Auto Service
15539 Usher street
San Lorenzo CA. 94580

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X 

4a. Article Number
Z 330 741 324

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

7. Date of Delivery
1-6-00

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

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: Lu Anne Rolland 916/227-4530

FROM: Scott Seery 510/567-6783

DATE: 1-8-99

Total number of pages including cover sheet 3

-NOTES- My conversation with the applicant
(Pettiti) occurred between 4-21-98 and
5-8-98, the dates between the 2nd "well
destruction letter" and my visit to the site
and meeting w/ the current property owner.

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

STID 2517

April 21, 1998

Anthony Pettiti
Anthony's Auto Service
15539 Usher Street
San Lorenzo, CA 94580

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

RE: 19592 CENTER STREET, CASTRO VALLEY - WELL DESTRUCTION

Dear Mr. Pettiti:

In previous correspondence dated January 20, 1998, you were advised that the Alameda County Environmental Health Department, Environmental Protection Division, had received concurrence from the Regional Water Quality Control Board, San Francisco Bay Region (RWQCB), for final closure of the underground storage tank investigation at the referenced Castro Valley property. You were also advised that prior to the issuance of a "Remedial Action Completion Certificate" by this office, the monitoring wells at the site must be properly destroyed if you had no legitimate use for them.

To date, we have not been informed of your intentions regarding these wells. Please advise me of your intent. Your case will not be closed until this request is satisfied. I may be reached 510/567-6783.

Sincerely,

Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Agency Director
Chuck Hedley, RWQCB
Andreas Godfrey, Alameda County Public Works

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

STID 2517

January 20, 1998

Anthony Pettiti
Anthony's Auto Service
15539 Usher Street
San Lorenzo, CA 94580

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

RE: 19592 CENTER STREET, CASTRO VALLEY

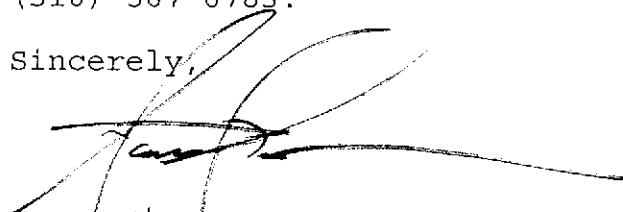
Dear Mr. Pettiti:

The Alameda County Environmental Health Department, Environmental Protection Division, has received concurrence from the Regional Water Quality Control Board, San Francisco Bay Region (RWQCB), for final closure of the underground storage tank investigation at the referenced site.

Prior to the issuance of a "Remedial Action Completion Certificate" by this office, however, the monitoring wells at the site must be properly destroyed should you have no further use for them. Well destruction is performed under permit issued by Alameda County Public Works (ACPW). Please contact ACPW's Andreas Godfrey at (510) 670-5575 or Alvin Kan at (510) 670-5248 to secure your well destruction permit.

Please advise me if the wells will be destroyed, and when well destruction has been completed, as appropriate. I may be reached (510) 567-6783.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Mee Ling Tung, Director
Stephen Hill, RWQCB
Andreas Godfrey, ACPW



Cal/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

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

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

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

February 21, 1997

JOHN PETTITI ESTATE
1624 FRANKLIN ST #912
OAKLAND, CA 94612

UNDERGROUND STORAGE TANK CLEANUP FUND PROGRAM, NOTICE OF PROPOSED WITHDRAWAL OF LETTER OF COMMITMENT AND CLAIM CLOSURE: CLAIM NUMBER 000421; FOR SITE ADDRESS 19592 CENTER ST, CASTRO VALLEY **94546**

Our letter dated July 3, 1996 requested that you submit a reimbursement request with the supporting documentation or submit a written explanation as to the status of the cleanup and when a reimbursement request could be expected. We received a response from Stephen Kennedy, Attorney, dated July 22, 1996 and you were granted a six month extension to submit a reimbursement request. We have not yet received a request.

This letter is to notify you that the Underground Storage Tank Cleanup Fund (Fund) is proposing to withdraw your LOC and close your claim from the Fund for the following reason:

Your last reimbursement request was received by the Fund on July 26, 1995. If you do not submit a reimbursement request or adequate explanation within 30 calendar days, the Fund will proceed with the closure of your claim.

If you are not in agreement with this decision, you may request a review of the decision by the Manager of the Underground Storage Tank Cleanup Fund Program within thirty (30) days from the date of this letter. Please send any request for review to:

Mr. Dave Deaner, Manager Claim No. 000421
State Water Resources Control Board
Division of Clean Water Programs
P. O. Box 944212
Sacramento, CA 94244-2120

If a request for review of this decision is not received within thirty (30) days from the date of this letter, your LOC will be withdrawn and your claim will be closed. This action will become final and conclusive and you will not be able to request any additional funds.

If you have any questions, please contact Linda Boller at (916) 227-2787.

Sincerely,

Linda Boller for
Steve Parada, Reimbursements
Underground Storage Tank Cleanup Fund

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



Pete Wilson
Governor

Std # 2517
ALL

ENVIRONMENTAL
PROTECTION

17 FEB 24 PM 2:14



Recycled Paper

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.

**ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY**



DAVID J. KEARS, Agency Director
STID 2517

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

November 29, 1993

Mr. Anthony Pettiti
15539 Usher Street
San Lorenzo, CA 94580

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

RE: (FORMER) ANTHONY'S AUTO SERVICE, 19592 CENTER STREET,
CASTRO VALLEY

Dear Mr. Pettiti:

This office is in receipt and has completed review of the October 18, 1993 ACC Environmental Consultants (ACC) work plan for the installation and sampling of additional wells at the referenced site, as submitted under ACC cover dated October 21, 1993.

The scope of this work plan appears adequate for this stage of the investigation. However, because this agency is sensitive to the costs of environmental projects and to the limited resources often available to the non-corporate responsible party, it is our opinion that the proposed scope of work may be pared down and still meet project objectives, i.e., attempt to define the limit of ground water impact.

This agency feels that by reducing from two (2) to one (1) the number of wells proposed, this work plan will still be considered adequate. Hence, only one additional well is required at this time, provided that the well point selected is that which is furthest from the former tank pit along Center Street, as depicted in the cited ACC work plan.

Additionally, all wells are to be subjectively monitored for the presence of odor, sheen, or other evidence of free-phase product, and adequately purged prior to sample collection. All wells are to be sampled/monitored and ground water levels measured quarterly. Technical reports are to be submitted quarterly.

Please call me at 510/271-4530 should you have any questions, and to inform when field work is slated to begin.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Misty Kaltreider, ACC Environmental Consultants

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
 2014 T STREET, SUITE 130
 P.O. BOX 944212
 SACRAMENTO, CALIFORNIA 94244-2120
 (916) 227-4413
 (916) 227-4530 (FAX)



NOV 24 1993

Estate of John Pettiti
 c/o Stephen Kennedy
 1624 Franklin Street
 Oakland, CA 94612

Site: 19592 Center Street
 Castro Valley, CA 94542

Dear Mr. Kennedy:

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 0421

The State Water Resources Control Board (State Board) takes pleasure in issuing the attached Letter of Commitment in an amount not to exceed **\$90,000**. This Letter of Commitment is based upon our review of the corrective action costs incurred to date and your application received on January 14, 1992 and may be modified by the State Board in writing by an amended Letter of Commitment.

The State Board will take steps to withdraw this Letter of Commitment after 90 calendar days from the date of this transmittal letter unless you proceed with due diligence with your cleanup effort. This means that you must take positive, concrete steps to ensure that corrective action is proceeding with all due speed. For example, if you have not started your cleanup effort, you must obtain three bids and sign a contract with one of these bidders within 90 calendar days. If your cleanup effort has already started and was delayed, you must resume the expenditure of funds to ensure that your cleanup is proceeding in an expeditious manner. You are reminded that you must comply with all regulatory agency time schedules and requirements. We constantly review the status of all active claims, and failure to proceed with due diligence will be grounds for withdrawal of this Letter of Commitment. You should read the terms and conditions listed in the Letter of Commitment. Also attached you will find:

- A "Reimbursement Request Instructions" package. You should retain this package for future reimbursement request. Among other information, the package includes instructions for completion of the "Reimbursement Request" form and the "spreadsheet". These instructions must be followed when seeking reimbursements for corrective action costs incurred after January 1, 1988. Included in these instructions are samples of Reimbursement Request forms and complete Spreadsheets. Within the package also included are:
 - Recommended Minimum Invoice Cost Breakdown.
 - A "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
 - A "Bid Summary Sheet" to document data on bids received.
- Three "Reimbursement Request-Underground Storage Tank Cleanup Fund" forms which you must use to request reimbursement of costs incurred.
- Two "Spreadsheets" which you must use in conjunction with your Reimbursement Request.
- "Vendor Data Record" (Std. form 204) which must be completed and returned with your first Reimbursement Request.

If you have any questions regarding the Letter of Commitment or the Reimbursement Request package, please contact Blessy Torres at (916) 227-4535.

Sincerely,

Ron Markle
 Dave Deaner, Manager
 Underground Storage Tank
 Cleanup Fund Program

Attachments

cc: Tom Peacock
 Alameda County Health Agency
 Division of Hazardous Materials
 80 Swan Way, Room 200
 Oakland, CA 94621

Don Dalke
 Regional Water Quality Control Board
 San Francisco Bay Region
 2101 Webster Street, Suite 500
 Oakland, CA 94612

ALCO
 HAZMAT
 93 NOV 31 PM 2:14

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 000421

AMENDMENT NO: 0

CLAIMANT: Estate of John Pettiti
JOINT-CLAIMANT:

BALANCE FORWARD: \$0

CLAIMANT ADDRESS: c/o Stephen J. Kennedy
1624 Franklin Street, #912
Oakland, CA 94612

THIS AMOUNT: \$90,000

NEW BALANCE: \$90,000

TAX ID / SSA NO. 94-6630140

Subject to availability of funds, the State Water Resources Control Board (State Board) agrees to reimburse Estate of John Pettiti (claimant) for eligible corrective action costs at 19592 Center Street, Castro Valley, CA 94542 (site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

1. Reimbursement shall not exceed \$90,000 unless this amount is subsequently modified in writing by an amended Letter of Commitment.
2. The obligation to pay any sum under this Letter of Commitment is contingent upon availability of funds. In the event that sufficient funds are not available for reasons beyond the reasonable control of the State Board, the State Board shall not be obligated to make any disbursements hereunder. If any disbursements otherwise due under this Letter of Commitment are deferred because of unavailability of funds, such disbursements will promptly be made when sufficient funds do become available. Nothing herein shall be construed to provide the Claimant with a right of priority for disbursement over any other claimant who has a similar Letter of Commitment.
3. Unless modified in writing by the State Board, this Letter of Commitment covers work through Phase III of corrective action work.
4. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
5. Claimant must at all times be in compliance with all applicable state laws, rules and regulations and with all terms, conditions, and commitments contained in the Claimant's Application and any supporting documents or in any payment requests submitted by the Claimant.
6. No disbursement under this Letter of Commitment will be made except upon receipt of acceptable Standard Form Payment Requests duly executed by or on behalf of the Claimant. All Payment Requests must be executed by the Claimant or a duly authorized representative who has been approved by the Division of Clean Water Programs.
7. Any and all disbursements payable under this Letter of Commitment may be withheld if the Claimant is not in compliance with the provisions of Paragraph 5 above.
8. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the State Board. In the event of any such assignment, the rights of the assignee shall be subject to all terms and conditions set forth in this Letter of Commitment and the State Board's consent.
9. This Letter of Commitment may be withdrawn at any time by the State Board if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the State Board this 15th day of November, 1993.

STATE WATER RESOURCES CONTROL BOARD

BY Ron Markley
Manager, Underground Storage Tank Cleanup Fund Program

BY James D. Stafford
Chief, Division Administrative Services

STATE USE :
CALSTARS CODING :
0550 - 569.02 - 30530
\$

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS
2014 T STREET, SUITE 130
P.O. BOX 944212
SACRAMENTO, CALIFORNIA 94244-2120
(916) 227-4413



TRANSMITTAL OF FAX MATERIAL

Date: 11-10-99

To: Scott Seery

Fax # (510) 569-4757

From: **Blessy Torres**
Division of Clean Water Programs
(916) 227-4535

No. of pages 3 (including this sheet)

- For your information
- Per your request
- For your review and comments

REMARKS:

Per our conversation, please sign the attached
and return to me.

Thx Blessy - A work plan has been submitted
by ACC. This plan has not yet reviewed;
however, Pettiti is nonetheless in compliance
with ACDEH's last request for a work plan.

S.

CLAIM NO. 0421

LOCAL AGENCY NO. _____

SITE ADDRESS 1992 Center St., Castro Valley

CORRECTIVE ACTION COMPLIANCE DOCUMENTATION		PAGE 3
DATE	ACTION REQUIRED/RESPONSE	
12-27-89	Notice to obtain S/O permit sent to client.	
1-25-90	Alameda rec'd ltr. from law office of Duane Ebe. re client's intention to remove tanks.	
4-11-90	2nd notice of violation sent.	
4-25-90	Response rec'd from lawyer to schedule mtg w/ Alameda.	
5-16-90	Alameda ltr. summarizing issues discussed at 5/11/90 mtg w/ client. Client was given 30 days to submit "Letter of Intent". (Remove or permit tanks).	
8-16-90	Alameda ltr. completed review of lab analyses submitted by Tank Protect Engineering after removal of tanks on 7/12/90.	
9-17-90	Extension granted to client for submittal of w/p.	
9-17-90	WP & Report submitted by Tank Protect.	
10-8-90	Alameda conditionally approved w/p.	
1-25-90	Quarterly status rept. submitted by Tank Protect.	
2-6-91	Telecom notes re installation of monitoring wells etc is not included in status report.	
3-29-91	Site assessment rept submitted by Tank Protect.	
5-10-91	Telecom notes re groundwater monitoring requirement.	
5-30-91	Alameda ltr to client groundwater monitoring requirements.	
7-7-91	Quarterly status rept submitted by Tank Protect.	
10-22-91	" " " " " " "	
1-24-92	" " " " " " "	
2-13-92	Alameda ltr to client re groundwater test results and request for WP for additional wells.	
4-26-92	Groundwater Quarterly Monitoring Rept. submitted by Acc. Envt. Cons.	
7-21-92	Note to file indicates that client has not installed add'l wells.	
7-22-92	Ltr. to client to submit w/p, install wells, submit technical reports.	
7-29-92	Ltr from City. Stephen Kennedy explaining lack of funding.	
CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE: After reviewing the lead agency site file, the claim reviewer has determined that the claimant is in substantial compliance with corrective action requirements.		
LEAD AGENCY CONCURRENCE: As of this date, the lead agency representative concurs with the determination that the claimant is in compliance with applicable corrective action requirements.		REVIEWER'S SIGNATURE _____ DATE SIGNED _____
STAFF RECOMMENDATION: () APPROVED () REFERRED TO TEAM LEADER - See Comments, Page 2.		SIGNATURE _____ DATE SIGNED _____
REVIEWER'S SIGNATURE: _____		DATE SIGNED _____

Revised 10/92

STEPHEN J. KENNEDY

LAW OFFICES OF
ALCO
STEPHEN J. KENNEDY
HAZMAT
ATTORNEY AT LAW
1624 FRANKLIN STREET, SUITE 912
OAKLAND, CALIFORNIA 94612
93 NOV 10 AM 11:05

TELEPHONE: 832-1816
444-5500
AREA CODE 510

November 8, 1993

Mr. Scott Seery, CHMM
Senior Hazardous Materials Specialist
Department Of Environmental Health
80 Swan Way, Rm. 200
Oakland, CA 94621

RE: THE JOHN PETTITI ESTATE
19592 Center Street, Castro Valley, CA
UST Claim No. 421

Dear Mr. Seery:

I understand from the letter of Misty Kaltreider of ACC Environmental Consultants of October 18, 1993 that you have been furnished a copy of the "Work-plan For Sub-Surface Site Investigation" with regard to the above referenced property.

It was my understanding from Blessy of the State Water Resources Board (Underground Storage Tank Clean-up Fund) that she needs some kind of approval from you before she can proceed with processing of the estate's claim for reimbursement from the Fund. As you and I previously discussed you felt that preparation of the work-plan would give you sufficient assurance that work was progressing that you would be able to authorize continued processing of our claim. As I explained to you, we are in a "catch twenty-two" situation where the estate cannot proceed to do any further work because it has no money - but cannot obtain reimbursement for any portion of the over \$100,000 already spent because it has no money with which to proceed.

Please expedite.

Very truly yours,


STEPHEN J. KENNEDY

SJK/rew

cc: State Water Resource Board
Division of Clean Water Programs
Underground Storage Tank Cleanup Fund

THE FAX OF

LARSON & BURNHAM

1901 Harrison Street, 11th Floor
Post Office Box 119
Oakland, California 94604
Office Telephone: (510) 444-6800

Fax No.: (510) 835-6666

DATE: January 25, 1993
FROM: Mai Sharif Shiver

TIME: 12:15 PM
EXT: 211

TO: Scott Seery
Alameda County Department of Environmental Health
FAX NO.: (510) 569-4757
TEL NO.: (510) 271-4320
REGARDING: Pettiti v. Shell Oil
OUR FILE NO.: SHL58

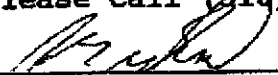
NO. OF PAGES (including this one): 2

HARD COPY TO FOLLOW: Yes

MESSAGE:

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE PERSON RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, DO NOT USE OR DISCLOSE THIS FACSIMILE. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL TO LARSON & BURNHAM VIA THE U.S. POSTAL SERVICE. THANK YOU.

If you do not receive all the pages,
please call (510) 444-6800.



Transmitted By

DAVID G. LARSON
GREGORY DAVID BRONKH
ROBERT J. CYMAN
RODNEY C. FINCH
RALPH A. ZAPPALA
PETER DORON
SUSAN THOMAS FELDTED
GARY R. SELWIS
ROBERT A. FORD
MICHAEL R. REYNOLDS

CLARK J. BURNHAM
GEORGE J. ZBER
ERIC R. MAAS
STEVEN M. MARDEN
MONICA DELL'ORSO
JENNIFER G. BAUREY
PATRICK MCCARTHY
N. WAYNE GEORGIODE
DAVID R. PINELLI

A.J. MOORE, JR. (1910-1989)

JAMES R. ROGOS (OF COUNSEL)

*Certified Specialist, Probate, Estate Planning and Trust Law
The State Bar of California Board of Legal Specialization

LAW OFFICES OF
LARSON & BURNHAM

A PROFESSIONAL CORPORATION
1901 HARRISON STREET, 11TH FLOOR
OAKLAND, CALIFORNIA 94612
TELEPHONE: (510) 444-8800

POST OFFICE BOX 883823
SAN FRANCISCO, CALIFORNIA 94188-3823
TELEPHONE: (415) 877-8783

Please reply to:

POST OFFICE BOX 118
OAKLAND, CALIFORNIA 94604-0918
TELECOPIER NUMBER: (510) 835-8888

January 25, 1993

CHRISTOPHER L. AOMLAR
GARY L. ARNAS
PAUL D. CALED
CHRISTOPHER J. COMBELL
JACQUELINE G. GORDEA
WILLIAM J. BUNGE
ROBERT J. FINN
DOUGLAS E. FREE
JENNIFER B. GOSSELER
JAMES F. HODGKINS
MICHAEL K. JOHNSON
DEBRA M. KREMPER
FRANK C. LAZZI
ROBERT M. BALTZ
GORDON A. MERTEN
SPHER L. PARDON
JAMES H. PATZER
JACQUELINE E. ROTH
WALTER C. RANDON
BRYAN K. STANFIELD
MARK J. SWEENEY
DANIEL T. THOMPSON
SUSAN A. VOLNER
JOHN J. WELSH
DAVID W. WESPTER
DARRYL M. YEE
BARRY ZOLLER

SHARON A. ARQUE
JULIE M. AZEVEDO
JAYNE BENZ CHIFFMAN
VERA C. DE MARTINE
THOMAS M. DONNIEP
DONALD P. EICHENHORN
SUSAN E. FRYTCH
JANE L. O'HARA GUMP
SAMAN GRETZINGER
TRELAWNEY JAMES-PESCHERT
JANE KELLY
STEVEN K. LAFORCE
PELAYO A. LLANAS, JR.
RABBIT K. McDONALD
STEVEN A. MESSNER
ANDRICO G. PERROK
JAMES J. ROBERTI
STEPHEN G. POWELL
SUSAN K. BRUNSWARTZ
DANIEL T. SULLIVAN, JR.
ARON J. TARDON
M. ALBERT THOMPSON
MICHAEL B. TRESHA
CHRISTOPHER A. VAGRO
JAMES L. WISNER
BRADLEY M. ZRANICH

VIA FAX

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

Re: Pettiti v. Shell Oil Company
19592 Center Street, Castro Valley, CA

Dear Mr. Seery:

I write to confirm the details of our conversation yesterday regarding the document review in your office.

We have scheduled a meeting for Wednesday, January 27, 1993 at 2 p.m. at your office. We are currently pursuing discovery in the above-referenced matter and need to obtain and review records from your office regarding the status of remediation efforts at the subject property in Castro Valley. We understand that a file handler will be present at the cost to us of \$71.00 per hour (or fraction thereof). We also understand that we will be able to copy documents, if necessary, at a cost to us of \$1.00 per page.

I thank you for your time in this matter and look forward to meeting you on Wednesday. Please feel free to call with any questions you may have.

Very truly yours,

LARSON & BURNHAM


Mai Sharif-Shiver

MSS:pl
75156

92 SEP 27 10 14 AM

September 25, 1992

Mr. Harry M. Schueller, Chief
Division of Clean Water Programs
STATE WATER RESOURCES CONTROL BOARD
2014 T Street, Suite 130
P.O. Box 944212
Sacramento, CA 94244-2120

RE: CLAIM NO. 421 - JOHN PETTITI ESTATE

Dear Mr. Schueller:

Thank you for your letter of August 24, 1992.

The purpose of this letter is to request an advance of, say, \$20,000 on account of the claim.

The cost of tank removal plus the cost of remediation has exhausted the available resources of the John Pettiti Estate. We are not able to borrow (nor even to service the existing debt) against the property which is subject to the clean-up because no lender can be found willing to take the risk of making a loan against property on which a case is pending. Although we obtained a court order authorizing us to borrow against the other real property asset of the estate, our lender backed out of a verbal commitment to make the loan and we have not been able to find a substitute lender. The title situation of the other property is complex because Mr. John Pettiti willed his significant other an estate for 15 years in the property and, although the executor is technically entitled to encumber her interest in the property, most lenders are concerned about the mechanics of a foreclosure and subsequent eviction of the (15 year) tenant.

Please give this matter due consideration and advise.

Mr. Harry M. Schueller, Chief
Division of Clean Water Programs
September 25, 1992
Page Two

I enclose a letter from ACC Environmental Consultants of March 24, 1992 indicating the immediate need of \$8,825.00 to install further monitoring wells as requested by Mr. Seery of the Alameda County Health Services Agency.

Very truly yours,

STEPHEN J. KENNEDY

SJK/rew

encls:

cc: Mr. Scott Seery
Alameda County Health Care Services Agency

c:\wp51\pettiti.advance'water

Aug. 1992

DATE: ~~July 22, 1992~~

To: Don Burnett, Phillips 66

From: Scott Seery, ACDEH

Subject: B-32, B-35 Racing Fuels

Product #s 13060, 13061, 13064, 13065

FAX: 918-661-8379

Mr. Burnett:

Attached is the previous FAX sent to you July 22.
I have not received any information back from you.
Please call me at 510-271-4530. Should there
be some difficulty supplying the needed chemical
data.

Scott Seery

Health and Safety Plan will incorporate safeguards against chemical and physical hazards associated with drilling and sampling activities. The Health and Safety Plan will be included as part of the general health and safety program for the project, and STE staff working on-site will be required to read and adhere to this plan. The project engineer will be responsible for implementing the Health and Safety Plan.

2. Obtain Permits and Utility Clearance

Well drilling permits will be obtained, as required, from the Alameda County Water District for the installation of the proposed monitoring wells. Utilities at the site will be identified by a utility locating service.

3. Drill and Install Three Monitoring Wells

Three monitoring wells will be drilled using the hollow-stem auger drilling equipment. The locations of the proposed monitoring wells are shown in Figure 2. The actual depths of the monitoring wells will be determined in the field based on the depth to groundwater and the types, depths and thicknesses of sediments encountered.

Soil samples will be collected at 5-foot intervals from the borings for lithologic description. Selected soil samples will also be retained for possible chemical analysis for petroleum

DATE: JULY 22, 1992

TO: DON BURNETT, PHILLIPS 66

FROM: SCOTT SEERY, ACDEH

SUBJECT: B-30 and -35 RAINFUEL
1E260, 1E261 1E264, 1E265

FAX: 918-261-8577

Doc.

HERE ARE THE COMPOUNDS FOUND TO DATE IN
GROUND WATER AT THE SITE WE ARE INVESTIGATING:

2-METHANO-2-METHYLPROPANE (MTEP)
2,2,3,3-TETRAMETH. BUTANE
1,1, DICHLORO-1,2-DIBROMOETHANE
1-(2-METHOXYETHOXY)-2-PROPANE
1,2-DICHLOROETHANE (DCE) (lead scavenger)

AS MANY COMPOUNDS HAVE NUMEROUS SYNONYMS,
WE ARE HAVING PROFOUND DIFFICULTY FINDING
CHEMICAL ABSTRACT SERVICE (CAS) NUMBERS FOR
MANY OF THE ABOVE COMPOUNDS.

THANK YOU FOR ANY ASSISTANCE.

ALAMEDA COUNTY HEALTH AGENCY
CARE SERVICES

FAX SID 559-4757

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist



DIVISION OF HAZARDOUS MATERIALS
DEPARTMENT OF ENVIRONMENTAL HEALTH
80 Swan Way, Rm. 350, Oakland, CA 94621 • (510) 271-4530

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

RAFAT A. SHAHID, Assistant Agency Director

July 22, 1992

STID 2517

Mr. Anthony Pettiti
Anthony's Auto Service
19592 Center Street
Castro Valley, CA 94546

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

RE: SITE INVESTIGATION, ESTATE OF JOHN G. PETTITI - ANTHONY'S AUTO SERVICE, 19592 CENTER STREET, CASTRO VALLEY

Dear Mr. Pettiti:

In correspondence from this Department dated February 13, 1992, you were advised that additional wells were needed downgradient of current wells MW-1 and -3 to define the limits of ground water contamination associated with the unauthorized release from the referenced site. A work plan was requested for submittal by March 30, 1992. To date, no such work plan has been submitted.

In addition, wells were to be sampled quarterly, ground water elevation and gradient determinations made monthly for one year (beginning May 1991) and then quarterly thereafter, and reports submitted quarterly until site closure. This schedule was memorialized in correspondence from this office dated May 30, 1991. Please be reminded that the second quarter 1992 report, documenting work occurring between April and June 1992, is due for submittal by August 1, 1992.

At this time you are directed to submit a well installation work plan within 20 days of the date of this letter, or by August 11, 1992.

Be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Failure to respond could result in the referral of this case to the RWQCB for possible enforcement action.

I encourage you to contact me at 510/271-4530 to discuss this matter more fully.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

Mr. Anthony Pettiti
RE: 19592 Center Street
July 22, 1992
Page 2 of 2

cc: Rafat A. Shahid, Assistant Agency Director, Env. Health
Gil Jensen, Alameda County District Attorney's Office
Rich Hiatt, RWQCB
Bob Bohman, Castro Valley Fire Department
files

DETAILED REVIEW CHECKLIST

CLAIM NO.: 00421	REGION: 2	COUNTY: Alameda	CODE: 01
PRIORITY ASSIGNED: B	LEAD AGENCY: Alameda County Health		
CURRENT RANK: 875	AND CONTACT PERSON: Scott Seery		
DATE REVIEWED:	PHONE NO.: (510) 271-4530		
REVIEWER:			

SITE NAME: Anthony's Auto Service

SITE ADDRESS: 19592 Center St., Castro Valley, CA 94542

CLAIMANT INFORMATION	ACC.	REJ.	HOW INFORMATION WAS VERIFIED
I. Claimant Identification			
1. Claimant is/was the owner and/or operator of the leaking UST?	✓		owner - URF
2. Have all applicable past and current UST owners/operators been identified?	✓		APP.
3. All required tax ID numbers provided?	✓		
4. Date site/tanks acquired verified?	✓		
II. Statement of Costs			
1. Valid third party claim?	n/a		
2. Claimed corrective action costs exceed \$10,000?	n/a		
III. Joint Claimant			
1. Joint Claimant is an owner and/or operator?			
2. Tax ID number provided?			
3. Joint Claimant's priority class verified?			
IV. Co-Payee			
1. Tax ID No. provided?			
2. Mailing address/phone no. provided?			
V. Contamination Site/Occurrence Description*			
1. Description of tank and use verified?	✓		permit
2. Registered farm tank?	n/a	Yes No	
3. Leaking tank contained eligible substance?	✓		URF
4. Is there any evidence that the UAR was the result of a spill, overfill or gross negligence?			
5. If claimant submitted more than one claim for the site, each claim is for a separate occurrence?	✓		
6. Site map provided?	✓		
VII. Priority Class Worksheet			
1. Claimant's priority verified?			
2. Claimant was both the owner and operator at time of leak discovery?	Yes No		owner - permit
3. Claimant is the current owner and operator?	Yes NO/NA		tanks removed
4. If either question = No, other party(s) priority class was verified?	✓		app.
VIII. Priority Class Designation			
A. Priority Class A			
Residential Motor Fuel Tanks			
1. UST located at the residence of a person and property zoned residential use only at time of leak discovery?			need 90-day hrs.
2. UST located at property improved by an owner-occupied single family dwelling or duplex at time of leak discovery?			No wp as requested in July/92.
3. UST was not used for agricultural purposes or for resale on or after 1/1/85?			
OR			
Residential Small Home Heating Oil Tanks			
4. UST located at the residence of a person at time of leak discovery?			
5. UST located at property improved by an owner-occupied single family dwelling or duplex at time of leak discovery?			
6. UST has a capacity of 1,100 gallons or less?			
7. UST is used only to store home heating oil for consumptive use on property?			
8. UST was not located on agricultural property on or after 1/1/85?			

CLAIM NO. 0421

LOCAL AGENCY NO. _____

SITE ADDRESS 19592 Center St., Castro Valley

CORRECTIVE ACTION COMPLIANCE DOCUMENTATION PAGE 3

DATE	ACTION REQUIRED/RESPONSE
12-27-89	Notice to obtain 6/0 permit sent to clmnt.
1-25-90	Alameda rec'd ltr. from law office of Duane Etz. re clmnt's intention to remove tanks.
4-11-90	2nd notice of violation sent.
4-25-90	Response rec'd from lawyer to schedule mtg w/ Alameda.
5-16-90	Alameda ltr. summarizing issues discussed at 5/11/90 mtg w/ claimant. Clmnt was given 30 days to submit "Letter of Intent". (Remove or permit tanks).
8-16-90	Alameda ltr. completed review of lab analyses submitted by Tank Protect Engineering after removal of tanks on
9-17-90	Extension granted to clmnt for submittal of w/p.
9-17-90	WP & Report submitted by Tank Protect.
10-8-90	Alameda conditionally approved w/p.
1-25-90	Quarterly status rept. submitted by Tank Protect.
2-6-91	Telecon notes re installation of monitoring wells w/c is not included in status report.
3-29-91	Site assessment rept submitted by Tank Protect.
5-10-91	Telecon notes re groundwater monitoring requirement.
5-30-91	Alameda ltr to clmnt groundwater monitoring requirements.
7/7/91	Quarterly status rept submitted by Tank Protect.
10-22-91	" " " " " " " "
1-21-92	" " " " " " " "
2-13-92	Alameda ltr to clmnt re groundwater test results and request for WP for additional wells.
4-20-92	Groundwater Quarterly Monitoring Rept. submitted by ACC ENV. Cons.
7-21-92	Note to file indicates that clmnt has not installed add'l wells.
7-22-92	Ltr. to clmnt to submit w/p, install wells, submit technical repts.
7-29-92	Ltr from Atty. Stephen Kennedy explaining lack of funding.

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE: After reviewing the lead agency site file, the claim reviewer has determined that the claimant is in substantial compliance with corrective action requirements.

LEAD AGENCY CONCURRENCE: DATE SIGNED
 As of this date, the lead agency representative concurs with the determination that the claimant is in compliance with applicable corrective action requirements.

STAFF RECOMMENDATION: APPROVED REFERRED TO TEAM LEADER - See Comments. Page 2. DATE SIGNED

REVIEWER'S SIGNATURE: DATE SIGNED

CLAIM NO. 421

LOCAL AGENCY NO. _____

SITE ADDRESS 19592 Center St., Castro Valley

CORRECTIVE ACTION COMPLIANCE DOCUMENTATION

PAGE 3

DATE

ACTION REQUIRED/RESPONSE

4-1-93

memo to File: Ace called to inform Alameda that Ace recently submitted a proposal to permit for installation of off-site wells.

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE:

After reviewing the lead agency site file, the claim reviewer has determined that the claimant is in substantial compliance with corrective action requirements.

REVIEWER'S SIGNATURE

DATE SIGNED

LEAD AGENCY CONCURRENCE:

As of this date, the lead agency representative concurs with the determination that the claimant is in compliance with applicable corrective action requirements.

SIGNATURE

DATE SIGNED

STAFF RECOMMENDATION: () APPROVED

() REFERRED TO TEAM LEADER - See Comments, Page 2.

REVIEWER'S SIGNATURE:

DATE SIGNED

Revised 10/92

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

February 13, 1992

Mr. Anthony Pettiti
Anthony's Auto Service
19592 Center Street
Castro Valley, CA 94546

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

RE: SITE INVESTIGATION, ESTATE OF JOHN G. PETTITI, ANTHONY'S AUTO SERVICE, 19592 CENTER STREET, CASTRO VALLEY

Dear Mr. Pettiti:

The Department has completed review of the January 21, 1992 Tank Protect Engineering (TPE) fourth quarter report documenting the results of activities associated with the ongoing ground water investigation at the referenced site. Work occurring during the reporting period included the measurement of ground water elevations in three (3) on-site wells, production of ground water gradient maps, and the collection and analyses of ground water samples from the three wells.

Ground water samples were collected November 20, 1991. Samples were analyzed for the gasoline constituents total petroleum hydrocarbons as gasoline (TPH-G), and the volatile compounds benzene, toluene, ethylbenzene, and xylene (BTEX). Non-gasoline compounds were identified in water sampled from wells MW-1 and -3, both located somewhat downgradient from the former underground storage tank pit, at concentrations of 220 and 140 parts per billion (ppb), respectively.

A subsequent analyses of water sampled from MW-3 using EPA method 8240 (a gas chromatographic / mass spectrometer method) and "open scan" tentatively identified the presence of the following compounds at elevated concentrations: 1,2-dichloroethane (DCA) [4.2 ppb]; propane,2-methoxy-2-methyl (MTBE) [750 ppb]; butane,2,2,3,3-tetramethyl [110 ppb]; and, hexane,2,3,4-tetramethyl [9.6 ppb]. The current state maximum contaminant level (MCL) for 1,2-DCA is 0.5 ppb. 1,2-DCA is a common industrial solvent. Two of the other tentatively identified compounds, MTBE and hexane,2,3,4-tetramethyl, are recognized fuel additives. The remaining compound, hexane, 2,3,4-tetramethyl, is also a likely fuel additive, although its use could not be clearly identified by TPE.

Although not detected in the other two on-site wells, benzene and toluene were also detected just above the detection thresholds in water sampled from well MW-1, at concentrations of 0.33 and 0.90 ppb, respectively.

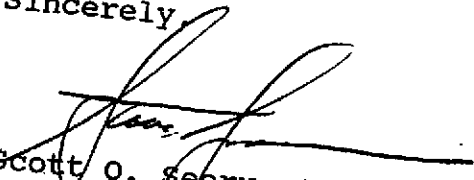
Mr. Anthony Pettiti
RE: 19592 Center Street, Castro Valley
February 13, 1992
Page 2 of 2

Because ground water sampled from downgradient wells MW-1 and -3 has been impacted by elevated concentrations of fuel-related and solvent compounds, additional downgradient wells are required to identify the limit, or "zero line," of the dissolved contaminant plume. This will necessitate the installation of an appropriate number of additional wells. One or more of these additional wells will likely need to be installed off-site. Therefore, please have your consultant prepare a brief work plan describing plans to install additional wells designed to define the limit of the dissolved contaminant plume. This work plan is due for submittal within 45 days, or by March 30, 1992.

Additionally, as was recommended in the January 1992 TPE fourth quarter report, target compounds for future soil and ground water sample analyses shall include volatile organic compounds (EPA 8240) and "open scan," in addition to TPH-G and BTEX. Further, a Material Safety Data Sheet (MSDS) or other source of chemical information for "TRICK" racing fuel should be acquired from the manufacturer to identify the chemical constituents of this fuel. This information is to be passed on to this office and your consultant to aid in the evaluation of data collected in the future.

Please feel free to call me at (510) 271-4320 should you have any questions.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Eddie So, RWQCB
Howard Hatayama, DTSC
Bob Bohman, Castro Valley Fire Department
John Mrakovich, Tank Protect Engineering

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Certified Mailer #P 062 127 781

May 30, 1991

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

Mr. Anthony Pettiti
Anthony's Auto Service
19592 Center Street
Castro Valley, CA 94546

RE: RESULTS OF PRELIMINARY SITE ASSESSMENT

Dear Mr. Pettiti:

This Department is in receipt and has completed review of the March 31, 1991 Tank Protect Engineering (TPE) report entitled, "Site Assessment Report," and the April 19, 1991 TPE letter report which discussed activities occurring during the 4th quarter of 1990 and 1st quarter of 1991.

At this time, the following well sampling and water level monitoring shall be instituted:

- o Water levels are to be measured and recorded monthly for the first year, beginning with the May 1991 measurement, and then quarterly thereafter.
- o Water samples are to be collected quarterly until otherwise notified. This frequency may change due to the results of future analyses. Samples are to be analyzed presently for BTXE and TPH-G. Continue to record the presence of apparent "non-gasoline" peaks which have been characterized as iso-Octane in the March 1991 TPE report.
- o Reports are to be submitted quarterly until this site qualifies for final RWQCB "sign-off." Such quarterly reports are due the first day of the second month of each subsequent quarter (i.e., August 1, November 1, February 1, and May 1). The next quarterly report is due August 1, 1991, and should describe activities occurring during the 2nd quarter of 1991.

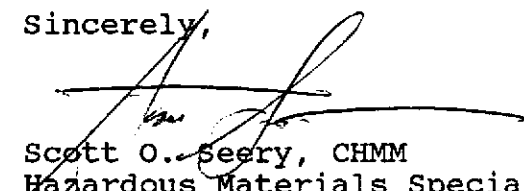
Among other elements, water level gradient maps for each month, free and dissolved product plume definition maps for target compounds, tabulated laboratory analyses results, QA/QC procedures, etc., are to be included in each report.

Mr. Anthony Pettiti
RE: 19592 Center Street
May 30, 1991
Page 2 of 2

Please be advised that, based upon the apparent ground water flow direction identified during the preliminary stages of work at the site, additional wells downgradient of the present well network may be required in the future to determine the limit of the contaminant plume (i.e., to determine the "zero line" of contamination). Wells MW-1 and -3 are both impacted by contaminants, yet neither are directly downgradient of the perceived source (tank pit). The determination for additional wells can only be made after more data is collected and interpreted in the ensuing months.

Please feel free to call me at 415/271-4320 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

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

P 062 127 781

RECEIPT FOR CERTIFIED MAIL

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

Sent to	Anthony Pettiti
Street and No.	19592 Center St.
City, State and ZIP Code	Castro Valley 94546
Postage	\$
Delivery Fee	
Return Receipt Fee	
Registered Mail Fee	
Insured Mail Fee	
Express Mail Fee	
Postmark or Date	5/31/91

PS Form 3820, June 1989

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

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

3. Article Addressed to: Mr. Anthony Pettiti Anthony's Auto Service 19592 Center St. Castro Valley, Ca 94546	4. Article Number POL2127781
5. Signature - Address X <i>[Signature]</i>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery 6-3-91	8. Addressee's Address (ONLY if requested and fee paid)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

October 8, 1990

Mr. Anthony Pettiti
Anthony's Auto Service
19592 Center Street
Castro Valley, CA 94542

RE: ESTATE OF JOHN G. PETTITI, 19592 CENTER STREET, CASTRO VALLEY;
REVIEW OF PRELIMINARY SITE ASSESSMENT PROPOSAL

Dear Mr. Pettiti:

This letter is in response to this Department's review of the September 17, 1990 Tank Protect Engineering (TPE) preliminary site assessment proposal for the continued investigation of subsurface contamination at the referenced site.

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

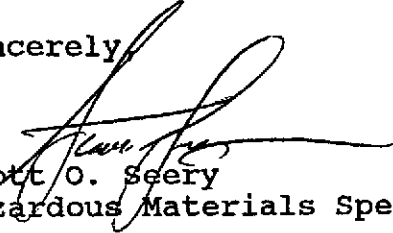
- 1) Ground water samples are also to be analyzed for organic lead (as opposed to total lead). This analysis is in addition to those for total petroleum hydrocarbons as gasoline, benzene, toluene, xylene, and ethylbenzene, as noted in the proposal;
- 2) The installation of a minimum of three (3) wells is required for the initial stages of this investigation. At least one of these wells must be within 10-feet of, and in the confirmed downgradient position from, the tank pit. It is preferable that two of the wells, however, are downgradient of the pit;
- 3) Please allow a minimum of 24-hours to pass between well development and sampling. A period of 72-hours is preferred.

Field activities should begin no later than 30-days from the date of this letter, or by November 7, 1990. We will expect to receive a copy of the TPE report documenting the results of this phase of work within 30-days following completion of field activities.

Mr. Anthony Pettiti
RE: 19592 Center Street
October 8, 1990
Page 2 of 2

Please notify this office when work is scheduled to begin. Should you have any questions, please feel free to contact me at 415/271-4320.

Sincerely,


Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Bob Bohman, Castro Valley Fire Department
John Mrakovich, TPE
Liz Hasse, Esq.
files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 128 225

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

August 16, 1990

Mr. Anthony Pettiti
Anthony's Auto Service
19592 Center Street
Castro Valley, CA 94546

RE: UNDERGROUND STORAGE TANK CLOSURE REPORT; ESTATE OF JOHN G. PETTITI, 19592 CENTER STREET, CASTRO VALLEY: REQUEST FOR PRELIMINARY SITE ASSESSMENT (PSA) PROPOSAL

Dear Mr. Pettiti:

This Department has completed review of the report of laboratory analyses, as submitted under Tank Protect Engineering cover dated August 7, 1990. This report documents the analyses performed upon soil samples collected July 12, 1990 during the closure of three (3) fuel underground storage tanks (UST) and one (1) waste oil UST.

The results of laboratory analyses indicate that substantial contamination is present in native soils which underlie the fuel UST cluster. Concentrations of total petroleum hydrocarbons as gasoline (TPH-G) were as high as 3,200 parts per million (ppm) in sample S-2-E. Other samples collected from the fuel UST pit ranged from nondetectable (<1.0 ppm) to 2,500 ppm TPH-G. Observations made during removal of the fuel tanks indicated that native soil below these tanks, particularly toward the southern end of the excavation, was discolored. These soils exhibited the distinct odor of weathered and, below the southern-most UST, fresh gasoline. Native soils uncovered in this excavation are primarily sands and pebbly sands. Such materials are generally highly permeable and exhibit high rates of transmissivity.

Additionally, the waste oil UST had several holes in the welded seam at the low end of the tank. The soil sample collected from below this tank did not show the presence of TPH, total oil and grease (TOG), or halogenated hydrocarbons at or below the respective limits of detection; however, detectable concentrations of the volatile compounds benzene, toluene, ethylbenzene, and xylene (BTEX) were found. Native soil below this tank is similar to that indicated below the fuel tanks.

Mr. Anthony Pettiti
RE: Pettiti Estate, 19592 Center Street
August 16, 1990
Page 2 of 4

As a result of the noted observations made at the time of closure and the results of laboratory analyses, it is evident that an unauthorized release of hazardous materials from the UST systems has occurred at this site. Consequently, you are requested to perform additional investigative work to ensure that there has not been an impact to ground water underlying this site. This preliminary site assessment (PSA) will help to define the vertical and lateral impact upon ground water and soils resulting from any releases from the tanks prior to their removal. The information gathered by this investigation will be used to determine an appropriate course of action to remediate the site. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks. The major elements of such an investigation are summarized in the attached Appendix A.

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

This Department will oversee the site assessment and remediation for the Pettiti estate. This oversight will include our review and comment on work proposals and technical guidance on appropriate investigative approaches. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7. The RWQCB may choose to take over as lead agency if it is determined following the completion of the initial assessment that there has been a substantial impact upon ground water.

This PSA proposal is due within 30 days of the date of this letter, or by September 17, 1990. Once this proposal has been reviewed and approved, work should commence no later than October 17, 1990. Accompanying this proposal must be a check payable to Alameda County totalling \$933 to offset expenses incurred by this Department during oversight of this project.

A report must be submitted within 30 days after the completion of this phase of work at the site. Subsequent reports must be submitted quarterly until this site qualifies for final RWQCB "sign off". Such quarterly reports are due the first day of the second month of each subsequent quarter (i.e., November 1, February 1, May 1, and August 1).

Mr. Anthony Pettiti
RE: Pettiti Estate, 19592 Center Street
August 16, 1990
Page 3 of 4

The referenced quarterly reports should describe the status of the investigation and must include, among others, the following elements:

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

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

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

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

Sincerely,


Scott O. Seery
Hazardous Materials Specialist

enclosure


Mr. Anthony Pettiti
RE: Pettiti Estate, 19592 Center Street
August 16, 1990
Page 4 of 4

cc: Rafat A. Shahid, Assistant Agency Director, Alameda County
Department of Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Marc Zomorodi, Tank Protect Engineering
Liz Hasse, Esq.
files

Complete Items 1 and 2 when additional services are desired.

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

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

3. Article Addressed to: MR. Anthony Pettiti Anthony's Auto Service 19592 Center St. CASTRO VALLEY, CA 94546	4. Article Number P 062128225 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X 	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 8/97	

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25100.7 OF THE HEALTH AND SAFETY CODE.		
REPORT DATE 0 M 8 M 0 D 8 D 9 Y 0 V		CASE #		SIGNED _____ DATE 8-16-90		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Marc Zomorodi		PHONE (415) 429-8088		SIGNATURE 	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME Tank Protect Engineering			
	ADDRESS 2821 Whipple Rd STREET City Union City STATE CA 94587					
RESPONSIBLE PARTY	NAME The Estate of John Pettite <input type="checkbox"/> UNKNOWN		CONTACT PERSON		PHONE (415) 538-1288	
	ADDRESS 19592 Center Street STREET City Castro Valley STATE CA 94546					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) The Estate of John Pettite (Anthony's Auto Service)		OPERATOR		PHONE (415) 538-122	
	ADDRESS 19592 Center Street STREET City Castro Valley COUNTY CA 94546					
	CROSS STREET					
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME Alameda County Health Agency		CONTACT PERSON Scott Seery Paul Smith		PHONE (415) 271-4320	
	REGIONAL BOARD S.F. Bay Region				PHONE (415) 464-1255	
SUBSTANCES INVOLVED	(1) NAME Petroleum Hydrocarbons- see below				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN	
	(2)				<input type="checkbox"/> UNKNOWN	
DISCOVERY/ABATEMENT	DATE DISCOVERED 0 M 7 M 1 D 7 D 9 Y 0 V		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER			
	DATE DISCHARGE BEGAN _____ M _____ D _____ Y _____ Y <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER Remove Tank (s)			
	HAS DISCHARGE BEEN STOPPED? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE _____ M _____ D _____ Y _____ Y					
SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER			
	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input 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					
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)					
	<input type="checkbox"/> CAP SITE (CD) <input checked="" 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 type="checkbox"/> OTHER (OT) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS)					
COMMENTS	Two (2) 3000 gallon fuel tanks one (1) 4000 fuel tank one (1) 250 gallon waste oil tank have been removed. A request to submit a Preliminary Site Assessment proposal is forthcoming.					

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

Certified Mailer #P 062 127 997

May 16, 1990

Mr. Anthony Pettiti
Anthony's Auto Service
19592 Center Street
Castro Valley, CA 94546

RE: ESTATE OF JOHN G. PETTITI: REAL PROPERTY LOCATED AT 19592 GROVE
WAY, CASTRO VALLEY, ALAMEDA COUNTY

Dear Mr. Pettiti:

This letter shall serve to summarize the facts and issues discussed, and the course of action agreed upon, during the May 11, 1990 meeting between: yourself, as executor of the John G. Pettiti estate and owner of Anthony's Auto Service; Messrs. Doug Licciani and Pat Leonard; Ms. Liz Hasse, your attorney; and, this author, representing Alameda County Department of Environmental Health, Hazardous Materials Division.

As you will recall, the focus of this meeting was to establish what options are available to you with regards to bringing the underground storage tanks (UST) at the referenced site into compliance with Chapter 6.7 of the California Health and Safety Code and Subchapter 16 of Title 23, California Code of Regulations (CCR). This Department is concerned that the USTs at this site are not properly monitored following an approved alternative outlined under Section 2641(c), 23 CCR. Specifically, records documenting the successful completion of yearly tank tests and daily inventory reconciliation, essential components of such an approvable UST monitoring regime, are not producible. Without such documentation, we are not confident that the tanks and appurtenant piping systems are "tight", particularly in light of the fact that these tanks are likely 30 or so years old.

As we understand the facts, the subject property was purchased by your father, John G. Pettiti, from an undisclosed party in or around April 1986. A prepurchase environmental assessment, often termed a "due diligence assessment", was not performed before ownership of the property changed hands. As we further understand, the USTs have not been tested since April 1986, nor are records available to you to document whether the tanks were tested at any time prior to this date.

Mr. Anthony Pettiti
RE: 19592 Grove Way, Castro Valley
May 16, 1990
Page 2 of 3

We further understand that Trick Racing Gas "operated" the fuel UST system sometime after Mr. Pettiti purchased the property in 1986, although you were apparently sole proprietor and tenant of the facility as owner of Anthony's Auto Service. Apparently an agreement was reached with Trick Racing Gas (Company) whereby you would dispense (sell) fuel and be compensated from this company for this activity on a per-gallon throughput basis. You indicated during the May 11 meeting that this activity has since ceased and the fuel USTs are nearly empty. The waste oil UST apparently does still contain waste oil. We understand that there are currently no plans to continue the storage of motor vehicle fuel in the USTs in the near future.

As was brought to this Department's attention during the May 11 meeting, your father, John G. Pettiti, is recently deceased. We understand that you have been named as executor of the John G. Pettiti estate which is scheduled to enter probate proceedings sometime during or around the week of May 13, 1990. The probate process is expected to entail several weeks or months.

We understand that you are currently contemplating your future plans for this site. Several available options were discussed during the May 11 meeting which may include, among others, the following:

- 1) Selling the site "as is" for the continued use as a motor vehicle fueling station/repair shop;
- 2) Removing the above-ground and below-ground improvements (i.e., building, USTs, product piping, utilities, etc.) and grading the lot in preparation for the eventual construction of a commercial building;
- 3) Removing all improvements (as in item 2, above), petitioning for a zoning change to residential, and constructing an appropriate residential development;
- 4) Removing all improvements (as in items 2 and 3, above), grading the lot, and selling the property as a "developable" commercial property; or,
- 5) Removing the below-ground improvements and continuing to operate the site as an automotive repair facility.

Mr. Anthony Pettiti
RE: 19592 Grove Way, Castro Valley
May 16, 1990
Page 3 of 3

To facilitate your ability to explore the potential of this property and, at the same time, temporarily stave off the statutory requirements for UST testing and monitoring, you have been granted a period of 30 days to submit a Letter of Intent indicating what your plans will be. This letter should clearly define your plans for this site and include whether you seek approval to:

- o Maintain active use of the USTs, entailing the need to actively monitor the tanks (i.e., inventory reconciliation, pipeline leak detectors, integrity tests, and (possible) monitoring wells;
- o Temporary closure of the USTs pursuant to Section 2671, 23 CCR, applicable only if the tanks will resume storage of hazardous substances within 2 years; or,
- o Permanent closure of the USTs pursuant to Section 2672, 23 CCR.

Your Letter of Intent is expected within 30 days of the May 11 meeting, or by June 11, 1990. Should you have any questions, please call me at 415/271-4320.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

SOS:sos

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