SCHARFF & GREBEN

JAN ADAM GREBEN JEFFORY J. SCHARFF ATTORNEYS AT LAW

WELLS FARGO BUILDING

400 CAPITOL MALL, SUITE 1100

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 558-6192 FACSIMILE (916) 446-1611

February 23, 1993

Scott Seery Alameda County Environmental Health Dept. 80 Swan Way Oakland, CA 94621

Re: Joseph Nesbitt Feed Company

Dear Mr. Seary:

I am writing in follow-up to our February 19, 1993 conversation regarding your recent correspondence affecting the Joseph Nesbitt Feed Company. This is to advise you that this office has been requested to provide assistance on behalf of the feed store. We are in the process of issuing Requests for Proposals in order to meet your request on behalf of Alameda County.

If you have any questions concerning this matter, please do not hesitate to call.

Sincerely,

Kitory J. Scharfî

JJS:af

cc: William Nesbitt

clients\nesbitt\seery.1

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY

DAVID J. KEARS, Agency Director

STID 4257

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way Rm 200

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR.

Oakland, CA 94621 (510) 271-4530

January 12, 1993

William J. Nesbitt Cynthia R. Voegle 5800 Murrietta Avenue Van Nuys, CA 91401

-NOTICE OF VIOLATION-

RE: JOSEPH NESBITT COMPANY, 2542 SAN, CARLOS AVENUE, CASTRO VALLEY, ALAMEDA COUNTY

Dear Mr. Nesbitt and Ms. Voegle:

You were advised in correspondence dated January 14, 1991 and again August 12, 1991 that a preliminary site assessment (PSA) must be performed at the referenced site. The PSA was required following closure of an underground storage tank (UST) on June 13, 1990. The PSA work plan was initially due for submittal by February 15, 1991; the second PSA work plan request indicated the work plan was due September 12, 1991. To date, no PSA work plan has been submitted.

Presently you are in violation of Section 2722(c)(1) of Title 23, California Code of Regulations for failure to submit the requested work plan. Additionally, you were advised in the two prior notices that the PSA work plan was a request for technical reports pursuant to California Water Code Section 13267(b), and that failure to respond would result in the referral of your case to the appropriate agency for enforcement action.

Please be advised that should you fail to appropriately respond to this notice by way of submittal of the requisite PSA work plan, your case will be referred to the Alameda County District Attorney's Office for enforcement action. Please be further advised that the District Attorney's Office is being advised of this case by way of copy of this letter.

A PSA work plan must be submitted to this office within 45 days of the date of this letter, or by February 26, 1993.

Mr. Nesbitt / Ms. Voegle

RE: 2542 San Carlos Avenue, Castro Valley

January 12, 1993

Page 2 of 2

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

Gil Jensen, Alameda County District Attorney's Office

Rich Hiett, RWQCB

Bob Bohman, Castro Valley Fire Department

Ed Howell - files

site name: Joseph Weslatt Common						
Address: 25tà San Carlos Ave city Castro Vally Zip 54546						
Closure plan attached? (Y) N DepRef remaining \$						
DepRef Project #STID #(if any) 4257						
Number of Tanks: removed? Y N Date of removal 6-/3-90						
Leak Report filed? Y N Date of Discovery						
Samples received? (Y) N Contamination:						
Petroleum Y N Types: Avgas Jet leaded unleaded Diesel						
fuel oil waste oil kerosene solvents Monitoring wells on site Monitoring schedule? Y (N)						
LUFT category 1 (2) 3 * H S C A R W G O						
Briefly describe the following:						
Preliminary Assessment hone						
Remedial Action						
Post Remedial Action Monitoring '.						
Enforcement Action						
owner:						
2544 Castre Valley Blad 2542(?) San Carlos Au						
William J. Neslort + Cynthia R. Voegle						
Van Days, C+ 9/401						

DATE: 7-13-52

FROM: Sest

SUBJ:

TO : Local Oversight Program

Transfer of Elligible Oversight Case

RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH Hazardous Materials Division 80 Swan Way, Rm. 200 Oakland, CA 94621

WEEKLY INSPECTIO(NO) 278-4826 ORD

SELF CONTAINED BREATHING APPARATUS CYLINDERS

Week of:

Cylinders Tight?

Follow Up Required?

DUFOUR, GREBEN & SCHARFF

ATTORNEYS AT LAW

JAMES T. DUFOUR
JAN ADAM GREBEN
JEFFORY J. SCHARFF
STEVEN A. PICCO

91 SEP 12 MINES!

819 F STREET SACRAMENTO, CA 9581+

PO BOX 867 SACRAMENTO, CA 95812 0867

(916) 553 3247 FAX (916) 553 3250

September 11, 1991

Mr. Scott Seery
Hazardous Materials Specialist
ALAMEDA COUNTY HEALTH AGENCY
Division of Hazardous Materials
80 Swan Way, Room 200
Oakland, CA 94621

Re: Jos. Nebitt Co.

Dear Mr. Serey:

I am writing to you in follow up to our conversation of September 10, 1991. Unfortunately, I was unable to reach you on Monday since your offices were closed.

As we discussed, I am planning to meet with my client to discuss the County's request, some of the underlying legal considerations and then provide a response to your agency. I am tentatively planning to conduct this meeting sometime during the week of September 16, 1991. Thereafter, I believe it is appropriate to schedule a follow up meeting with your office in order to develop a mutually agreeable response strategy in order to foreclose the possibility of the initiation of enforcement proceedings.

Thank you for your courtesy and attention in this matter. If you have further questions please feel free to give me a call.

Sincerely,

JEFFORY J. SCHARFF

JJS:ket

cc: W

William Nesbitt

Richard Mendonca

09/11/91/24001.01

Certified Mailer # P 367 604 323

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

August 12, 1991

Mr. William Nesbitt Joseph Nesbitt Company 5800 Murrietta Avenue Van Nuys, CA 91401

RE: JOS. NESBITT COMPANY, SAN CARLOS AVENUE SITE, CASTRO VALLEY, ALAMEDA COUNTY

Dear Mr. Nesbitt:

You were notified by this Department in correspondence dated January 14, 1991, sent under certified mailer # P 062 128 356, that the Jos. Nesbitt Company was required to conduct a Preliminary Site Assessment (PSA) of the referenced Castro Valley site. This requirement was imposed as a result of a review of the facts associated with the closure of a 250-gallon fuel underground storage tank (UST) from this site which suggested the probability of an unauthorized release of product from the UST system.

The January 14 notice required the submittal of a PSA proposal by February 15, and the initiation of field activities no later than March 15, 1991. To date, the requisite PSA proposal has not been submitted nor has any further work been initiated at the site.

At this time you are directed to submit the requisite Preliminary Site Assessment proposal in accordance with the RWQCB <u>Staff</u> Recommendations for the Initial Evaluation and Investigation of <u>Underground Tanks</u> within 30 days, <u>or by the close of business on September 12, 1991</u>. Accompanying this proposal must be a check totalling \$432 to offset expenses incurred by this Department during oversight of 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 will result in the referral of this case to the RWQCB or the Alameda County District Attorney's Office for enforcement action, possibly subjecting the responsible party to civil penalties to the extent provided by law. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Mr. William Nesbitt

RE: Jos. Nesbitt Co., 2544 Castro Valley Blvd

August 12, 1991

Page 2 of 2

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

Sincerely

Sectt 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

< C :

Lester Feldman, RWQCB Howard Hatayama, DHS

Bob Bohman, Castro Valley Fire Department

Richard Mendonca

Jeffory Scharff, Esq.

files

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P 367 604 323

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED NOT FOR INTERNATIONAL MAIL

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Postmark or Date	

HEALTH CARE SERVICES

AGENCY DAVID J. KEARS, Agency Director

G

Certified Mailer # P 062 128 356

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

January 14, 1991

Mr. William Nesbitt Joseph Nesbitt Company 5800 Murrietta Avenue Van Nuys, CA 91401 (1.5) 788- 1063 200 = 1 = 1.5

RE: JOS. NESBITT COMPANY, SAN CARLOS AVENUE SITE, CASTRO VALLEY, ALAMEDA COUNTY

Dear Mr. Nesbitt:

This letter follows a telephone conversation I shared January 11, 1991 with Mr. Jeffory Scharff, an attorney with the law firm of Dufour & Scharff. It is my understanding that Mr. Scharff was originally contacted by Mr. Richard Mendonca, the proprietor of the Jos. Nesbitt Company feed store in Castro Valley, to assist him in researching the regulatory requirements for and developing a Preliminary Site Assessment (PSA) proposal for review by this Department. The performance of a PSA was deemed necessary following the review of facts associated with the removal of a 250-gallon former fuel tank from the San Carlos Avenue site during June 1990. Please reference the attached August 2, 1990 correspondence from this Department addressed to Mr. Mendonca describing these events.

Before my January 11 conversation with Mr. Scharff, this Department was under the impression that Mr. Mendonca was the owner of both the tank and subject property. Mr. Scharff indicated that the subject property is still owned by the Jos. Nesbitt Company. As we understand the facts, you are the controlling partner in this company. We further understand that Mr. Scharff, following his notification of your ownership interest in the property, has failed in a number of attempts over the last several weeks to contact you by phone to discuss the issues with this case.

Now that this Department is aware that you are the appropriate representative for the Jos. Nesbitt Company, you are required to arrange for the performance of a PSA. The scope of such an investigation shall be in accordance with the requirements outlined in the attached August 2 correspondence to Mr. Mendonca (and reiterated in this letter), and the San Francisco Bay Regional Water Quality Control Board (RWQCB) <u>Staff Recommendations for the Initial Investigation of Underground Tanks</u>. The major elements of a PSA are summarized in Appendix A (also attached).

Mr. William Nesbitt RE: 2544 Castro Valley Blvd., Castro Valley January 14, 1991 Page 2 of 3

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 assessment for this site. 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 February 15, 1991. Once this proposal has been reviewed and approved, work should commence no later than March 15, 1991. Accompanying this proposal must be a check payable to Alameda County totalling \$432 to offset the initial expenses incurred by this Department in oversight of this project.

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

- 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.
- 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.
- Recommendations or plans for additional investigative work or remediation

Mr. William Nesbitt RE: 2544 Castro Valley Blvd., Castro Valley January 14, 1991

Page 3 of 3

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/0./Seery

Hazardous/Materials Specialist

CC: Rafat A. Shahid, Assistant Agency Director, Alameda County
Department of Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Richard Mendonca
Jeffory Scharff, Esq.
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P 062 128 356

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

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

1. Show to whom delivered, date, and addressee's address.

2. Restricted Delivery (Extra charge) 3. Article Addressed to: 4. Article Number P062 128 356 MR. WILLIAM NESBITT Type of Service: JUSEPH NESBITT CO. Registered Insured 5800 MURRIETTA RIE VAN NUYS, CA GIYOT Certified COD Return Receipt for Merchandise Express Mail Always obtain signature of addressee or agent and DATE DELIVERED. 8. Addressee's Address (ONLY if Signature — Address requested and fee paid) 6. Signature -7. Date of Delivery PS Form 3811, Mar. 6.S.G.P.O. 1988-212-865 **DOMESTIC RETURN RECEIPT**

DUFOUR & SCHARFF

JAMES T. DUFOUR JEFFORY J. SCHARFF

ENVIRONMENTAL & OSHA LAW AGRICULTURAL LAW GOVERNMENT RELATIONS

October 23, 1990

819 F STREET SACRAMENTO, CA 95814

P.O BOX 867 SACRAMENTO, CA 95812 0867 (916) 553-3247 FAX (916) 553-3250

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110:59

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

Re: Jos. Nesbitt Company

Dear Mr. Seery:

This is in follow up to our telephone conversation of this date regarding the above referenced matter.

Pursuant to these discussions, I would request an additional thirty (30) days to submit a proposal for further investigation on the property.

Thank you for your assistance in this matter.

Sincerely,

JEFFORY J. SCHARFF

JJS:sra

cc: William Nesbitt Richard Mendonca

\ltr\lsee1023.jnc

431 West Hatch Road Modesto, California 95351 (209) 524-9653 FAX (209) 524-0503

1741 Leslie Street San Mateo, California 94402 (415) 572-8033 FAX (415) 572-9734

SEMCO

James C. Bateman Petroleum Services Inc. General Engineering and Environmental Contractor License NO. 449864 A, B, C-61, D-40 (800) 533-9293

Date:	August	13, 1990		90
To:	Jos Nes	sbitt Co. Inc.	•	90 AUG 16 PM 10: 37
	2544 Ca	astro Valley Blvd.		о Ф
	Castro	Valley, CA 94546		<u> </u>
REGARD	ING:		•	<u>3</u>
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XX	Hazard	tory Analysis ous Waste Manifest	XX	Chain of Custody Tank Disposition Record
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Signed: MUSSIGHAMUTA

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Nº 3743 SEMLO 72/29

CERTIFICATE

Certified Services Company 255 Parr Boulevard Richmond, California 94801

Day or Night Telephone (415) 235-1393

For:	rickson, Inc.	Tank No) (e)	3743	Personal de la la companya de la
Test Method:	Visual Gaste	ech/1314 SMPN	(3,)		Location: Richmond Date: 970 Time: 9.10
			<u> </u>		ST WILL
This is to certing are in accordance of each to be	fy that I have personall nce with the American in accordance with its	y determined that the Petroleum Institute ar assigned designatio	tank(s) ind have for. This c	in the following lis ound the condition certificate is based	on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.
	Tank(s)				Condition
1-	A50	Gal Tank	Sa	fe For Fire	Oxy 20.9 %
					LEL -1 %
Remarks:					
					
n the event of ar the above tanks	ny physical or atmospr s, or if in any doubt i	neric changes affectin mmediately stop all l	g the gas hot work	s-free condition of and contact the	undersigned. This permit is valid for 24 hours if no physical or atmospheric changes occur.
materials in the udgment of the inder existing at tertificate.	Means that in the comp atmosphere is at leas atmosphere are withi Inspector, the residue mospheric conditions	in permissable conce is are not capable of while maintained as d	dume; an entrations producin lirected o	nd that (b) Toxic s; and (c) In the ng toxic materials on the Inspector's	Safe for Fire: Means that in the compartment so designated (a) The concentration of flammable materials in the atmosphere is below 10 percent of the lower explosive limit; and that (b) In the judgment of the Inspector, the residues are not capable of producing a higher concentration than permitted under existing atmospheric conditions in the presence of fire and while maintained as directed on the Inspector's certificate, and further, (c) All adjacent spaces have either been cleaned sufficiently to prevent the spread of fire, are satisfactorily inerted, or in the case of fuel tanks, have been treated as deemed necessary by the Inspector.
1. 16.	Jim	acknowledge	es receip	t of this certificate	and understands the conditions and limitations under which it was issued.
Representative	- V()(0/	Title	gu.	Inspector free
	Act State Control of the Control of	MATERIA COMMUNICATION OF THE PROPERTY OF THE P		•	mspector)

431 West Hatch Road Modesto. CA 95351 (209) 524-9653 FAX (209) 524-0503

1741 Leslie Street San Mateo, Ca 94402 (415) 572-8033 FAX (415) 572-9734

SEMCD

James C. Bateman Petroleum Services Inc. General Engineering and Environmental Contractor License No. 449864 A, B, C-61, D-40

TANK DISPOSITION RECORD

Date: August 13, 1990						
Generator's Name:	Jos Nesbitt	Co., Inc.				
Address:	2544 Castro	Valley Blvd.	·			
	Castro Valle	ey, CA 94546				
Tank Identification	:					
Identification	Number:	3743	:			
Capacity:		250 Gallon				
Construction:		Steel				
Product:		Leaded Gasoline	!			
Delivered To:	Certified	Services Company	r			
	255 Parr 1	Blvd.				
Richmond, CA 94801						
I hereby declare that the information above is accurate and that the tank was in proper condition for transport by highway, according to applicable government regulations.						
Signatur	Signature Date					

STRAIGHT BILL OF LADING	Shipper's No	
ORIGINAL - NOT NEGOTIABLE		219
CARRIER: Erickson Trucking, Inc.	SCAC Carrier's No	
TO: IMC Corp.	FROM: Erickson, Inc. Shipper 255 Parr Blvd.	
Consignee 600 S. 4th St. Street Richmond, CA 94805	Shipper 255 Part Brvd. Street Richmond, CA 94801	
Destination Zip	Origin	Zip
Route:	Vehicle Number	
No. Kind of Packages, Description of Articles Shipping Units (IF HAZARDBUS MATERIALS - PROPER SHIPP	HAZARO I.O. WEIGHT (Subject to RATE CLASS Number (Subject to Gorrection)	LABELS REQUIRED
Non-Dot regulated material	gas free triple rinsed underground	
tanks for scrap		
1266/3/60	None N/A N/A	None
72102/3752		<u> </u>
72/29/3743		
7213/12747	Million	
Remit C.O.D. to: -77067/372/	172/08/3733	C.O.D. FEE:
Address: State:	zip: COD Amt: \$	Prepaid
NOTE — Where the rate is dependent on value, shippers are required to state	E Specifically in writ- Subject to Section 7 of the combines, if this physical is to be delivered to the consumer without recourse on the consumer, the consumer shall supplied following payment.	FREIGHT CHARGES
ing the agreed or declared value of the property. The agreed or declared value of is hereby specifically stated by the shipper to be not exceeding. \$	Per (Signature of Consignor)	PREPAID COLLECT
packages unknown), marked, consigned, and destined as indicated above which as rid contract) agrees to carry to its usual place of delivery at said destination, if on its rout over all or any portion of said route to destination and as to each party at any time into the governing classification on the date of shipment.	te of issue of this Bill of Lading, the property described above in apparent good order, except as noted (conte arrier (the word carrier being understood throughout this contract as meaning any person or corporation in pos- te, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to asch carr erested in all or any said property, that every service to be performed hereunder shall be subject to all the bill- strons in the governing classification and the said terms and conditions are hereby agreed to by the shipper a	ession of the property under the ier of all or any of, said property of lading terms and conditions in
assigns. This is to certify that the above-named materials and properly classified, described, packaged parked is babeled and are in proper condition for transportation securding to the publicable regulators of Department of Transportation.	PLACARDS PLACARDS VES IN NONE PLACARDS DRIVER SIGNA	O — FURNISHED BY CARRIER TURE:
SHIPPER: Erickson, Inc.	CARRIER:	
PER: Shannan Lowry	PER:	
DATE: (OCL) EMERGENCY RESPONSE /// 25/7/3	DATE:	- orande of the meterial and
TELEPHONE NUMBER: 45 25 25	Manned 24 hours/day by a person with knowledge of the l emergency response information or who has access to a per	
	CHEMICAL EMERGENCIES INVOLVING SPILL, LEAK, URE CALL TOLL-FREE 1-800-424-9300 DAY OR NIGHT	9-BLS-A3 (Rev. 9/88)
WEIGHMASTER CERTIFICATE		LMC 410 (8-88)
THIS IS TO CERTIFY that the following described commodify was weighted, measured, or counted by a weight master whose signature is on the certificate who is a	TALS Sept SOUTH 4th STREET 1800 MONTEREY HIGHWAY DATE	
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10-24 06/20/90 45060 16	(916) 444-3380 (209) 466-6875 TYPE OF PURCHASE	
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11 47 06/20/90 28980. 1b	(415) 369-4161	17155
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10,080	LT. PER LT. S.J. CO.	
COMMODITY	201 / CI FRICKERE	7)0
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DRIVER'S LICENSE NO TRAILER LICENSE NO /RR CAR NO	111 PONT OF ORIGIN 1	
DISMANTLER NO /SEAL NO CARRIERS NAME/WB NO	M. la 1xt=1/1	
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been cleared for dismantling with the Department of Motor Vehicles	warrantly hereunder and driver agrees to be re- sponsible for damage to whicle during unloading. Federal or State law and that for payment hereby received I self and convey trile to LMC METALS.	1. 1/1/1/2

Certified Mailer # P 062 127 744

August 2, 1990

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

Mr. Richard Mendonca Joseph Nesbitt Company 2544 Castro Valley Blvd. Castro Valley, CA 94546

RE: UNDERGROUND STORAGE TANK CLOSURE REPORT; JOS. NESBITT COMPANY, SAN CARLOS STREET SITE, CASTRO VALLEY: REQUEST FOR PRELIMINARY SITE ASSESSMENT (PSA) PROPOSAL

Dear Mr. Mendonca:

This Department has completed review of the report of laboratory analyses and chain-of-custody forms, as submitted under SEMCO cover dated June 29, 1990. This report documents the analyses performed upon a single soil sample collected June 13, 1990 during the closure of one 250 gallon fuel tank at the San Carlos Street site.

The results of the laboratory analyses indicate that those motor fuel constituents for which analyses were performed were not detected in the sample collected at the time of closure. However, observations made of the tank during closure identified the presence of numerous holes along the bottom of the tank, and that fuel odors were evident in proximity to the excavation. Such observations identify the likelihood that an unauthorized release has occurred at this site.

As a result of these observations, 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, if necessary. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks. The major elements of such an investigation are summarized in the attached Appendix A.

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

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Joseph Nesb 2544 Castro	Valley Blvo Express Mail Return Receipt
CASTRO Valley	Always obtain algnature of addresses or agent and DATE DELIVERED.
5. Signature - Address X Newstra	8. Addressee's Address (ONLY if requested and fee paid)
6./Signature - Agent	

Mr. Richard Mendonca RE: Jos. Nesbitt Co., San Carlos Street site August 2, 1990 Page 2 of 3

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

This PSA proposal is due within 30 days of the date of this letter, or by September 2, 1990. Once this proposal has been reviewed and approved, work should commence no later than October 2, 1990. Accompanying this proposal must be a check payable to Alameda County totalling \$375 to offset expenses incurred by this Department in oversight of this project.

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

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

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

Mr. Richard Mendonca RE: Jos. Nesbitt Co., San Carlos Street site August 2, 1990 Page 3 of 3

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.

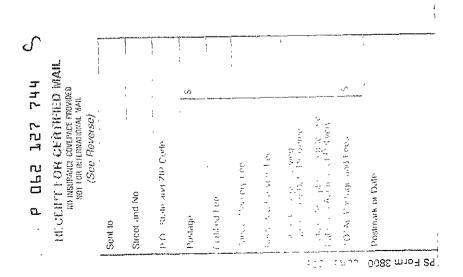
Should you have any questions about the content of this letter, please call me at 415/271-4320.

Sincerely

Scott o. Seery

Hazardous/Materials Specialist

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
files



white -env.health yellow -facility pink -files

Signature:

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200 Oakland, CA 94621 (415) 271-4320

Hazardous Materials Inspection Form

***			Site Site Name Jos Nesbitte Today's 1320
	BUSINESS PLANS (Title 19) 1. immediate Reporting 2. 8us. Plan Stds. 3. RR Cars > 30 days 4. Inventory Information 5. Inventory Complete 6. Emergency Response 7. Training 8. Deficiency 9. Modification ACUTELY HAZ MATLS 10. Registration Form Filed 11. Form Complete 12. RMPP Contents 13. Implement Sch. Regid? (V/N) 14. Ortiste Conseq. Assess. 15. Probable Risk Assessment 16. Persons Responsible 17. Certification 18. Exemption Request? (V/N) 19. Trade Secret Requested?	2703 25503(b) 25503,7 25504(c) 2730 25504(c) 25505(d) 25505(d) 25505(d) 25533(d) 25533(d) 25533(e) 25534(e) 10 25524(e) 25534(d) 25534(d) 25534(d) 25534(d) 25534(d) 25535(b)	Site Address 2544 Caste Valla D Citicostro Valla Zip 94546 Phone MAX AMT stored > 500 lbs, 55 gal., 200 cft.? inspection Categories: I. Haz. Mat/Waste GENERATOR/TRANSPORTER II. Business Plans, Acute Hazardous Materials III. Underground Tanks * Calif. Administration Code (CAC) or the Health & Safety Code (HS&C) Comments:
HL.	UNDERGROUND TANKS (Title		Denises of # 20122222
Generaí	1. Permit Application 2. Pipeline Leck Detection 3. Records Maintenance 4. Release Report 5. Closure Plans	25284 (H&S) 25292 (H&S) 2712 2651 2670	Fuller Ex saveting tayling to Frichson, Joular # 013335 exp
Monitoring for Existing Tanks		2643 2644 2645	Oct 90, 250 get hach, Numerows holes in bottom of the tank. Otor of fuel present. Sind comple results to this office. Those gus:
New Tanks	10. Ground Water,11.Monitor Plan12.Access. Secure13.Plans Submit14. As Built14. The secure	2637 2632 2634 2711 2635	
lev	Contact:	Clud	II, III

Signature:

State of California—Health and Welfare Adency

GEORGE DEVENUELIAN, GOVERNOR

DEPARTMENT OF HEALTH SERVICES

774/746 P 8785ET RO, BOX 94E78E \$ACRAMENTO. CA. 94534-7380

(916) 324-2430



*** HAZARDOUS WASTE HAULFR REGISTRATION ###

NAME AND ADDRESS OF REGISTERED HAUTER:

P.C. Box 193 Hilmar, CA 95324

HAVIER REGISTRATION NO: 1168

EXPIRATION DATE: April 30, 1991

THIS IS TO CERTIFY THAT THE FIRM NAMED ABOVE IS DULY REGISTERED TO HAUL HAZARDOUS WASTE IN THE STATE OF CALIFORNIA IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6.5, DIVISION 20 OF THE HEALTH AND SAFETY CODE AND CHAPTER 30, DIVISION 4, TITLE 22 OF THE CALIFORNIA CODE OF REGULATIONS.

THIS REGISTRATION MUST BE CARRIED IN THE VEHICLE USED TO TRANSPORT HAZARDOUS WASTE.

MAY 07 1990

(Date)

TOTAL F.81 4:5 572 8082 PAGE.002

(1)4

S E M C 8 James C. Bateman Petroleum Services, Inc. Seneral & Engineering Contractors License No. 449864 A,B & C-61

1741 Leslie St. San Mateo, CA 94402 (415) 572-8033

431 W. Hatch Road Modesto, CA 95351 (209) 524-9653

**************************************	**************************************
DATE: 5/7/90	TIME: 2:27
FAX TO: <u>Alameda County</u> ATTENTION: <u>JOH 50</u>	FAX # 568-3706
ATTENTION: JOH 50	cery-
	0
FROM: SEMCO 1741 LESLIE ST. FA SAN MATEO, CA 94402	X# (415) 572 -9734
SENDER: Shondon	
TOTAL NUMBER OF PAGES INCLUDING COVER:	_2
COMMENTS: Very your M	10guary-
- Experate	in 4/30/90

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL ME AT (415) 572-8033.

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (HIMDDIYY)

11/3/89

PRODUCER

R. L. Stewart Ins. Agency P.O. Box 1515 Oakdale, Ca. 95361 THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND. EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

COMPANIES AFFORDING COVERAGE

CODE

SUB-CODE

COMPANY A

American Star Ins. Co.

INSURED

COMPANY B

Fairmont Ins. Co.

•

Semco, Inc. 431 West Hatch Rd. Modesto, Ca. 95351 COMPANY C

COMPANY D

COMPANY E

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS. EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	Type of insurance	POLICY NUMBER	POLICY-EFFECTIVE POLICY EXPIRATION DATE (MIMODAYY) DATE (MIMODAYY)	ALL LIMITS IN THOUSANDS
A	COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR. OWNER'S & CONTRACTOR'S PROT.	AMS 1-509826	10/1/89 10/1/90	PRODUCTS-COMPIOPS AGGREGATE \$ 1,000, PERSONAL & ADVERTISING INJURY \$ 1,000, EACH OCCURRENCE \$ 1,000,
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS			FIRE DAMAGE (Any one fire) \$ 50, MEDICAL EXPENSE (Any one person) \$ 5, COMBINED \$ 1, LIMIT
	Scheduled autos Hired autos Mon-Owned autos Garage Liability			BODILY INJURY \$ INJURY \$ INJURY \$ INJURY \$
	EXCESS LIABILITY OTHER THAN UMBREILA FORM			PROPERTY S EACH AGGREGATE OCCURRENCE S. S
B	Worker's Compensation And Employers' Liability Other	F48637	9/5/89 9/90	* 1,000, (EACH ACCIDENT) 1,000, (DISEASE—POLICY LIMIT) 1,000, (DISEASE—EACH EMPLOYEE)

description of operations/locations/vehicles/restrictions/special items

All California Operations

CERTIFICATE HOLDER

4

COUNTY OF ALAMEDA

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF. THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 10. DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY DEPARTMENT OF ENVIRONMENTAL HEALTH HAZARDOUS MATERIALS DIVISION

regulations. THERE IS A FINANCIAL PENALTY FOR NOT OUTAIN'NG THICSE INSPECTIONS.

Plance with accepted plans and all applicable laws and

following required inspections: traumer of a perent to operate is dependent on com-Ramoval of Tank and Piping _Sampling -Final Inspection

10 JUNES 322

Oathard, 32 St. 237

Regulated to the accept the separation of the second to be accept to the second to be accept to the second to be accept to the second t

DEPARTMENT OF ENVIRONMENTAL FIEALTH 470 - 27th Sir et, mad floor ACCEPTED \$28-90

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

7.	Business Name LOS Pleslitt Co-
	Business Owner Rich Mundonea
2.	Site Address 2544 Contro Valley Blud.
	city Castro Valley 2ip 94546 Phone 581-2184
3.	Mailing Address 2544 Castro Valley Blod
	city Castw Valley zip 94546 Phone 581-2184
4.	Land Owner gas Maslutt Co
	Address 2544 Castio Vallegity, State Castio Cally Zip 94546
5.	EPA I.D. No
6.	Contractor Semio
	Address 1741 Skestie Street
	city San Mates Phone 572-8033
	License Type AB & C-61 ID# 449864
7.	Other (Specify)
	Address
	CityPhone

8.	Contact Person for Investigation
	Name Chuck Kuper Title Vice Gesident
	Phone <u>572-8033</u>
9.	Total No. of Tanks at facility
10.	Have permit applications for all tanks been submitted to this office? Yes [] No []
11.	State Registered Hazardous Waste Transporters/Facilities
	a) Product/Waste Tranporter
	Name alled Getraleum EPA I.D. No. CAD 980656 7512
	Address P.O. Box 193 Haulen# 1168
	city Nullman state CA zip 95327
	b) Rinsate Transporter
	Name allied Ketroleum EPA I.D. No. CAD 980656 75128
	Address V.O. Box 193
	city Nullmar state CA zip 95327
	c) Tank Transporter
	Name <u>Enidocon</u> EPA I.D. No. <u>CAD 009466392</u>
	Address 255 Pan Blud
	city <u>Richmond</u> State <u>CA</u> zip
	d) Contaminated Soil Transporter
	Name <u>Endeson</u> EPA I.D. No. <u>CAD 669466392</u>
	Address 255 Pan Blod
	city <u>Richmond</u> state <u>CA</u> zip
12.	Sample Collector /
	Name Senco Chuck Kuper
	company <u>Semco</u>
	Address 1741 Kaslue St
	city San Mater State of Zip 94402 Phone 572-8033

. 13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth		
Capacity	Historic Contents (past 5 years)				
250	GAS	SOIL, AND GROUNDIDATER IF BUCOUNTERED	NATIVE SOIL/ BACKFILL INTERFACE		
	anks or pipes leaked	in the past? Ye			
If yes	, describe.				
If yes 15. NFPA m	ethods used for rende	ering tank inert?	Yes [No []		
If yes 15. NFPA m	ethods used for rende	ering tank inert?			
If yes 15. NFPA m If yes	ethods used for rende	ering tank inert?	Yes [] No [] al aproduct thish y wash, 20165 p		
If yes 15. NFPA m If yes	ethods used for render, describe. Hemo	ering tank inert?	Yes [] No [] al aproduct thish y wash, 20165 p		
If yes 15. NFPA m If yes ULL U	ethods used for render, describe. Hemo	ering tank inert?	Yes [] No [] al aproduct thish y wash, 20165 p		
If yes 15. NFPA m If yes CL C	ethods used for render, describe. Jemand have to tories	ering tank inert?	Yes [] No [] al aproduct thish y wash, 20165 p		
If yes 15. NFPA m If yes (Cl () 16. Labora Name	ethods used for render, describe. Jesul hot was per 100 tories s	ering tank inert?	Yes [] No [] al aproduct thish y wash, 20165 p		

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
BTXE TPH	8020 5030	8020 GCF10
TPH	5030	GCFIO

18.	Site Safet	y Plan submi	tted?	Yes				No	[]
19.	Workman's	Compensation	Yes	[/]	No	[3			

Copy of Certificate enclosed? Yes [No []

Name of Insurer Comercian Star & Faciment

20. Plot Plan submitted? Yes [/] No []

21. Deposit enclosed? Yes [\(\sqrt{} \) No []

- 22. Please forward to this office the following information within 60 days after receipt of sample results.
 - a) Chain of Custody Sheets
 - b) Original Signed Laboratory Reports
 - c) TSD to Generator copies of wastes shipped and received
 - d) Attachment A summarizing laboratory results

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I will notify the Department of Environmental Health at least two (2) working days (48 hours) in advance to schedule any required inspections. I understand that site and worker safety are soley the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor
Name (please type) Chuck Kiper
Signature
Date
Signature of Site Owner or Operator
Name (please type) Rich Mendonch
Signature KMendone
Date + 1090

NOTES:

- 1. Any changes in this document must be approved by this Department.
- 2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.
- 3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.
- 4. A copy of your approved plan must be sent to the landowner.

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)

INSTRUCTIONS

2. SITE ADDRESS

Address at which closure or modification is taking place.

5. EPA I.D. NO.

This number may be obtained from the State Department of Health Services, 916/324-1781.

6. CONTRACTOR

Prime contractor for the project.

OTHER

List professional consultants here.

12. SAMPLE COLLECTOR

Persons who are collecting samples.

13. SAMPLING INFORMATION

Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

16. LABORATORIES

Laboratories used for chemical and geotechnical analyses.

17. CHEMICAL METHODS:

All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

<u>Sample Preparation Method Number</u> - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

<u>Analysis Method Number</u> - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

NOTE:

Method Numbers are available from certified laboratories.

18. SITE SAFETY PLAN

A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

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

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

1/88