

Re: KI/FKLA San Leandro L.L.C. v. Kaiser Aerospace & Electronics  
July 11, 1996

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G. Paoletti Co., Inc.  
Attn.: David Moyal, President  
496 Hester St.  
San Leandro, CA 94577

Mr. David Moyal, President  
G. Paoletti Co., Inc.  
7424 Oxford Circle  
Dublin, CA 94568

Re: KI/FKLA San Leandro L.L.C., a Delaware  
limited liability company, San Leandro  
Airport Park, San Leandro, California  
NOTICE OF INTENT TO FILE SUIT  
42 U.S.C. SECTION 6972(a)(1)(B)

To Whom It May Concern:

NOTICE IS HEREBY GIVEN that 90 days after the date of this notice, KI/FKLA San Leandro L.L.C., a Delaware limited liability company, (hereinafter "KI"), owner of real property commonly known as 700 to 754 Whitney Street, San Leandro, including three buildings and appurtenances, within the San Leandro Airport Park noted above, intends to file suit under the Resource Conservation Recovery Act ("RCRA"), 42 U.S.C. Section 6972(a)(1)(B), against Gildard Hess (hereinafter "Hess") and G. Paoletti Co., Inc. (hereinafter "Paoletti"), with reference to a substantial release of solvents and other contaminants on or about the border region of the common property line at the above noted property, which releases have migrated offsite to other adjacent properties, including San Leandro Airport Park, resulting in soil and groundwater contamination at these other properties.

KI is informed and believes that Hess and Paoletti currently own and operate, and have owned and operated at all times relevant, a business located at a site immediately east of 701 Whitney St., San Leandro, upon which various storage and use activities were carried out. KI is informed and believes that Hess and Paoletti has engaged in improper storage and use activities and has not undertaken timely and appropriate site characterization and remediation of the aforementioned

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contaminant releases which have migrated through the soil and into the ground water. The full and complete extent of these releases has not yet been fully determined. Additionally, Hess and Paoletti has delayed implementation of corrective action and KI believes that the failure of Hess and Paoletti to implement corrective action is likely to continue and/or recur, resulting in further adverse impacts on the environment.

Additionally, an imminent and substantial endangerment to human health and the environment exists at the Hess and Paoletti site located on the property to the east of and adjacent to 701 Whitney St., San Leandro, California, and adjacent properties, in that hazardous solvents and wastes and solid wastes have been released, have impacted the soil and groundwater in the area, and are continuing to migrate. This contamination presents an imminent and substantial endangerment to the environment, the San Leandro Airport Park, and any persons on or about the Hess and Paoletti facility located adjacent to the now empty lot that is immediately adjacent to and east of 701 Whitney St.

Hess and Paoletti are an "operator" under RCRA, due in part to their past and current management, operational oversight, and control with reference to the business and storage activities that took place on the Hess and Paoletti site, which is the lot immediately adjacent to and east of 701 Whitney St. Hess and Paoletti are also a "generator" of hazardous and solid waste that adversely affects human health and the environment. Through these and other possible methods, and for these reasons, Hess and Paoletti have contributed or are contributing to the past and/or present handling, storage, treatment, transportation, or disposal of solid and hazardous waste, which now presents an imminent and substantial endangerment to human health and the environment.

Accordingly, under 42 U.S.C. § 6972(a)(1)(B), KI will seek judgment requiring Hess and Paoletti to pay for all costs which KI will incur henceforth in identifying, characterizing, analyzing, monitoring, investigating, and remediating any soil or ground-water contamination on the impacted properties. In addition, KI will seek an injunction ordering Hess and Paoletti to undertake all further characterization and remediation activities necessary concerning any soil or ground-water contamination on the impacted properties.

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Hess and Paoletti and the federal, state and local governmental entities noticed above are hereby placed on written notice of KI's intention to commence suit upon this matter. KI's action will seek all RCRA, statutory, equitable and common law remedies available against Hess and Paoletti.

KI/FKLA San Leandro L.L.C. may be contacted through its counsel, Thomas H. Clarke, Jr., Ropers, Majeski, Kohn & Bentley, 1001 Marshall Street, Redwood City, California 94063; (415) 364-8200.

Very truly yours,



Thomas H. Clarke, Jr.  
ROPERS, MAJESKI, KOHN & BENTLEY

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



R02780

RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Environmental Protection Division  
1131 Harbor Bay Parkway, #250  
Alameda, CA 94502-6577  
(510) 567-6700

August 24, 1995

Kaiser Electronics  
John Balkwill  
2101 Orchard Park Way  
San Jose, CA - 95134

Subject: Kaiser Aerotech Property - 498 Hester Street,  
San Leandro, CA

Dear Mr. Balkwill:

I am in receipt of the technical report for soil and groundwater investigation, dated July 28, 1995 prepared by SECOR International Incorporated (SECOR) for the above referenced property. The document has been reviewed by this Department.

In June 1995, nine soil borings were drilled around the fenceline area, shared with Airport Park facility, with 2 of the borings in the airport park property. Samples were generally collected from depths of 0.5 ft, 2 ft and 2.5 ft except for one sample from boring B-5 which was collected at 5 ft. The laboratory results indicated the presence of trichloroethylene at concentrations ranging from 6.1 ppb to 230 ppb. VOC's were not detected in the deeper sample collected from boring B-5 at 5 feet.

Although based on results of previous and current investigation, it appears that the lateral extent of contamination has been mostly defined, the area around boring B-1 should be further investigated as the soil sample results revealed the presence of trichloroethene at 2 feet. Also, the vertical extent of soil contamination has not been characterized as most of the samples analyzed were collected from the surface soils below 2.5 feet. Due to the nature of VOC's, an assumption that these chemicals are not present in the deeper soils cannot be made as a consequence of not finding them in the surface soils.

Grab water samples were collected from borings B-5 and B-6. The sample results indicated the presence of trichloroethylene and 1,2 dichloroethylene at concentrations of upto 18 ppb and 66 ppb respectively.

Based on the information submitted, additional work needs to be done to mitigate the contamination. A workplan should be submitted to this Department within 30 days to address the issues given below:

1. The vertical and lateral extent of soil contamination around

the fenceline should be completely characterized. This may involve collecting deeper soil samples around the fenceline area and further characterizing the contamination around B-1.

2. Determine a cleanup level in conjunction with this Department based on established guidelines that would aid in defining the area that needs to be remediated.
3. An appropriate remediation method should be used to mitigate the contaminated area.
4. The extent of groundwater plume below your property should be completely characterized. The presence of the groundwater contamination may necessitate the installation of monitoring wells.

If you have any questions, call me at (510) 567-6764.

Sincerely,



Madhulla Logan  
Hazardous Material Specialist

C: **Beth Bufton**, Department of Toxic Substances Control, 700  
Heinz Avenue, #200, Berkeley, CA-94710

**Varinder S. Oberoi**, SECOR International Incorporated,  
90 New Montgomery Street, St 620, San Francisco, CA

**Stephen Morse**, San Francisco Regional Water Quality Control  
Board, 2101 Webster Street, Oakland, CA

**Mike Bakaldin**, City of San Leandro Fire Department, San  
Leandro, CA

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2101 Orchard Park Wy  
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Subject: Kaiser Aerotech Property - 498 Hester Street,  
San Leandro, CA

Dear Mr. Balkwill:

I received your technical document for soil and groundwater investigation dated July 28, 1995. Based on the review of the document, additional work is required on the property and this has been addressed in my letter dated August 24, 1995 which has been sent to your attention.

To provide oversight for the cleanup and ensure closure, it is required that you deposit \$2000.00 made payable to the County of Alameda, Environmental Protection Division. This deposit is authorized by the section 3-141.6 of the Ordinance Code of Alameda County and is used to cover expenses incurred by County personnel in their oversight duties. Records are maintained of the time County employees commit to a project and the deposit is charged at an hourly rate of \$90. Upon completion of the project, the balance if any will be returned to you.

If you have any question, call me at (510) 567-6764.

Sincerely,

A handwritten signature in cursive script that reads "Madhulla Logan".

Madhulla Logan  
Hazardous Material Specialist