

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

April 10, 2008

Nam Sun and Seung Hee Park  
Crow Canyon Cleaners  
7242 San Ramon Road  
Dublin, CA 94568

Messrs. Dwight and Carleton Perry  
PO Box 20610  
Castro Valley, CA 94546

Mr. Gabriel Chui  
Gabriel H. Chui & Lai H. Trust  
10898 Inspiration Circle  
Dublin, CA 94568

Messrs. William Kartoizian, Richard Wiebe  
and Richard Jeha  
Dublin Town & Country Assoc.  
318 Diablo Road, Suite 250  
Danville CA, 94526

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

Lee Family  
Address Unknown

Mr. Bruce Burrows  
The Burrows Company  
6 South Point Road  
Orinda, CA 94563

### NOTICE OF VIOLATION

Subject: Spills, Leaks, Investigations and Cleanup (SLIC) case RO0002863 and Geotracker Global ID T06019764784, Crow Canyon Cleaners, 7272 San Ramon Road, Dublin CA 94568

Ladies and Gentlemen:

Your site is out of compliance with directives from Alameda County Environmental Health (ACEH). We previously requested that you complete an agreement with the Department of Toxic Substance Control (DTSC) for their oversight of the toxicological review and the public participation process. DTSC requires establishment of a regulatory oversight deposit account, similar to ACEH, to implement these aspects of the regulatory process. To date, you have failed to complete the necessary agreements with DTSC.

Correspondences from ACEH dated February 6, 2008 and March 19, 2008 required that the responsible parties identified for the site notify ACEH by February 20, 2008 of their progress in obtaining an oversight agreement with the DTSC for their oversight of the toxicological review and implementation of the public participation process. Counsel for the Bruce Burrows Company responded within the timeframe, however, they did not execute the agreement as requested. Counsel for the Perry's and Park's requested an extension to March 2, 2008 to respond, which was granted. To date no response has been received from either the Perry's, Park's or Lee's regarding their progress in obtaining the oversight agreement with the DTSC. Additionally, a correspondence from ACEH dated March 19, 2008 identified Mr. William Kartoizian, Mr. Richard Wiebe and Mr. Richard Jeha of their status as additional responsible parties and required their response, by March 31, 2008, to notify ACEH of their progress in obtaining the oversight agreement with the DTSC. To date no response has been received from Mr. Kartoizian, Mr. Jeha or Mr. Wiebe. **This site is not in compliance with ACEH directives.**

ACEH is working in coordination with the DTSC at this site. It is agreed that the DTSC will provide oversight for the toxicological assessment and implementation of the public participation process for this site. **Therefore, it is imperative that all the responsible parties for this site obtain an oversight agreement with the DTSC and implement the public participation process without further delay.**

**We require that, upon receipt of this letter, you collectively implement the DTSC oversight agreement. This includes each of you cooperating to sign the agreement, establish the oversight account, and provide the funds to DTSC.** We also require that you coordinate with other responsible parties during associated site activities.

Mr. Morthole provided ACEH with a draft Fact Sheet for the public participation component of this project. ACEH has reviewed and amended the Fact Sheet and have included it as attachments to this letter. We require that you finalize the repository information portion highlighted in yellow and issue the Fact Sheet in coordination with the DTSC and their public participation process for this site. Please submit a copy of the finalized Fact Sheet by the date specified below.

Site investigation activities are scheduled to begin the week of April 7, 2008, and you have failed to implement the previously requested public participation with the DTSC. Consequently, you have not informed local residents or parents of children attending the Montessori School. Your inaction has put your site out of compliance with directive from this Agency and further delay in implementing public participation with the DTSC is unacceptable.

ACEH is concerned about the significant delays that are occurring in implementing public participation and site investigation activities. Please be informed, if these delays continue we will consider referring your case to the DTSC or other appropriate agency, including the Alameda County District Attorney, for possible enforcement follow-up. We request that you send us the reports described below. Please provide 72-hour advance written notification to this office (e-mail preferred to [steven.plunkett@acgov.org](mailto:steven.plunkett@acgov.org)) prior to the start of field activities.

#### **TECHNICAL REPORT REQUEST**

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

- **April 15, 2008** – Oversight Agreement Executed and Funded and finalized Fact Sheet

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

#### **ELECTRONIC SUBMITTAL OF REPORTS**

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

reporting requirements were added to Spills, Leaks, Investigations, and Cleanup (SLIC) sites. Beginning July 1, 2005, electronic submittal of a complete copy of all reports for all sites is required in Geotracker (in PDF format). Please visit the State Water Resources Control Board for more information on these requirements ([http://www.swrcb.ca.gov/ust/electronic\\_submittal/report\\_rqmts.shtml](http://www.swrcb.ca.gov/ust/electronic_submittal/report_rqmts.shtml)).

#### PERJURY STATEMENT

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

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

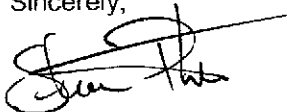
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For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

#### AGENCY OVERSIGHT

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

If you have any questions, please call me at (510) 383-1767.

Sincerely,



Steven Plunkett  
Hazardous Materials Specialist

cc: Kenneth Mifsud, Esq., Alameda County District Attorney, 7677 Oakport Street, Suite 650, Oakland, CA 94621 (QIC: 21001)

Ms. Karla Nemeth, Zone 7 Water Agency, 100 North Canyons Parkway, Livermore, CA 94551 (QIC: 90201)

Mr. Mark Malinowski, Department of Toxic Substance Control, 8800 Cal Center Drive, Sacramento, CA 95826 (via e-mail: [MMalinow@dtsc.ca.gov](mailto:MMalinow@dtsc.ca.gov))

Mr. Bruce Burrows, Nam Sun and Seung Hee Park, Messrs. Dwight and Carleton Perry, Messrs. William Kartozián, Richard Wiebe and Richard Jeha, Mr. Gabriel Chui, the Lee Family  
RO0002863, 4/10/2008, Page 2

Mr. Bud Duke, Department of Toxic Substance Control, 8800 Cal Center Drive, Sacramento, CA 95826 (via e-mail: [BDuke@dtsc.ca.gov](mailto:BDuke@dtsc.ca.gov))

Karl R. Morthole, Esq., Law Offices of Karl R. Morthole, 57 Post Street, Suite 801, San Francisco, CA 94104 (via e-mail: [karl@mortholelaw.com](mailto:karl@mortholelaw.com))

Howard Wong, Montessori Plus School, 120 Benjamin Lane, Danville, CA 94506 (via e-mail: [wong59@llnl.gov](mailto:wong59@llnl.gov) and [hasswong@aol.com](mailto:hasswong@aol.com))

Mr. Bruce Burrows ([bburrowsre@aol.com](mailto:bburrowsre@aol.com))

Mr. Jim Roessler ([jim@roesslerinvestmentgroup.com](mailto:jim@roesslerinvestmentgroup.com))

Jan Greben, Esq. ([Jan@GrebenLaw.com](mailto:Jan@GrebenLaw.com) and [mrdeutsch13@hotmail.com](mailto:mrdeutsch13@hotmail.com))

Tom Downey, Esq. ([tdowney@BurnhamBrown.com](mailto:tdowney@BurnhamBrown.com) and [dlim@burnhambrown.com](mailto:dlim@burnhambrown.com))

Edward Polson, Esq. ([epolson@sbcglobal.net](mailto:epolson@sbcglobal.net))

Mr. William Kartozián ([wkartozián@yahoo.com](mailto:wkartozián@yahoo.com) and [regencyenterprises@yahoo.com](mailto:regencyenterprises@yahoo.com))

D. Drogos, S. Plunkett, ACEH Files

# Fact Sheet on Environmental Assessment

Crow Canyon Cleaners Site  
7272 San Ramon Road, Dublin,  
Alameda County  
ACEH File No. RO0002863  
April 10, 2008

## Summary

This fact sheet has been prepared to inform community members and other interested parties of the results and status of the soil and groundwater investigation activities at Crow Canyon Cleaners at 7272 San Ramon Road, in Dublin, CA. The site is located in a commercial strip mall, which includes the dry-cleaning facility, the Montessori Plus School, and other commercial businesses. A release of tetrachloroethylene (PCE) has been identified at the site and one of the responsible parties, The Bruce Burrows Company, on behalf of the current property owners Gabriel & Lai Chiu, are performing investigation activities to determine the extent of the PCE contamination and develop a plan for cleanup.

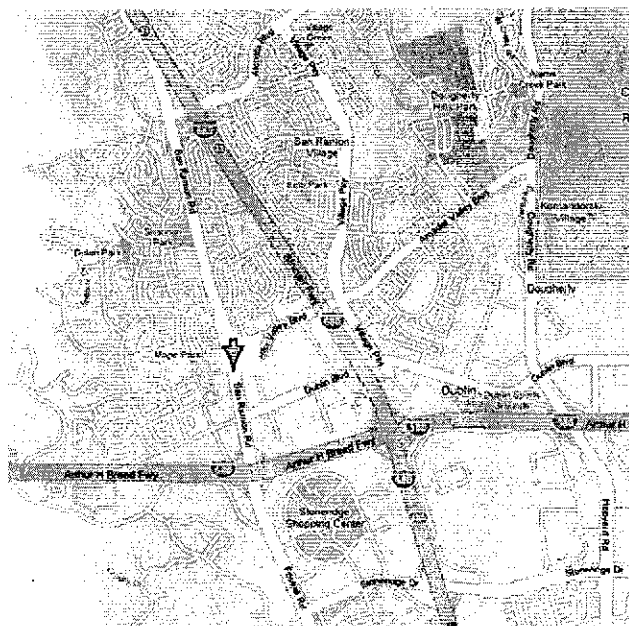
## Background

The site is currently operated as a dry cleaner. A release of tetrachloroethylene (PCE), a chlorinated dry-cleaning solvent, was identified in soil and groundwater beneath the site during a preliminary investigation in January 2005. Shallow soil and groundwater in the immediate vicinity of the dry-cleaning unit were shown to be contaminated with PCE and its breakdown product trichloroethylene (TCE). Follow-up investigations at the site and at the adjacent Montessori Plus School, performed in 2006 and 2007 at the direction of Alameda County Environmental Health (ACEH), documented that PCE and TCE are present in soil, groundwater, and soil vapor at concentrations that exceed applicable regulatory screening levels used to judge the necessity for further sampling and

This fact sheet is being provided to describe site background, past work to investigate site contamination, next steps, the oversight process for the site, and how you can obtain more information.

investigation at the site. The presence of PCE and TCE at concentrations exceeding regulatory screening levels does not necessarily indicate that adverse impacts to human health or the environment are occurring; rather it indicates that a potential for adverse risk may exist and that additional evaluation is warranted. However, the levels detected are not cause for an immediate health concern, and continued occupation of the Montessori Plus School is permitted.

To assess the potential presence of PCE within the Montessori School, indoor air samples were collected in late October and reported in early November 2007. Although PCE was detected, it was not present at concentrations that represent an imminent risk to children or staff at the school. Follow-up indoor air sampling was performed in December 2007, and the results were consistent with those for the October 2007 sampling event. Adjustments to the ventilation system were made



# Fact Sheet on Environmental Assessment

Crow Canyon Cleaners Site

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Page 2

as a precautionary measure increase fresh air flow within the building.

## Next Steps

The Bruce Burrows Company, on behalf of the current property owner Gabriel & Lai Chui is working with ACEH to complete site investigation activities and develop a plan for cleanup. Other parties identified as primary responsible parties for the investigation and cleanup at this site are Messrs. Dwight and Carleton Perry; Nam Sun and Seung Hee Park; and the Lee Family. These individuals are current or former owners and operators of the dry cleaning businesses which utilized PCE during dry cleaning operations. ACEH is actively pursuing participation of these responsible parties in the investigation and cleanup process. Furthermore, ACEH is requiring the responsible parties to arrange for toxicological review and public participation coordination with the Department of Toxic Substances Control (DTSC) for this project.

Additional site investigation has been requested by ACEH, including further soil and soil vapor sampling, and is scheduled to be performed during the month of April, to be followed thereafter by cleanup, if necessary.

## Cleanup Activity

Preliminary cleanup plans are being coordinated with ACEH. A draft conceptual plan that considers options for interim remediation (cleanup) has been submitted. A more detailed interim remediation plan for cleanup will be prepared based upon review of the results from the April investigation. If additional cleanup beyond interim remediation is needed a Corrective Action Plan (CAP) describing this work will be prepared.

## Timeline

As noted above, discussions are presently ongoing among ACEH staff, those undertaking investigation and response, and the operators of the current and former dry cleaning businesses to obtain participation of all responsible parties in the investigation and cleanup of the site and arrange for a DTSC toxicological review and public participation coordination. Additional testing and investigation is planned for April 2008, and the results of that work should be available in the next 60 to 90 days. An interim remediation (cleanup) plan will be available for public comment approximately June 2008. Once public participation has concluded it is estimated that interim remediation can be started approximately summer 2008.

Thereafter, if cleanup beyond interim remediation appears to be necessary, a Corrective Action Plan (CAP) will be prepared, and another public participation period will occur before any work is started.

## How to Get More Information

There are several ways that interested parties will be informed of future work. First, information repositories are being established where reports, data, workplans and other materials can be viewed. One is the Alameda County Environmental Health Department's website at <http://www.acgov.org/aceh/index.htm>, where the electronic files for the case are available on-line. Another information repository is located at Shopping Center Office or Public Library, Address, City, CA ZIP (Name, telephone, etc. if different than that included above).

A second way interested parties can obtain information is to contact the site representatives/spokespersons listed below.

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# Fact Sheet on Environmental Assessment

Crow Canyon Cleaners Site

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Page 3

Yet a third way is for interested members of the public to participate in the Public Participation process which is planned to be carried out. When the planned testing and investigations currently under way are completed, a report of the results and a draft Interim Remediation Plan and/or CAP for any necessary remedial actions will be made available for public review and will be explained at a community meeting. A period of 30 days will be allowed, during which time the community meeting will occur, and comments from any interested members of the public will be received. At the completion of the comment period ACEH and DTSC will review and consider all comments received and determine if the draft plans require modification. If modifications are needed ACEH and DTSC will approve the plans once all modifications are complete. In addition a Response to Comments document will also be prepared. If comments are not received ACEH and DTSC will approve the draft plans for implementation.

Advance notice will be given of the 30-day period and the date, time and place for the community meeting. The advance notice will be posted at the Crow Canyon Cleaners and at the Montessori Plus School, sent to parents of students at the Montessori Plus School and to properties in the vicinity of the dry cleaners, as well as being published in the local newspaper. The exact times have not been established, as of the date of this Fact Sheet, but will be sometime this spring. Interested persons can contact the site representatives/ spokespersons listed below.

## For More Information

Please contact any of the following individuals with any questions or concerns you may have.

Questions regarding the draft plans:

Mr. Steven Plunkett, ACEH Case Manager  
510-383-1767  
[steven.plunkett@acgov.org](mailto:steven.plunkett@acgov.org)

Debbie Oudiz, DTSC Toxicologist  
916-255-6647  
<mailto:doudiz@dtsc.ca.gov>

Mr. Nick Patz, Cerres Associates Environmental Consultant  
707-748-3170  
[nickpatz@ceresassociates.com](mailto:nickpatz@ceresassociates.com)

Questions regarding the public participation process:

Diane Fowler, DTSC Public Participation Specialist  
916-255-6682  
<mailto:dfowler@dtsc.ca.gov>

Questions from the media:

Mr. Harold Duke, DTSC Public Information Officer  
916-255-3695  
<mailto:bduke@dtsc.ca.gov>

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