

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

January 11, 2007

Mr. Lawrence Hancock  
Country Club Cleaners  
500 Bollinger Canyon Way #A4  
San Ramon, CA 94582

Mr. Mark Ratto  
Peter J. Ratto Trust  
670 W. Fruit Cive Forest Road  
Jacksonville, FL 32259

Mr. Robert Strong  
Country Club Cleaners  
500 Bollinger Canyon Way #A4  
San Ramon, CA 94582

Subject: SLIC Case RO0002913, Perciva/Metro Valley Cleaners, 224 Rickenbacker Circle, Livermore, CA

Dear Mr. Hancock, Mr. Strong, and Mr. Ratto:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the recent work plan entitled, "Revised Workplan for Soil and Groundwater Sampling," dated December 26, 2006, and prepared by Engeo, Incorporated. The Revised Work Plan proposes the collection of soil vapor, soil, and groundwater samples. The proposed scope of work in the Revised Work Plan addresses the request in our December 8, 2006 correspondence to include soil vapor sampling as part of a phased investigation. However, the Revised Work Plan does not include a revised base map or specific locations for proposed soil vapor samples. The Revised Work Plan indicates that soil vapor samples will be collected from, "near the former dry cleaning machine, within the boiler room, along the sanitary sewer alignment, and within the areas formerly used for chemical or waste storage." These areas are the general locations where we requested soil vapor sampling in our December 8, 2006 correspondence. However, since no locations are shown in the Revised Work Plan, we cannot provide further comment on the scope of the proposed soil vapor sampling. You may proceed with the proposed soil vapor sampling based on the information presented in the Revised Work Plan; however, please be aware that we may request additional soil vapor sampling if the scope of the soil vapor sampling is not sufficient to assess potential discharges of volatile compounds in each of the areas of concern. Alternately, you may submit a revised base map with proposed soil vapor sampling locations for technical review prior to the proposed soil vapor sampling.

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

**TECHNICAL COMMENTS**

1. **Base Map.** The base map was not revised as requested in our December 8, 2006 technical comments, which limits our ability to review the proposed scope of work. For all future documents submitted to ACEH, the base map **must** be revised to show the site

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Mr. Mark Ratto  
Mr. Robert Strong  
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features to scale. The revised base map must show the site and building to scale, the types of surface cover (concrete, asphalt, bare ground, etc.), all potential areas of concern (including those listed in technical comment 2), surface drains inside and outside the building, directions of surface drainage across the site, and any other site features relevant to evaluating potential spills or discharges. Please present the base map in the Interim Site Characterization Report and Site Characterization Report requested below.

2. **Soil Vapor Sampling and Phased Investigation.** We appreciate the use of an on-site mobile laboratory to allow real time review of results to guide the investigation. Please use the on-site data to propose step out soil vapor sampling locations as necessary to define the potential extent of elevated concentrations of volatile compounds in soil vapor. The proposal to present the results of soil vapor sampling in an Interim Site Characterization Report is acceptable.
3. **Proposed Soil Borings.** Soil samples are to be continuously logged and screened with a photoionization detector during drilling. The locations and numbers of soil borings are to be based on soil vapor sampling results. Please present recommendations for the proposed soil and groundwater sampling locations in the Interim Site Characterization Report requested below.
4. **Proposed Groundwater Sampling.** The Work Plan indicates that soil borings will be extended to approximately 50 feet below ground surface (bgs). Advancing the soil borings to 50 feet bgs is acceptable; however, the initial grab groundwater sample is to be collected within 10 feet of where groundwater is first encountered from each boring. Therefore, as an example, if groundwater is first encountered at a depth of 25 feet bgs, the initial grab groundwater sample is to be collected from the interval 25 to 35 feet bgs. The results of the soil and groundwater sampling are to be presented in the Site Characterization Report requested below.
5. **Groundwater Flow Direction.** On page 1, the Revised Work Plan indicates that the assumed groundwater flow direction is to the northwest but on page 2, the Revised Work Plan indicates that the assumed groundwater flow direction is in the north-northeasterly direction. The regional groundwater flow direction in this area of the Livermore-Amador Basin is to the west or southwest. An assumption that groundwater flow is to either to the northwest or north-northeast may not be valid. The uncertainty in the assumed groundwater flow direction must be recognized and considered in proposing soil and groundwater sampling locations.

#### **TECHNICAL REPORT REQUEST**

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

- **April 12, 2007** -- Interim Site Characterization Report and Proposed Soil and Groundwater Sampling Locations

Mr. Lawrence Hancock  
Mr. Mark Ratto  
Mr. Robert Strong  
January 11, 2007  
Page 3

- **90 days following ACEH concurrence with Proposed Soil and Groundwater Sampling Locations – Site Characterization Report**

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

#### ELECTRONIC SUBMITTAL OF REPORTS

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

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

#### PERJURY STATEMENT

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

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

Mr. Lawrence Hancock  
Mr. Mark Ratto  
Mr. Robert Strong  
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Page 4

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

**AGENCY OVERSIGHT**

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

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

Sincerely,



Jerry Wickham, P.G.  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

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

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

Paul Smith, Livermore-Pleasanton Fire Department, 3560 Nevada Street,  
Pleasanton, CA 94566

Kelly Krohn, Engeo, Incorporated, 2010 Crow Canyon Place, Suite 250, San Ramon, CA  
94583-4634

James Hawley, Hoge, Fenton, Jones & Appel, 60 South Market Street, Suite 1400  
San Jose, CA 95113-2396

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

**Wickham, Jerry, Env. Health**

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**From:** Wickham, Jerry, Env. Health  
**Sent:** Friday, December 01, 2006 11:12 AM  
**To:** 'Carol Carvalho'  
**Cc:** Kelly Krohn; Shawn Munger  
**Subject:** RE: Work Plan - 224 Rickenbacker Circle

Ms. Carvalho,

Alameda County Department of Environmental Health requires submittal of all reports in electronic form to the county's ftp site. Attached are the instructions for Electronic Report Upload. Please obtain a password for the ftp site and re-submit the report.

Thank you,

**Jerry Wickham**

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

---

**From:** Carol Carvalho [<mailto:cac@engeo.com>]  
**Sent:** Friday, December 01, 2006 10:24 AM  
**To:** Wickham, Jerry, Env. Health  
**Cc:** Kelly Krohn; Shawn Munger  
**Subject:** Work Plan - 224 Rickenbacker Circle

Sent to you by Shawn Munger - [smunger@engeo.com](mailto:smunger@engeo.com)

**Carol Carvalho**

Contract Assistant  
[ccarvalho@engeo.com](mailto:ccarvalho@engeo.com)

**ENGEO Incorporated**

2010 Crow Canyon Place, Suite 250  
San Ramon, CA 94583  
925-866-9000  
888-279-2698 (fax)

\*\*\*\*\*Due to the potential that information by electronic media can deteriorate, be damaged, lost or modified unintentionally or otherwise, use of this electronic data by anyone other than ENGEO Incorporated shall be at the sole risk of such user and without liability or legal exposure to ENGEO Incorporated. The recipient is responsible for verifying the accuracy of data against governing hard copy documentation. Recipient assumes all risks in the changing or modification of data and revisions or updating or hard copy documents.\*\*\*\*\*

12/1/2006

ALAMEDA COUNTY  
HEALTH CARE SERVICES



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AGENCY  
DAVID J. KEARS, Agency Director

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

July 6, 2006

Mr. Lawrence Hancock  
Country Club Cleaners  
500 Bollinger Canyon Way #A4  
San Ramon, CA 94582

Mr. Mark Ratto  
Peter J. Ratto Trust  
670 W. Fruit Cive Forest Road  
Jacksonville, FL 32259

Mr. Robert Strong  
Country Club Cleaners  
500 Bollinger Canyon Way #A4  
San Ramon, CA 94582

Subject: SLIC Case RO0002913, Perciva/Metro Valley Cleaners, 224 Rickenbacker Circle, Livermore, CA

Dear Mr. Hancock, Mr. Strong, and Mr. Ratto:

Alameda County Environmental Health (ACEH) staff has reviewed the Spills, Leaks, Investigations, and Cleanups (SLIC) case file for the above referenced site including the report entitled, "Subsurface Investigation for Phase II Site Assessment," dated October 28, 2005, prepared by JMK Environmental Solutions, Inc. The "Subsurface Investigation for Phase II Site Assessment," summarizes the results from three soil borings advanced at the site on October 25, 2005. We have also reviewed correspondence from Mr. James R. Hawley entitled, "Request for Site/Case Closure," dated June 21, 2006 that requests a site closure letter.

Based on our review of the case file, the extent of contamination not been adequately defined. We do not concur with the Results and Conclusions stated in the "Subsurface Investigation for Phase II Site Assessment," dated October 28, 2005. Please see the technical comments below regarding the findings presented in the October 28, 2005 report. Tetrachloroethene (PCE) was detected in soil samples to the maximum depth sampled in two of the soil borings. Therefore, the vertical extent of soil contamination has not been defined. The site history and other potential sources of contamination have not been adequately described and the lateral extent of soil contamination beyond the two borings near the dry cleaning machine has not been investigated. No groundwater samples have been collected to assess whether groundwater beneath the site has been impacted. We request that you define the extent of soil contamination and assess whether groundwater has been affected.

Please submit a work plan detailing your proposal to characterize the extent of contamination by **September 28, 2006**. We request that you address the following technical comments, perform the proposed work, and send us the reports described below.

**TECHNICAL COMMENTS**

1. **No Signature or Professional Certification.** The copy of the "Subsurface Investigation for Phase II Site Assessment," dated October 28, 2005 received by ACEH does not contain a signature page to identify the professional who prepared the report. Please note the

Mr. Lawrence Hancock  
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Professional Certification requirements described in this letter for all reports submitted to ACEH.

2. **Potential Sources of Contamination.** The "Subsurface Investigation for Phase II Site Assessment," dated October 28, 2005, does not provide sufficient rationale for the location of the soil borings. The locations of all potential sources of contamination such as dry cleaning machinery, drains, sewer lines, and chemical storage areas are not discussed. Please provide information on all of the potential sources of contamination and site history in proposing sampling locations in the Work Plan requested below.
3. **Lateral and Vertical Extent of Soil Contamination.** PCE was detected in 10 of the 10 soil samples collected from the two soil borings near the dry cleaning machine. Soil contamination most likely extends below the maximum depth of the borings. In addition, the lateral extent of contamination beyond these two borings has not been defined (see technical comment 2 above regarding contamination from other potential sources). Please present plans to define the lateral and vertical extent of soil contamination in the Work Plan requested below.
4. **Groundwater Sampling.** No groundwater samples have been collected to assess whether groundwater quality beneath the site has been affected. Collection of groundwater samples is required for this site. We recommend that your investigation incorporate expedited site assessment techniques to collect soil samples and depth-discrete groundwater samples prior to the installation of groundwater monitoring wells. Other options for additional investigation may also be appropriate at your site. Please present plans in the Work Plan requested below to assess whether groundwater quality has been affected by chemical releases at the site.
5. **Screening Level Comparison.** A comparison of the PCE concentrations detected in soil only to the U.S. Environmental Protection Agency Preliminary Remediation Goal for direct exposure is inadequate. The concentration of PCE detected at 5 feet bgs in boring S2 (450 micrograms per kilogram [ $\mu\text{g}/\text{kg}$ ]), exceeds the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for vapor intrusion for residential (87  $\mu\text{g}/\text{kg}$ ) and commercial/industrial (240  $\mu\text{g}/\text{kg}$ ) land use. Potential vapor intrusion to indoor air must be considered as a potential exposure pathway.
6. **Missing Items in Phase II Report.** The electronic copy of the "Subsurface Investigation for Phase II Site Assessment," received by ACEH, did not contain Appendices A through C but did contain Figure 2 labeled Site Plot Plan. The apparent building outline shown on Figure 2 appears as a dark area with no interior features. Please submit a copy of the "Subsurface Investigation for Phase II Site Assessment," report that includes Appendices A through C and figures on which interior features and labels are clear.

Mr. Lawrence Hancock  
Mr. Mark Ratto  
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### TECHNICAL REPORT REQUEST

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

- **September 28, 2006** – Work Plan for Site Investigation

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

### ELECTRONIC SUBMITTAL OF REPORTS

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

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### PERJURY STATEMENT

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



Mr. Lawrence Hancock  
Mr. Mark Ratto  
Mr. Robert Strong  
July 6, 2006  
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PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

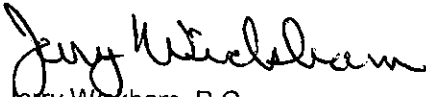
The California Business and Professions Code (Sections 6735, 6835, and 7835.1) requires that work plans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For 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 it appears as though significant delays are occurring or reports are not submitted as requested, we will consider referring your case to the Regional Board or other appropriate agency, including the County District Attorney, for possible enforcement actions. California Health and Safety Code, Section 25299.76 authorizes enforcement including administrative action or monetary penalties of up to \$10,000 per day for each day of violation.

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

Sincerely,



Jerry Wickham, P.G.  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: James Hawley  
Hoge, Fenton, Jones & Appel  
60 South Market Street, Suite 1400  
San Jose, CA 95113-2396

Donna Drogos, ACEH  
Jerry Wickham, ACEH  
File

Reply to: ■ **San Jose**  
 60 South Market Street, Suite 1400  
 San Jose, California 95113-2396  
 Telephone: 408.287.9501  
 Facsimile: 408.287.2583

James R. Hawley  
 408.947.2452  
 jrh@hogequenton.com

 **Hoge  
 Fenton  
 Jones &  
 Appel Inc.**  
 Attorneys at Law  
 San Jose ■ Pleasanton

■ **Pleasanton**  
 6155 Stoneridge Drive, Suite 200  
 Pleasanton, California 94588-3283  
 Telephone: 925.224.7780  
 Facsimile: 925.224.7782

**Alameda County**  
**JUN 26 2006**  
**Environmental Health**

June 21, 2006

Jerry Wickham  
 Alameda County Health Care Services Agency  
 Environmental Health Services, Environmental Protection  
 1131 Harbor Bay Parkway, Suite 250  
 Alameda, CA 94502-6577

Re: SLIC Case RO0002913 –**REQUEST FOR SITE/CASE CLOSURE**  
 Former Perciva/Metro Valley Cleaners  
 224 Rickenbacker Circle, Livermore, CA  
 Our File No.: 75388

Dear Mr. Wickam:

I appreciated the opportunity to speak with you recently regarding the above-referenced site. As I indicated in our conversation, I represent the buyers of the property and called you in response to Mr. Levi's May 12, 2006 letter to the buyers requesting the establishment of an oversight account for review of reports, including an initial deposit of \$6,000. I understand that his letter coincided with the receipt by your agency of the Phase II Environmental Assessment prepared by JMK Environmental in October of 2005, and the opening of a case with respect to the site.

I have now received and reviewed a copy of the Phase II, and my clients have deposited the requested funds. Based on the Phase II, on behalf of my clients I request from your Agency a no further action and/or site closure letter. They have no plans to operate a dry cleaner at the site but they would like to move ahead with their plans to use the premises, which may require a lender's approval. They were unaware that your Agency had opened a case, and they now request site closure as soon as practicable after you have reviewed the Phase II.

By way of background information, my clients were aware that the former dry cleaning operation there had used the most up to date "green" technology for quite some time before going out of business, but the clients agreed to purchase the property out of foreclosure only after they had received and reviewed a Phase II. In fact, the Phase II confirms only the existence of trace amounts of tetrachloroethene in the soil at five to thirty-five feet bgs, at levels far below EPA Region 9's Preliminary Remediation Goal for industrial properties. Because those levels

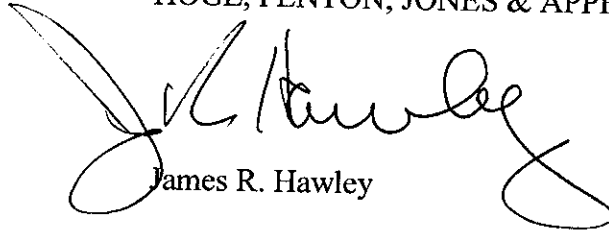
Jerry Wickham  
Alameda County Health Care Service Agency  
Environmental Health Services  
June 21, 2006  
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are below levels that would be appropriate for any reasonable remediation method, because there is no potential threat of further degradation of soil or groundwater from the existing facility, and because it is likely that the existing detectable tetrachloroethene will continue to degrade through natural attenuation, the Phase II recommends no further action regarding the site.

Based on this data and information, my clients respectfully request that the Agency issue a no further action and/or site closure letter or similar document at its earliest convenience after reviewing and analyzing the Phase II. Please do not hesitate to call me if you have any questions or comments.

Sincerely,

HOGE, FENTON, JONES & APPEL, INC.



James R. Hawley

JRH: jrh  
cc: Bob Strong

**Wickham, Jerry, Env. Health**

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**Subject:** RO2913 Perciva/Metro Cleaners, 224 Rickenbacker Circle, Livermore  
**Status:** Not Started  
**Percent Complete:** 0%  
**Total Work:** 0 hours  
**Actual Work:** 0 hours  
**Owner:** Wickham, Jerry, Env. Health

Larry Hancock 925-250-2895 called on 6/6/06. Received a request for funds but does not know what it means. He bought the site out of backruptcy and will want to sell. He paid a hazardous waster hauler to remove a lot of material. Doesn't know why he should need to send in \$6k for oversight. Told him that the funds were needed for us to review case to evaluate soil and groundwater contamination at site and prvoide direction. Could not provide any further information on what would be needed until I review the case. The case will remain as an open case and this would need to be disclosed to any future buyers. Still does not see why he should send in oversight funds. I again told him that I could not comment on what specifically was needed until review. Case could go to enforcement if no oversight funds sent in. Gave him Donna's phone number if he still has concerns re sending in oversight funds.

ALAMEDA COUNTY  
HEALTH CARE SERVICES



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DAVID J. KEARS, Agency Director

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

May 12, 2006

Mr. Lawrence Hancock  
Country Club Cleaners  
500 Bollinger Canyon Way #A4  
San Ramon, CA 94582

Mr. Mark Ratto  
Peter J. Ratto Trust  
670 W. Fruit Cive Forest Road  
Jacksonville, FL 32259

Mr. Robert Strong  
Country Club Cleaners  
500 Bollinger Canyon Way #A4  
San Ramon, CA 94582

Subject: SLIC Case RO0002913, Perciva/Metro Valley Cleaners, 224 Rickenbacker Circle, Livermore, CA

Dear Mr. Hancock, Mr. Strong, and Mr. Ratto:

In order for ACEH to review reports for your site, we would require an oversight account for the above-referenced site. To set up your account, please send a check in the amount of \$6,000.00 payable to Alameda County Environmental Health. Please send your check to the attention of our Finance Department.

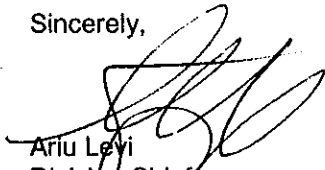
This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$166.00 per hour.

Please write "SLIC" (the type of project), the site address, and the AR# 316174 on your check.

If you have any questions, please contact Jerry Wickham at (510) 567-6791.

Sincerely,

  
Ariu Levi  
Division Chief

cc: D. Droqos, J. Jacobs, Jerry Wickham

**RECEIVED**

**LIVERMORE - PLEASANTON FIRE DEPARTMENT**

3560 Nevada Street, Pleasanton, CA 94566

APR 3 - 2006

**Contaminated Site Case Transfer Form**  
ENVIRONMENTAL HEALTH SERVICES

**Referral To:**

Date	3/30/06		
By (name)	Paul Smith	Phone	(925) 454-2339
Agency	Alameda County Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502		
Attention	Donna L. Drogos, LOP/TOXICS Program Manager		
Transferred as:	<input type="checkbox"/> LOP	<input checked="" type="checkbox"/> TOXICS S L I C	
Level of Update requested:	<input checked="" type="checkbox"/> distribution list above <input type="checkbox"/> all meetings <input type="checkbox"/> all site visits <input type="checkbox"/> closure sign off <input type="checkbox"/> all the above		

**Site Information:**

Site Name	Former Perciva / Metro Valley Cleaners
Site Address	224 Rickenbacker Circle, Livermore, 94550
Site Phone	new owner of Property, not previously associated w Perciva Larry Hancock
Site Contractor/Consultant (if available)	Phase 2 Report done by bank, associated w Property transfer.
Site DBA	will now be rental commercial property

**Site Conditions:**

<b>UST</b>	
Initiating Event	<input type="checkbox"/> Closure <input type="checkbox"/> Work on system <input type="checkbox"/> Other
If UST(s) removed: # removed: _____	Date removed: _____
Contents:	<input type="checkbox"/> gasoline <input type="checkbox"/> diesel <input type="checkbox"/> waste oil <input type="checkbox"/> heating oil <input type="checkbox"/> solvents <input type="checkbox"/> kerosene <input type="checkbox"/> stoddard solvent <input type="checkbox"/> other (specify) _____
Observations of system (holes, leaks)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Observed contamination (free product, smell, soil/water discoloration)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Unauthorized Release Form filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>NON-UST</b>	
Former industrial use? <i>dry cleaner</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Former Use Specify: <i>unrated PMP p (form dated 3/1/03) indicates max 480 gal per c stored onsite</i>	
<b>ALL REFERRALS</b>	
Detectable concentrations of soil and/or groundwater contamination?	<input type="checkbox"/> Yes <input type="checkbox"/> No
o Highest Concentration Detected in Soil	
Contaminant (specify) Concentration	<i>450 ppb in soil - tetrachloroethene @ 5' depth</i>
o Highest Concentration Detected in Water	
Contaminant (specify) Concentration	<i>ppb no water sampled</i>
Future intended use if known?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, specify	<i>rental commercial - unknown</i>
<i>If available, attach pertinent reports</i>	

cc: Colleen Winey, Zone 7

\* note Donna, for responsible party information/liability you might want to check w/ Alyce Sandbach of the DA's office she has helped me immensely with the inspection warrant & may have some ideas.

ACCEPTED AS TRANSFER

*Donna Drogos 4/10/06*

**Smith, Paul**

**From:** Smith, Paul  
**Sent:** Monday, March 06, 2006 3:59 PM  
**To:** ddrogos@co.alameda.ca.us  
**Subject:** Former Perciva/Metro Valley Cleaners, 224 Rickenbacker Circle, Livermore, CA 94550

Hi Donna,

I wanted to check with you on results of a phase II that I recently received and just had the chance to review.

The above site went bankrupt around March of 2004. The site sat vacant with dry cleaning equipment/machinery and waste material in the covered dumpster enclosure present until a couple of months ago. Actually the dry cleaning equipment noted at the site consisted of two Green Earth machines which uses fairly benign solvents called: 1,2,3, Notox, aliphatic hydrocarbon and silicone fluid, however before these machines were put into place this site had a history of percloroethylene use.

I worked for months and months with the DA's office Alyce Sandbach to attempt to get someone to meet with me at the site so I could check out what compliance issues existed inside the locked building to no avail. On August 10, 2005 I served an inspection warrant (using the Knox box key on the building /self serve) and took 9 samples with Bob Aragon DTSC and Hansen Pang of the DA's office who I'm sure you know. Please see the attached letter for a list of the stuff I found on the premises but surprisingly of 9 samples collected by us, attempting to get the worst of the worst samples of drums and tanks nothing came back exceeding the T22 regulatory hazardous waste criteria. So.. I wrote using my Fire Code authority I wrote the attached letter attempting to illicit a cleanup and proper management of the above materials/wastes and that this facility go through proper closure.

A prospective buyer came on the scene and the bank who was holding the defaulted note (Richard Dalton of GE Commercial Finance presumably as a due diligence effort) hired a consultant JMK our of San Fernando to do a phase two investigation. They did three hydro punch borings to a depth of 35' and collected samples: next to dry cleaning machine- S1, right behind the dry cleaning machine-S2 and in the north west corner of the parking lot-S-3. I was not notified that this was going to take place the consultant performing the work nor GE Commercial Finance.

Results indicated:

S1 at 5' 230 ppb, 10' 32 ppb, 15' 31 ppb 25' 57 ppb and 35' 29 ppb tetrachloroethene  
S2 at 5' 450 ppb, 10' 59 ppb, 15' 36 ppb, 25' 48 ppb, and 35' 23 ppb tetrachloroethene  
S3- 5' NA, 10' NA, 15' NA, 25' ND, 35' ND

The report cites the 3,400 ppb PRG from EPA and concludes: due to brown heavy silty clay from ground surface to an approx depth of 35', lack of groundwater to that depth and relatively low levels it recommends that no further actions occurs. I just wanted to run this by you for a reality check. to see what you . I'll make a copy of the report and send it to you so you can take a peak.

A huge question in my mind if you do want to require further work is from whom would you require it of? If interested I'm sure you'll want to talk with me further. The new owner Larry Hancock has been very helpful. He has properly managed all materials/wastes noted and has fixed up the building and also provided me with the attached reports upon my request(s). Please let me know what you think.

*Paul M. Smith*

Hazardous Materials Inspector  
Livermore-Pleasanton Fire Department  
3560 Nevada St.  
Pleasanton, CA 94566  
(925) 454-2339 office  
(925) 454-2367 fax



**Smith, Paul**

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**From:** Smith, Paul  
**Sent:** Friday, February 17, 2006 8:13 AM  
**To:** 'cccleaner@aol.com'  
**Subject:** Re: Former Perciva/Metro Valley Cleaners, 224 Rickenbacker Cir., Livermore

Morning Larry,

Thanks for your response regarding disposition of the waste materials at the above site.

- As you indicated please send me copies of manifests/ bill of ladings so I can close out this issue.
- There are some other issues remaining re: proper closure of this facility particularly in light of the fact that at one time this site used percloroethylene (perc). We need a closure plan including a sampling plan of specific areas where equipment or other potential contamination areas of the site existed. You mentioned that this type of work had been conducted prior to/ or during the property transfer. Please provide either a sampling plan or present these data addressing this matter.
- I believe that your intention for the property is to no longer have a dry cleaner at the site. Please let me know if the future occupant will use/store hazardous materials, if you know?
- When the sprinkler/monitoring system is completely operable I'd like to take a look (I may bring a Fire inspector with me who is more knowledgeable than i on these systems). Please give me a call an we'll schedule a time/date.

Thanks for your efforts on the restoration of the site and proper management of all wastes/materials. Please be in touch if you'd like to discuss anything.

*Paul M. Smith*

Hazardous Materials Inspector  
Livermore-Pleasanton Fire Department  
3560 Nevada St.  
Pleasanton, CA 94566  
(925) 454-2339 office  
(925) 454-2367 fax

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**From:** cccleaner@aol.com [mailto:cccleaner@aol.com]  
**Sent:** Tuesday, February 14, 2006 2:11 PM  
**To:** Smith, Paul  
**Subject:** Re: 224 Rickenbacker Cir., Livermore

Thanks

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

From: Smith, Paul <PSmith@lpfire.org>  
To: cccleaner@aol.com  
Sent: Tue, 14 Feb 2006 13:01:50 -0800  
Subject: RE: 224 Rickenbacker Cir., Livermore

Hi Larry,

This one sailed through fine.

*Paul M. Smith*

Hazardous Materials Inspector  
Livermore-Pleasanton Fire Department  
3560 Nevada St.  
Pleasanton, CA 94566

2/17/2006

(925) 454-2339 office  
(925) 454-2367 fax

**From:** ccleaner@aol.com [mailto:ccleaner@aol.com]  
**Sent:** Tuesday, February 14, 2006 10:46 AM  
**To:** Smith, Paul  
**Subject:** 224 rickenbacker

Paul,  
This is really just a test message to see if it goes through. I faxed the original to you.

Thanks

Larry Hancock  
925-250-2895

**Smith, Paul**

**From:** Smith, Paul  
**Sent:** Wednesday, January 25, 2006 3:07 PM  
**To:** Larry Hancock (cccleaner@aol.com)  
**Subject:** Compliance requirements the former Dry Cleaners, 224 Rickenbacker Circle, Livermore, CA

**Attachments:** 224 Rickenbacker Cir 050920.doc; FPB.4.3.18 Closure Guidelines Standard.doc

Hi Mr. Hancock,

As mentioned to you on the phone today there are several outstanding compliance issues I have with the subject site.

Please respond back to me within 7 days addressing each of the issues noted on the attached letter and outlining timelines for completion of each.

Please feel free to contact me if you wish to discuss any of the issues noted.



224 Rickenbacker FPB.4.3.18 Closure  
Cir 050920.do... Guidelines ...

*Paul M. Smith*

Hazardous Materials Inspector  
Livermore-Pleasanton Fire Department  
3560 Nevada St.  
Pleasanton, CA 94566  
(925) 454-2339 office  
(925) 454-2367 fax

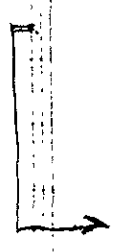
224 Pickenbacher - 4410  
Michelle - 960-4431 -  
- Andy 4420

- Debbie ↗ 224 Pickenbacher  
no permit for power

500 Bolinger (by way) Suite A-4  
San Ramon 94583

Al Fiola - ~~510~~ 510 915-2837

cut power at transformer - Larry Hancock -  
have permit



- CC cleaner @ aol.com

He didn't think he had seen the letter dated Sept 05

ROBERT STRONG'S CAREY  
Carey 925-250-2895  
Bob 925-250-2894  
FAX 925-755-2000  
ROOF PAINT ROSSO

**Smith, Paul**

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**From:** Sandbach, Alyce, CEPD [alyce.sandbach@acgov.org]  
**Sent:** Thursday, November 03, 2005 4:52 PM  
**To:** Smith, Paul

Just an FYI: I ran the Persiva facts by Susan, and she didn't have any different ideas about how to best go after Persiva. She has a very similar situation with a dead RP where she's waiting for a couple of daughters to fight it out in a Sta. Barbara probate case before they sell the ppty and it finally gets cleaned up. Anyway, I'll let you know what I hear back from Hansen re the wife. Alyce

Alyce Sandbach  
Alameda County District Attorney's Office Consumer and Environmental Protection Division  
Phone: (510) 569-5774  
Email: Alyce.Sandbach@acgov.org

**Smith, Paul**

**From:** Smith, Paul  
**Sent:** Monday, October 24, 2005 4:03 PM  
**To:** alyce.sandbach@acgov.org  
**Subject:** Status of former Persiva Corp., 9/20/05 letter, notice of violation, 224 Rickenbacker Cir., Livermore

**Attachments:** 224 Rickenbacker Cir 050920.doc

Hi Alyce,  
Sorry to say I haven't heard a peep from any one since I sent out the attached letter and the 30 day curfew I imposed has lapsed. Am not sure where to go from here. Please let me know what you think.

PS attached is the letter for your convenience.



224 Rickenbacker  
Cir 050920.do...

*Paul M. Smith*

Hazardous Materials Inspector  
Livermore-Pleasanton Fire Department  
3560 Nevada St.  
Pleasanton, CA 94566  
(925) 454-2339 office  
(925) 454-2367 fax



Certified mailer #

September 20, 2005

Mark Ratto  
Trustee, Peter J. Ratto Trust  
670 West Fruit Cove Forest Road  
Jacksonville, Florida 32259

\*\*\*\* Notice of Violation \*\*\*\*

**Re: Hazardous Materials/Waste and Fire Code violations associated with the  
224 Rickenbacker Circle, Livermore, CA 94550**

Dear Mr. Ratto:

This letter follows up on a site inspection conducted on August 10, 2005 at the abandoned dry cleaning facility at the above location. The inspection was conducted in conjunction with the California Department of Toxic Substances Control pursuant to inspection warrant # 2005-0844 (attached). During the inspection, several violations were noted. I have broken these into two categories:

- Issues necessary to address closure of Metro Valley Cleaners and,
- Issues to be resolved prior to occupancy of the subject building by any future occupant.

**Compliance issues:**

The following containers were noted containing various chemical products and wastes stored onsite:

Inside the facility:

- (1) 15 gallon container labeled Fabritec 5560, approximately ¼ full
- (1) 5 gallon container labeled Kleerwhite
- (2) Green Earth Dry cleaning machines are noted onsite. Each machine contains three tanks. One machine contained approximately 122 gallons, another contained approximately 156 gallons.
- (1) 1 gallon metal container labeled Pronto Brush Cleaner was noted stored on a bench in the dry cleaning work area.

Inside the boiler room:

- (1) approximately 55 gallon blue polyethylene drum with a large uncovered opening 10" deep containing an unknown light brown material
- (1) approximately 200 gallon tank was noted mounted on a stand 3 feet above grade was observed about ½ full of an unknown liquid.

3560 Nevada Street, Pleasanton, CA 94566

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

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

The following were noted outside the facility (rear fenced yard):

- (8) 16 gallon containers labeled Cyclopentasiloxane, 4 were partially full, 4 were full
  - (13) 16 gallon containers labeled Silicone Siloxane, 9 were partially full, 4 were empty
- Some of the above drums do not have bung plugs, are stored uncovered and in the yard unsecured.
- (1) 5 gallon can labeled Behr paint, contained approximately 3 gallons of what appears to be grey latex based paint
  - (14) filters which appear to be dry cleaning machine filters were noted scattered outside the back yard on the asphalt.

The following were noted outside the facility in dumpster enclosure:

- (3) 55 gallon drums were labeled 1,2,3 NOTOX, aliphatic hydrocarbon
- (1) 55 gallon drum was labeled Drylene 800
- (1) 55 gallon drum was labeled Silicone Fluid (SB32) and contained approximately 16" of what appeared to be conspicuously contaminated waste material.
- (1) 55 gallon drum labeled aliphatic hydrocarbon and contained approximately 8" of conspicuously contaminated waste material
- (3) 16 gallon plastic drums containing full or partial contaminated dry cleaning lint waste material
- (3) 5 gallon buckets, one open, containing unknown liquid material. The open buckets appeared to contain contaminated solvent waste.

**Required actions to provide closure of the business activities at 224 Rickenbacker Circle:**

1. Section 8001.3.1 of the California Fire Code (CFC, 2001 edition) requires proper closure of all hazardous materials facilities. "Permits are required to install, repair, abandon, remove, place temporarily out of service, close or substantially modify a storage facility or other area regulated by Article 80. Permittee shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of hazardous materials. Such application shall include and change or alteration of the facility closure plan filed pursuant to Section 8001.13." **You are therefore required to complete and submit to Livermore Pleasanton Fire Department (LFPD) a Closure Plan addressing the proposed proper disposition of all hazardous materials and wastes currently onsite.**
2. You are required to perform waste determination on all materials and waste to determine how these should be managed.
3. Properly store all hazardous materials and wastes. Drums are noted stored outside uncovered; waste filters are strewn around the back yard uncontained and improperly managed. You are required to secure all drums with proper lids and store waste filters in drums within 14 days.
4. Hazardous Waste Control laws specified in Title 22, CA Code of Regulations and Chapter 6.5 of the CA Health and Safety Code, require that wastes are properly managed within specific time periods, typically 90 days, after the waste has been generated. Materials and wastes noted above have apparently



been abandoned. This is illegal. You are required to evacuate contents of all tanks, drums and machines and to properly manage all of the above hazardous materials and waste and containers noted above. **Provide copies of all disposal documentation for all materials and wastes including bill of ladings and hazardous waste manifests indicating proper management of the above within 30 days of the date of this letter.**

5. There are several tanks, boilers and drums containing unknown materials/wastes. You are required to empty all containers and properly close and decommission the dry cleaning operation leaving all vessels empty at the site. Confirm in writing that all decommissioned equipment has been properly managed.

**Issues requiring immediate attention:**

6.
  - a) The rear portion of the site was unsecured during my August 11 inspection. Section 8.08.630 of the Livermore Municipal Ordinance Code (LMOC) requires that all receptacles, containers, storage areas and vehicles containing solid waste, recyclable materials or compostable materials shall be sufficiently covered or otherwise secured to prevent such material from escaping.
  - b) Illegal dumping of carpeting, trash and glass has occurred and appears to be ongoing. Sections 8.08.500 and 8.08.560 LMOC prohibits depositing of litter on private property.
  - c) Tall dry weeds are noted in the front, sides, and rear of the facility. Remove all items noted above. Section 8.14.020 LMOC prohibits allowing overgrown vegetation likely to harbor rats of vermin or constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property values and visible from a public street.
  - d) Secure this site so that it is inaccessible to the general public within 14 days. Please contact me to provide a copy of the key (preferred) or combination to the padlock for LPFD access (in the event of an emergency) to the onsite Knox box at you earliest convenience. Section 902.3.1, CFC requires that exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the fire department.

**You are required to address each of these issues outlining your intentions in writing within 14 days.**

**Issues requiring attention prior to occupancy of building:**

7. At least two electrical panels have been severely damaged requiring repair prior to restoring electrical service in the building. I observed all main wires coming into and leaving the panels to have been cut. You are required to contact the City of Livermore Building Department before repair of electrical system or before performing any other structural repairs at the above address.

Mr. Ratto  
September 20, 2005  
Page 4 of 4

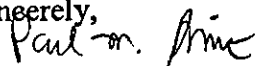
8. There was no record on the fire sprinkler system riser for any maintenance on the system. A 5 year sprinkler certification is required.
9. Ceiling tiles are missing and damaged. Missing panels are required to be replaced prior to occupancy.
10. All fire extinguishers are either missing or are out of certification. These will need to be replaced/recertified.

**Mismanagement and abandonment of hazardous waste violations carry significant penalties; see CA Health and Safety Code Sections: 25189.2b, 25190 and 25189.5. Failure to comply will result in further enforcement actions to be taken. You, personally as trustee, the Peter J. Ratto Trust, and Persiva Corporation are each considered responsible and/or potentially responsible parties.**

**You are required to comply with each of the above directives within timelines previously specified. Please provide a written response and Closure Plan addressing your proposal for proper disposition of all hazardous materials and waste containers including a response to each of the above issues within 30 days.**

Please contact me if you wish to discuss any of the above at (925) 454-2339 or [psmith@lpfire.org](mailto:psmith@lpfire.org).

Sincerely,

  
Paul M. Smith

Hazardous Materials Inspector

C:

- Dennis Miller Esq., Stein & Lubin LLP, 600 Montgomery St, 14<sup>th</sup> Floor, San Francisco, CA 94111
- Kenneth Goessling, Asset Management Specialist, GE Commercial Finance, 635 Marysville Center Dr., Suite 120, St Louis, MO 63141
- Andy Vanderheiden, Dave Dyer,, City of Livermore Building Department, 1052 South Livermore Ave., Livermore, CA 945550
- Ann Prinz, City of Livermore Building Department, Community Preservation Division, 1052 South Livermore Ave., Livermore, CA 94550
- Robert Aragon, Department Toxic Substances Control, Task Force Support & Special Investigations Branch, 700 Heinz Way, Suite 200, Berkeley, CA 94710
- Kevin Young, Assistant City Attorney, City of Livermore, 1052 S. Livermore Ave., Livermore, CA 94550
- Alyce Sandbach, Alameda County District Attorney's Office, Consumer & Environmental Protection Division, 7677 Oakport Dr, 6<sup>th</sup> Floor, Oakland, CA 94621

1 THOMAS J. ORLOFF  
2 District Attorney  
3 County of Alameda County

4 ALYCE SANDBACH (State Bar No. 141894)  
5 Deputy District Attorney  
6 Consumer & Environmental Protection Division  
7 7677 Oakport Street, Suite 650  
8 Oakland, CA 94621  
9 (510) 569-9281

10 Attorneys for Plaintiff

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF ALAMEDA

13 IN THE MATTER OF INSPECTION OF:

14 ) NO. 2005-0844

15 ) INSPECTION WARRANT  
16 ) (CCP § 1822.51)

17 Persiva Corporation dba Valley Cleaners Facility at  
18 224 Rickenbacker Circle, Livermore CA 94550

19 THE PEOPLE OF THE STATE OF CALIFORNIA TO:

20 The Fire Chief of the Livermore Pleasanton Fire Department and his/her authorized  
21 representatives and the Department of Toxic Substances Control and his/her authorized  
22 representatives:

23 PROOF, by affidavits, having been made before me by Paul Smith, Hazardous Materials  
24 Specialist,

25 THAT THERE IS REASON TO BELIEVE that, with respect to

26 Persiva Corporation dba Valley Cleaners  
27 at 224 Rickenbacker Circle, Livermore CA 94550  
28

1 me, or this court, or retain such property in your or other's authorized custody, subject to the order  
2 of this court.

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Date: 8/4/05

HUGH A. WALKER  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

AUTHORIZATION FOR IMMEDIATE EXECUTION

FOR GOOD CAUSE SHOWN BY AFFIDAVIT, the 24 hours notice requirement of Code of Civil Procedure § 1822.56 is hereby waived.

Date: 8/4/05

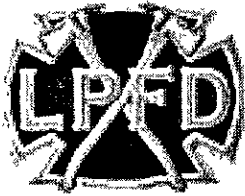
HUGH A. WALKER  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

AUTHORIZATION FOR INSPECTION IN THE ABSENCE OF OWNER AND/OR OCCUPANT

FOR GOOD CAUSE SHOWN BY AFFIDAVIT, the inspection is hereby authorized to take place in the absence of an owner or occupant of the premises.

Date: 8/4/05

HUGH A. WALKER  
JUDGE OF THE SUPERIOR COURT



## FIRE PREVENTION STANDARD

### CLOSURE GUIDELINES FOR HAZARDOUS MATERIALS STORAGE FACILITIES

#### A. General Information

The Fire Code requires that hazardous materials facilities be closed in a way that demonstrates that hazardous materials at the facility have been transported, removed, disposed of, or reused so that the need for further maintenance and any threat to public health and safety or the environment are eliminated.

Some types of hazardous materials facilities need only notify the Fire Department in writing that the facility is closing/moving, that the hazardous materials are being removed, and what is being done with them (sold, returned to the supplier, disposed of as hazardous waste, etc.) These are facilities at which the type of hazardous materials and the manner in which they are used do not result in any significant potential for contamination of the facility by hazardous materials. A distribution warehouse for paint products would be an example of such a facility. All other facilities must go through a more extensive closure process with the Fire Department. Contact the Fire Department at 925-454-2366 to determine the type of closure process that will be required in specific situations. *(Note: Remodels or partial facility closures may require submittal of elements of a Closure Plan.)*

The rest of this document describes the requirements when the more extensive closure process is needed.

#### B. Submittals and Permits

1. A permit application and closure plan must be submitted for review and approval 30 days prior to the start of closure activities. (note: Closure permits expire six months after approval of the closure application)
2. Plan review and inspections and payment of appropriate fees may be required for the closure of any storage system which has previously contained any hazardous material.

Livermore Fee:	\$127.00/hour
Pleasanton Fee:	\$100.00/hour

3. A facility closure that includes underground storage tanks must also include a Fire Code Underground Storage Tank Closure Permit Application and Closure plan.
4. If a groundwater monitoring well is to be closed or destroyed, you must obtain a permit from the Alameda County Flood Control & Water Conservation District – Zone 7. Their phone number is (925) 484-2600.
5. Additional permits (e.g. demolition permits, electrical permits, plumbing permits, etc.) may be required by the Building Department or other state or federal agencies.
6. A Post Closure Report, along with applicable supporting documentation, is required as a part of the closure process.

### C. Closure Plan Requirements

The Closure Plan includes, but is not limited to:

- A schedule indicating projected start and completion dates;
- A description of the size and type of equipment being closed, and the proposed final disposition. *(Note: Equipment includes concrete, piping, duct work, tanks, and all other aboveground hazardous materials storage systems/areas);*
- A site plan showing the location of the equipment or area being closed. Include all piping and ducting to be removed;
- A list of the types of chemicals currently and previously used or stored in the area to be closed (e.g. the facility's Hazardous Materials Inventory Statements, etc.);
- The procedures proposed to be used for decontamination of the facility and equipment (if required) and the proposed method of disposal for all hazardous wastes generated from cleaning operations. Decontamination procedures may include steam cleaning, rinsing, dismantling and removal of contaminated structural and non-structural portions of the building, etc. *(Note: Contact the local Building Department regarding requirements);*
- A brief description of how all hazardous materials will be removed or properly disposed of in a manner, which complies with all state and federal laws. A new owner/operator may take responsibility for the hazardous materials as long as documentation is submitted which indicates acceptance of responsibility by the new owner/operator;
- A description of the proposed sampling program (if required) including sample locations, constituents to be analyzed for, and test methods to be employed). Samples must be analyzed by laboratories certified by the State of California to perform the applicable test methods. *(Note: Sampling may be required if contamination is suspected. An inspector must be present at the time of any sampling unless prior arrangements have been made.);*

#### **D. Post-Closure Report Requirements**

Post-Closure Report shall include but not limited to:

- Documentation confirming compliance with all items in the approved Closure Plan;
- Confirmation of disposition of all hazardous materials, including virgin and waste products, through submittal of copies of bills of lading, bills of sale, TSDf-signed copies of hazardous waste manifests, etc.;
- For any sampling performed, copies of:
  1. Laboratory test results, including quality control/quality assurance data;
  2. Completed sample chains-of-custody;
  3. A site plan showing sample locations and, if applicable, depths;
  4. A written description of sample collection and handling procedures.

For further information contact:

The Livermore-Pleasanton Fire Prevention Bureau  
3560 Nevada St.  
Pleasanton, CA 94566  
Phone: (925) 454-2362 Fax: (925) 454-2367

1 THOMAS J. ORLOFF  
District Attorney  
2 County of Alameda  
Alyce Sandbach (State Bar No.:141894 )  
3 Deputy District Attorney  
Consumer & Environmental Protection Division  
4 7677 Oakport Street, Suite 650  
Oakland, CA 94621  
5 Telephone No.: (510) 569-9281  
Facsimile No.: (510) 569-0505  
6 Attorneys for People of the State of California  
7

**ENDORSED  
FILED  
ALAMEDA COUNTY**

AUG 4 - 2005

CLERK OF THE SUPERIOR COURT  
By *CJS* Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF ALAMEDA**

10 IN THE MATTER OF INSPECTION OF: )

11 )  
12 PERSIVA CORPORATION dba VALLEY CLEANERS )  
at 224 Rickenbacker Circle, Livermore, CA )  
13 Assessor Parcel #099-1316-032-00 )  
14 )

2005-0844  
AFFIDAVIT OF  
ALYCE SANDBACH  
IN SUPPORT OF  
INSPECTION WARRANT  
(CCP Section 1822.50 et. seq.)

15  
16 I, Alyce Sandbach, declare as follows:

17 I am a Deputy District Attorney, employed by Alameda County as such since November 20,  
18 1989. I submitted the attached Administrative Search Warrant, Affidavit of Paul Smith and Exhibits to  
19 Alameda County Superior Court Judge Julie Conger on July 20, 2005 [The exhibit from the Secretary of  
20 State's Web Site originally attached to Paul Smith's declaration was no longer available, so I obtained  
21 it anew from the web site today; aside from its date, it otherwise provides the same information as did  
22 the original exhibit, i.e. that Persiva Corporation is active and that the agent for service of process is P.  
23 Jerry Ratto, who we are informed has long been deceased] . Judge Conger signed the warrant. Mr.  
24 Smith thereafter recontacted the Hazardous Materials Specialist from the Department of Toxics Substance  
25 Control with whom he had planned to serve the warrant. That specialist had since run into scheduling  
26 conflicts such that it was too difficult for him to assist in the execution of the warrant before the running  
27 of the 14 days for which the warrant is effective (California Code of Civil Procedure, section 1822.55).  
28



# Exhibits

1 there is authorization for the Livermore Pleasanton Fire Department, a certified unified program  
2 agency, and the Department of Toxic Substances Control to conduct a joint inspection pursuant to  
3 Health and Safety Code section 25185 with respect to the establishment named in the caption above,  
4 as required by the Code of Civil Procedure section 1822.50 *et seq.* for the issuance of an  
5 INSPECTION WARRANT

6 YOU ARE THEREFORE COMMANDED TO INSPECT, WHICH INSPECTION SHALL  
7 INCLUDE the observation of physical conditions or processes, taking of photographs, taking of  
8 video recordings, and collecting samples for laboratory analysis. Inspection personnel shall not  
9 interfere with the property owner's observation of such inspection, photographing or sample  
10 collection;

11 AND THIS INSPECTION shall be for areas specified as follows at 224 Rickenbacker Circle,  
12 Livermore CA 94550:

- 14 1. Wall-to-wall inside all buildings on the premises;
- 15 2. All drains, sinks, and discharge points on the premises;
- 16 3. All containers and/or storage areas on the premises; and
- 17 4. All outdoor or indoor areas on the premises which may be or have been used to  
18 store or dispose of hazardous materials or waste.

20 FOR THE FOLLOWING PROPERTY:

21 Chemicals or other substances and materials; hazardous materials and wastes; containers;  
22 labels; material safety data sheets, records, books, documents, manifests, receipts, and other written  
23 materials regarding the use, storage, handling and disposal of hazardous materials and wastes; indicia  
24 of occupancy, ownership and control of the premises; training records; and any other evidence of  
25 discharges to the sanitary sewer or storm drain.

26 AND TO SEIZE such items, if found, when appropriate, and to bring them forthwith before  
27

1 THOMAS J. ORLOFF  
2 District Attorney  
3 County of Alameda

4 Alyce Sandbach  
5 Deputy District Attorney [State Bar # 141894]  
6 Consumer and Environmental Protection Division  
7 7677 Oakport, Suite 650  
8 Oakland, CA 94621-1934  
9 Telephone: (510) 569-9281  
10 Facsimile: (510) 569-0505

ENDORSED  
FILED  
ALAMEDA COUNTY

JUL 20 2005

CLERK OF THE SUPERIOR COURT  
By Karen D. Foss, Deputy

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF ALAMEDA

13 IN THE MATTER OF INSPECTION OF: )

No. )

14 )  
15 v. )

MEMORANDUM OF POINTS  
AND AUTHORITIES IN  
SUPPORT OF INSPECTION  
WARRANT

16 PERSIVA CORPORATION dba Valley Cleaners )  
17 At 224 Rickenbacker Circle, Livermore, CA )  
18 \_\_\_\_\_ )

19  
20 I  
21 INTRODUCTION

22 We briefly set forth below the general standards applicable to inspection warrants to guide  
23 the court in evaluating the affidavits that support the instant warrant. We also include the  
24 inspection authority for the two agencies which hereby seek to inspect the site at 224 Rickenbacker  
25 Circle, Livermore, California.  
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1 hours before the warrant is executed, unless the judge finds that immediate execution is reasonably  
2 necessary in the circumstances shown.” (Code of Civ. Proc, section 1822.56.)

3 Section 1822.52, pursuant to **Camara**, set forth the two possible grounds for which an  
4 inspection warrant may be issued: “Cause shall be deemed to exist if either reasonable legislative  
5 or administrative standards for conducting a routine or area inspection are satisfied with respect to  
6 the particular place, dwelling, structure, premises, or vehicle” or “[where] there is reason to believe  
7 that a condition of nonconformity exists with respect to the particular place, dwelling, structure,  
8 premises, or vehicle.”

9 Probable cause in the traditional criminal law sense of the word is not required for either  
10 warrants based on specific evidence of an existing violation (unless such a warrant is aimed at the  
11 discovery of evidence of a crime), nor is it the standard for warrants based on routine inspections.  
12 (**Salwasser Manufacturing v. OSHA** (1989) 214 Cal.App.3d 625, 630-631 **Marshall v. Barlows,**  
13 **Inc.** (1978) 436 U.S. 307, 320; **People v. Todd Shipyards** 192 Cal.App.3d Supp. 20, 30.) Rather,  
14 a lesser standard of “administrative probable cause” applies. (**Salwasser Manufacturing v.**  
15 **OSHA, supra** 214 Cal.App.3d 625, 630-631; see also **People v. Wheeler** (1973) 30 Cal.App.3d  
16 282, 298.) In both types of inspection warrants, reasonableness is the ultimate test for determining  
17 probable cause (**Contra Costa County v. Humore** (1996) 45 Cal.App.4<sup>th</sup> 1335, 1348), but the  
18 court’s focus is necessarily different for the two types of cause.  
19

20 In the context of the so-called “routine,” or “area” inspection -- i.e., where no particularized  
21 knowledge that a violation presently exists – the need for the inspection must be weighed in terms  
22 of the reasonable goals of code enforcement. (**City and County of San Francisco v. Municipal**  
23 **Court** 167 Cal.App.3d 712, 719; **Department of Toxic Substances Control v. Superior Court**  
24 (1996) 44 Cal.App.4<sup>th</sup> 1418.) There is no “ready test” for determining the reasonableness of a  
25 routine inspection other than, on a case-by-case basis, balancing the public interest in the inspection  
26 with the invasion the search entails. (**Department of Toxic Substances Control v. Superior**  
27

1 The "department," within the meaning of the above-cited section 25185(a) means the  
2 Department of Toxic Substances Control. (See Health and Safety Code section 25111.) The  
3 attached affidavit of Robert Aragon demonstrates that he is an "authorized representative" of the  
4 Department of Toxic Substances Control, within the meaning of section 25185(a).  
5

6 **III**  
7 **CONCLUSION**

8 The attached affidavit fulfills the above standards: it sets forth statutory authority,  
9 reasonable in nature, that authorizes entry; it shows consent to inspect has been sought and  
10 effectively refused in addition to facts and circumstances reasonably justifying the failure to seek  
11 additional consent."  
12

13  
14 Dated: 7-19-05

Respectfully submitted,

15 THOMAS J. ORLOFF  
16 District Attorney

17  
18 By: 

19 Alyce Sandbach  
20 Deputy District Attorney  
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materials and hazardous waste regulations and laws within the city limits of Livermore and Pleasanton.

I have had extensive training in the area of hazardous materials and hazardous waste compliance in my employment with LPFD and with Alameda County. I have attended many courses and conferences in the area of hazardous materials and hazardous waste compliance during the time in which I have been employed by LPFD and with Alameda County. I received my undergraduate degree in Natural Resources Planning from Humboldt State University in 1981. I received a graduate degree in Environmental Management from the University of San Francisco in 1991.

I have conducted approximately two thousand compliance inspections of businesses and other facilities that use hazardous materials and generate hazardous waste.

Persiva Corporation owns a piece of property in Livermore at 224 Rickenbacker Circle. At one time, Persiva had operated a dry-cleaners on the premises called Valley Cleaners. The President of the corporation was Jerry Ratto, who died in approximately 2003. The corporation filed for bankruptcy in 2001 under Chapter 7 and the case was apparently resolved in 2004 or 2005. I believe there are hazardous materials and/or waste on the premises, but have thus far been unable to obtain permission from anyone with authority to give it for an inspection of the facility.

After several inquiries with a number of parties involved with the above-mentioned bankruptcy (Bankruptcy Trustee Lois Brady; Eric Nyberg, the Bankruptcy attorney for Persiva, Eric Nyberg; and the attorneys for Heller First Capital Corporation which owns a Deed of Trust against the property), I determined that Mark Ratto is the son of the deceased Jerry Ratto, that he is the trustee of the Peter J. Ratto Trust, and that he is a shareholder of Persiva Corporation. I was informed by Lois Brady that everyone was settled out and that there was nothing she could do for

I believe there are hazardous materials and/or hazardous waste stored on the premises given that there are approximately 12 drums inside a locked cyclone-fence enclosure at the rear of the building and a number of drums inside a cinderblock dumpster enclosure, some of which bear hazardous waste labels. I was able to kick one of the drums: it appeared full. Dried sludge was visible inside one of the open drums. There may also be hazardous materials/waste inside machines in the dry-cleaning business. The business last filed a Hazardous Materials Business Plan (HMBP) in 2001, stating it stored hazardous materials and generated hazardous waste (even though the business had apparently stopped using the carcinogen perchlorate). There are two large step vans parked at the rear of the building that may also be storing hazardous materials or waste. The storage of hazardous waste is a violation of numerous regulations and laws; failure to file a Hazardous Materials Business Plan when required to (given the amount of Hazardous Materials stored) is also a violation.

Attached to my declaration are the letter I sent Mark Ratto [Exhibit 1]; the voluntary Chapter 7 petition signed by Mark Ratto which lists his titles as "Trustee of Peter J. Ratto Trust" and "Shareholder" [Exhibit 2]; a letter from attorneys for Heller First Capital Corporation stating that Mark Ratto appears to be the responsible officer now for Persiva [Exhibit 3]; and California Secretary of State web site information for Persiva Corporation [Exhibit 4]. On July 18, 2005, I checked the Alameda County and ParcelQuest web bases for the property at 224 Rickenbacker Circle in Livermore and determined the current owner was still Persiva Corporation. As of July 19, 2005, Persiva Corporation was still listed as an active corporation on the Secretary of State's web site.

Robert Aragon is a Senior Hazardous Substances Engineer, employed by the Department of Toxic Substances Control. DDA Sandbach told me that she had a conversation with Mr. Aragon

# Exhibits



**STEIN & LUBIN LLP**  
ATTORNEYS AT LAW

Transamerica Pyramid, 600 Montgomery Street, 14<sup>th</sup> Floor  
San Francisco, California 94111

Telephone (415) 981-0550  
Facsimile (415) 981-4343

PS  
**RECEIVED**

FEB 17 2005

**FIRE PREVENTION**

February 15, 2005

DENNIS D. MILLER  
Direct Dial: (415) 955-5026  
E-mail: dmiller@steinlubin.com

**FAX AND U.S. MAIL**  
(925) 249-2397

Paul M. Smith  
Hazardous Materials Inspector  
Livermore - Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, CA 94566

In re Persiva Corporation, etc.,  
USBC Northern District Case No. 04-41396RN-7

Dear Mr. Smith:

This letter is to respond to your February 2, 2005 correspondence regarding the LPPFD request to inspect the property at 224 Rickenbacker Circle, Livermore, California (the "Property"). First, let me correct your misunderstanding from our prior telephone conversation. I did not state at any time that Heller First Capital Corporation ("Heller") owned the Property as a result of the bankruptcy case. Heller has never owned this Property. Heller holds a Deed of Trust against the Property, and also a security interest over the personal property. However, Heller has never taken any steps to foreclose upon either the Property or personal property.

The bankruptcy situation involved the chapter 7 filing by Persiva, Inc. last year. Lois Brady, whom you copied on your February 2, 2005 correspondence was the chapter 7 trustee over the bankruptcy case of Persiva. Ms. Brady, as the chapter 7 trustee attempted to sell the Property, but was unable to do so. Ms. Brady has abandoned the Property, including the personal property and the chapter 7 bankruptcy case may be closed. However, since the president of Persiva Peter Ratto is deceased, my information is the Property sits vacant.

For your information, the owner of the Property continues to be Persiva. As you noted in your correspondence, the bankruptcy attorney for Persiva was Eric Nyberg. According to the bankruptcy petition, a copy of which is enclosed for your reference, Mark Ratto is the trustee of the Peter J. Ratto Trust and you should contact Mark Ratto, who appears to be the responsible officer now for Persiva. The only information I have for Mark Ratto is that he may live in Florida. I assume you can contact Mark Ratto through Eric Nyberg.

Official Form 1 (12/03)

<b>Voluntary Petition</b> <i>(This page must be completed and filed in every case)</i>	Name of Debtor(s): <b>Persiva Corporation</b>
---	--

FORM B1, Page 2

**Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location Where Filed: <b>Oakland, California</b>	Case Number: <b>01-43104 N-11</b>	Date Filed: <b>6/01/01</b>
---	--------------------------------------	-------------------------------

**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor: <b>- None -</b>	Case Number:	Date Filed:
District:	Relationship:	Judge:

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.  
 (If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7) I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  
 I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X \_\_\_\_\_  
Signature of Debtor

X \_\_\_\_\_  
Signature of Joint Debtor

\_\_\_\_\_  
Telephone Number (If not represented by attorney)

\_\_\_\_\_  
Date

**Signature of Attorney**

X \_\_\_\_\_  
Signature of Attorney for Debtor(s)

**Eric A. Nyberg 131105**  
Printed Name of Attorney for Debtor(s)

**Kornfield, Paul & Nyberg, PC**  
Firm Name

**1999 Harrison St., Suite 800**  
**Oakland, CA 94612**

\_\_\_\_\_  
Address

**(510) 763-1000 Fax: (510) 273-8669**  
Telephone Number

**3/12/04**  
Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  
 The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X **Mark Ratto**  
Signature of Authorized Individual

**Mark Ratto**  
Printed Name of Authorized Individual

**Trustee of Peter J. Ratto Trust, Shareholder**  
Title of Authorized Individual

\_\_\_\_\_  
Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X \_\_\_\_\_  
Signature of Attorney for Debtor(s)      Date

**Exhibit C**

Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.  
 No

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

\_\_\_\_\_  
Printed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security Number (Required by 11 U.S.C. § 110(c).)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Resolution of Board of Directors  
of  
Persiva Corporation

Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 7 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 7 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to employ Eric A. Nyberg, attorney and the law firm of Kornfield, Paul & Nyberg, PC to represent the corporation in such bankruptcy case.

Signed Mark Ratto  
Mark Ratto  
Trustee of Peter J. Ratto Trust, Shareholder

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THOMAS J. ORLOFF  
District Attorney  
County of Alameda County

ALYCE SANDBACH (State Bar No. 141894)  
Deputy District Attorney  
Consumer & Environmental Protection Division  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
(510) 569-9281

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

IN THE MATTER OF INSPECTION OF:

) NO. 2005-0844

) **INSPECTION WARRANT**  
) (CCP § 1822.51)

Persiva Corporation dba Valley Cleaners Facility at  
224 Rickenbacker Circle, Livermore CA 94550

THE PEOPLE OF THE STATE OF CALIFORNIA TO:

The Fire Chief of the Livermore Pleasanton Fire Department and his/her authorized  
representatives and the Department of Toxic Substances Control and his/her authorized  
representatives:

PROOF, by affidavits, having been made before me by Paul Smith, Hazardous Materials  
Specialist,

THAT THERE IS REASON TO BELIEVE that, with respect to

Persiva Corporation dba Valley Cleaners  
at 224 Rickenbacker Circle, Livermore CA 94550

1 there is authorization for the Livermore Pleasanton Fire Department, a certified unified program  
2 agency, and the Department of Toxic Substances Control to conduct a joint inspection pursuant to  
3 Health and Safety Code section 25185 with respect to the establishment named in the caption above,  
4 as required by the Code of Civil Procedure section 1822.50 *et seq.* for the issuance of an  
5 INSPECTION WARRANT

6 YOU ARE THEREFORE COMMANDED TO INSPECT, WHICH INSPECTION SHALL  
7 INCLUDE the observation of physical conditions or processes, taking of photographs, taking of  
8 video recordings, and collecting samples for laboratory analysis. Inspection personnel shall not  
9 interfere with the property owner's observation of such inspection, photographing or sample  
10 collection;

11 AND THIS INSPECTION shall be for areas specified as follows at 224 Rickenbacker Circle,  
12 Livermore CA 94550:

- 14 1. Wall-to-wall inside all buildings on the premises;
- 15 2. All drains, sinks, and discharge points on the premises;
- 16 3. All containers and/or storage areas on the premises; and
- 17 4. All outdoor or indoor areas on the premises which may be or have been used to  
18 store or dispose of hazardous materials or waste.

20 FOR THE FOLLOWING PROPERTY:

21  
22 Chemicals or other substances and materials; hazardous materials and wastes; containers;  
23 labels; material safety data sheets, records, books, documents, manifests, receipts, and other written  
24 materials regarding the use, storage, handling and disposal of hazardous materials and wastes; indicia  
25 of occupancy, ownership and control of the premises; training records; and any other evidence of  
26 discharges to the sanitary sewer or storm drain.

27 AND TO SEIZE such items, if found, when appropriate, and to bring them forthwith before  
28

1 me, or this court, or retain such property in your or other's authorized custody, subject to the order  
2 of this court.

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Date: 8/4/05

HUGH A. WALKER  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

AUTHORIZATION FOR IMMEDIATE EXECUTION

FOR GOOD CAUSE SHOWN BY AFFIDAVIT, the 24 hours notice requirement of Code of Civil Procedure § 1822.56 is hereby waived.

Date: 8/4/05

HUGH A. WALKER  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

AUTHORIZATION FOR INSPECTION IN THE ABSENCE OF OWNER AND/OR OCCUPANT

FOR GOOD CAUSE SHOWN BY AFFIDAVIT, the inspection is hereby authorized to take place in the absence of an owner or occupant of the premises.

Date: 8/4/05

HUGH A. WALKER  
JUDGE OF THE SUPERIOR COURT

1 THOMAS J. ORLOFF  
District Attorney  
2 County of Alameda  
Alyce Sandbach (State Bar No.:141894 )  
3 Deputy District Attorney  
Consumer & Environmental Protection Division  
4 7677 Oakport Street, Suite 650  
Oakland, CA 94621  
5 Telephone No.: (510) 569-9281  
Facsimile No.: (510) 569-0505  
6 Attorneys for People of the State of California  
7

**ENDORSED  
FILED  
ALAMEDA COUNTY**

AUG 4 - 2005

CLERK OF THE SUPERIOR COURT  
By *CJS* Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF ALAMEDA**

10 IN THE MATTER OF INSPECTION OF:

11 )  
12 ) PERSIVA CORPORATION dba VALLEY CLEANERS  
at 224 Rickenbacker Circle, Livermore, CA  
13 ) Assessor Parcel #099-1316-032-00  
14 )

) 2005-0844  
)  
) **AFFIDAVIT OF**  
) **ALYCE SANDBACH**  
) **IN SUPPORT OF**  
) **INSPECTION WARRANT**  
) (CCP Section 1822.50 et. seq.)

15  
16 I, Alyce Sandbach, declare as follows:

17 I am a Deputy District Attorney, employed by Alameda County as such since November 20,  
18 1989. I submitted the attached Administrative Search Warrant, Affidavit of Paul Smith and Exhibits to  
19 Alameda County Superior Court Judge Julie Conger on July 20, 2005 [The exhibit from the Secretary of  
20 State's Web Site originally attached to Paul Smith's declaration was no longer available, so I obtained  
21 it anew from the web site today; aside from its date, it otherwise provides the same information as did  
22 the original exhibit, i.e. that Persiva Corporation is active and that the agent for service of process is P.  
23 Jerry Ratto, who we are informed has long been deceased] . Judge Conger signed the warrant. Mr.  
24 Smith thereafter recontacted the Hazardous Materials Specialist from the Department of Toxics Substance  
25 Control with whom he had planned to serve the warrant. That specialist had since run into scheduling  
26 conflicts such that it was too difficult for him to assist in the execution of the warrant before the running  
27 of the 14 days for which the warrant is effective (California Code of Civil Procedure, section 1822.55).  
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I am therefore resubmitting a new application for an administrative search warrant and resubmitting the same declaration of Paul Smith which I watched him review and sign on July 20<sup>th</sup> (although the declaration itself is dated the day prior). Today, August 4, 2005, Paul Smith told me that the facts have not changed since he last signed the original declaration he submitted for the warrant Judge Conger authorized on July 20, 2005. The only new fact of which I am aware simply confirms a previous understanding: Dennis Miller returned my call and left a message saying that Heller First Capital Corporation was not the owner of the Rickenbacker Circle property, but just a lienholder and had not foreclosed on the property. I recently informed Judge Conger that I would be resubmitting the warrant because the time had lapsed, but would be making the request of a Pleasanton Judge because the business is in Pleasanton. The warrant I am submitting today differs from the original only in that it seeks an additional authorization to inspect in the absence of an owner or occupant, an authorization. I did not originally seek such authorization, but it is well-supported by the facts stated in Paul Smith's declaration.

I declare the foregoing to be true, to the best of my knowledge, under penalty of perjury.

Executed at Oakland, California, on August 4, 2005

\_\_\_\_\_  
Alyce Sandbach  
Deputy District Attorney



# Exhibits

1 THOMAS J. ORLOFF  
2 District Attorney  
3 County of Alameda County

**ENDORSED  
FILED  
ALAMEDA COUNTY**

4 ALYCE SANDBACH (State Bar No. 141894)  
5 Deputy District Attorney  
6 Consumer & Environmental Protection Division  
7 7677 Oakport Street, Suite 650  
8 Oakland, CA 94621  
9 (510) 569-9281

JUL 20 2005  
CLERK OF THE SUPERIOR COURT  
By Karen D. Foss, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

13 IN THE MATTER OF INSPECTION OF:

NO.  
INSPECTION WARRANT  
(CCP § 1822.51)

16 Persiva Corporation dba Valley Cleaners Facility at  
17 224 Rickenbacker Circle, Livermore CA 94550

19 THE PEOPLE OF THE STATE OF CALIFORNIA TO:

20 The Fire Chief of the Livermore Pleasanton Fire Department and his/her authorized  
21 representatives and the Department of Toxic Substances Control and his/her authorized  
22 representatives:

23 PROOF, by affidavits, having been made before me by Paul Smith, Hazardous Materials  
24 Specialist,  
25

26 THAT THERE IS REASON TO BELIEVE that, with respect to

27 Persiva Corporation dba Valley Cleaners  
28 at 224 Rickenbacker Circle, Livermore CA 94550

1 there is authorization for the Livermore Pleasanton Fire Department, a certified unified program  
2 agency, and the Department of Toxic Substances Control to conduct a joint inspection pursuant to  
3 Health and Safety Code section 25185 with respect to the establishment named in the caption above,  
4 as required by the Code of Civil Procedure section 1822.50 *et seq.* for the issuance of an  
5 INSPECTION WARRANT

6 YOU ARE THEREFORE COMMANDED TO INSPECT, WHICH INSPECTION SHALL  
7 INCLUDE the observation of physical conditions or processes, taking of photographs, taking of  
8 video recordings, and collecting samples for laboratory analysis. Inspection personnel shall not  
9 interfere with the property owner's observation of such inspection, photographing or sample  
10 collection;

11 AND THIS INSPECTION shall be for areas specified as follows at 224 Rickenbacker Circle,  
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- 14 1. Wall-to-wall inside all buildings on the premises;
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- 16 3. All containers and/or storage areas on the premises; and
- 17 4. All outdoor or indoor areas on the premises which may be or have been used to  
18 store or dispose of hazardous materials or waste.

19 FOR THE FOLLOWING PROPERTY:  
20

21 Chemicals or other substances and materials; hazardous materials and wastes; containers;  
22 labels; material safety data sheets, records, books, documents, manifests, receipts, and other written  
23 materials regarding the use, storage, handling and disposal of hazardous materials and wastes; indicia  
24 of occupancy, ownership and control of the premises; training records; and any other evidence of  
25 discharges to the sanitary sewer or storm drain.  
26

27 AND TO SEIZE such items, if found, when appropriate, and to bring them forthwith before  
28

1 me, or this court, or retain such property in your or other's authorized custody, subject to the order  
2 of this court.

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Date: JUL 20 2005 JULIE CONGER  
JUDGE OF THE SUPERIOR COURT

AUTHORIZATION FOR IMMEDIATE EXECUTION

FOR GOOD CAUSE SHOWN BY AFFIDAVIT, the 24 hours notice requirement of Code  
of Civil Procedure § 1822.56 is hereby waived.

Date: JUL 20 2005 JULIE CONGER  
JUDGE OF THE SUPERIOR COURT

1 THOMAS J. ORLOFF  
2 District Attorney  
3 County of Alameda

4 Alyce Sandbach  
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FILED  
ALAMEDA COUNTY

JUL 20 2005

CLERK OF THE SUPERIOR COURT  
By Karen D. Foss, Deputy

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF ALAMEDA**

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MEMORANDUM OF POINTS  
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20 **I**  
21 **INTRODUCTION**

22 We briefly set forth below the general standards applicable to inspection warrants to guide  
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**II**  
**DISCUSSION**

**A. Inspection warrants**

An administrative agency must obtain an inspection warrant from a judge before it may conduct a non-emergency nonconsensual administrative search for possible violations. (**Camara v. Municipal Court** (1967) 387 U.S. 523.) “However, unlike criminal search warrants, the probable cause for the issuance of an administrative inspection warrant is a finding of reasonable need, i.e., a finding of reasonable legislative or administrative standards for a periodic or area inspection or a reasonable belief by an inspector that a regulatory violation exists on the particular premises to be inspected.” (**People v. Tillery** (1989) 211 Cal.App.3d 1569, 1575; emphasis added.)

Code of Civil Procedure section 1822.50 et seq. were originally enacted in 1968 to comply with standards enunciated in **Camara** (**Ibid**; **Vidaurri v. Superior Court** 13 Cal.App.3d 550, 553) and succinctly set forth the requirements of a valid inspection warrant. California Code of Civil Procedure, section 1822.50 defines an inspection warrant as “an order, in writing, in the name of the people, signed by a judge of a court of record, directed to a state or local official, commanding him to conduct any inspection required or authorized by state or local law or regulation relating to building, fire, safety plumbing, electrical, health, labor, or zoning.” (Code of Civ. Proc., section 1822.50.)

“An inspection warrant shall be issued only upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be searched and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts and circumstances reasonably justifying the failure to seek such consent.” (Code of Civ. Proc., section 1822.51.) “Where prior consent has been sought and refused, notice that a warrant has been issued must be given at least 24

1 hours before the warrant is executed, unless the judge finds that immediate execution is reasonably  
2 necessary in the circumstances shown.” (Code of Civ. Proc, section 1822.56.)

3 Section 1822.52, pursuant to **Camara**, set forth the two possible grounds for which an  
4 inspection warrant may be issued: “Cause shall be deemed to exist if either reasonable legislative  
5 or administrative standards for conducting a routine or area inspection are satisfied with respect to  
6 the particular place, dwelling, structure, premises, or vehicle” or “[where] there is reason to believe  
7 that a condition of nonconformity exists with respect to the particular place, dwelling, structure,  
8 premises, or vehicle.”

9 Probable cause in the traditional criminal law sense of the word is not required for either  
10 warrants based on specific evidence of an existing violation (unless such a warrant is aimed at the  
11 discovery of evidence of a crime), nor is it the standard for warrants based on routine inspections.  
12 (**Salwasser Manufacturing v. OSHA** (1989) 214 Cal.App.3d 625, 630-631 **Marshall v. Barlows,**  
13 **Inc.** (1978) 436 U.S. 307, 320; **People v. Todd Shipyards** 192 Cal.App.3d Supp. 20, 30.) Rather,  
14 a lesser standard of “administrative probable cause” applies. (**Salwasser Manufacturing v.**  
15 **OSHA, supra** 214 Cal.App.3d 625, 630-631; see also **People v. Wheeler** (1973) 30 Cal.App.3d  
16 282, 298.) In both types of inspection warrants, reasonableness is the ultimate test for determining  
17 probable cause (**Contra Costa County v. Humore** (1996) 45 Cal.App.4<sup>th</sup> 1335, 1348), but the  
18 court’s focus is necessarily different for the two types of cause.

19 In the context of the so-called “routine,” or “area” inspection -- i.e., where no particularized  
20 knowledge that a violation presently exists -- the need for the inspection must be weighed in terms  
21 of the reasonable goals of code enforcement. (**City and County of San Francisco v. Municipal**  
22 **Court** 167 Cal.App.3d 712, 719; **Department of Toxic Substances Control v. Superior Court**  
23 (1996) 44 Cal.App.4<sup>th</sup> 1418.) There is no “ready test” for determining the reasonableness of a  
24 routine inspection other than, on a case-by-case basis, balancing the public interest in the inspection  
25 with the invasion the search entails. (**Department of Toxic Substances Control v. Superior**  
26  
27

1 **Court, supra** 44 Cal.App.4<sup>th</sup> 1418, 1423.) “If a valid public interest justifies the intrusion  
2 contemplated, then there is probable cause to issue a suitably restricted search warrant.” (**Ibid.**)

3 On the other hand, when the warrant is based upon specific evidence of a violation, there  
4 must be a showing of specific evidence sufficient to support a “reasonable suspicion” of a violation;  
5 the requirement has been alternatively phrased as “some plausible basis” for believing that a  
6 violations is likely to be found. (**County of Contra Costa v. Humore** 45 Cal.App.4<sup>th</sup> 1335  
7 [Citations omitted]; **Salwasser Manufacturing v. OSHA, supra** 214 Cal.App.3d 625, 631.)

### 8 **B. Authority to Inspect**

9 Health and Safety Code section 25185(a) provides the regulatory authority for the  
10 Livermore Pleasanton Fire Department and the Department of Toxic Substances Control to  
11 inspect the instant facility. That section provides, “In order to carry out the purposes of this  
12 chapter [i.e., Chapter 6.5 of the Health and Safety Code, section 25100 et seq., the “Hazardous  
13 Waste Control Act”], any authorized representative of the department or the local officer or  
14 agency authorized to enforce this chapter pursuant to subdivision (a) of 25180 may, at any  
15 reasonable hour of the day . . . do any of the following: (1) Enter and inspect . . . any  
16 establishment or any other place, or environment where hazardous wastes are stored, handled,  
17 processed, disposed of, or being treated to recover resources.”

18 Health and Safety Code section 25180 provides that a “certified uniform program  
19 agency” (CUPA), certified by the Department of Toxic Substances Control, may enforce the  
20 provisions of the Hazardous Waste Control Act. As noted in the affidavit of Paul Smith, the  
21 Livermore Pleasanton Fire Department is a CUPA with jurisdiction to enforce the Act in the  
22 Cities of Livermore and Pleasanton. **Department of Toxic Substances Control v. Superior**  
23 **Court, supra** 44 Cal.App.4<sup>th</sup> 1418 examined the reasonableness of this very statutory scheme,  
24 and the grant of authority given in Health and Safety Code section 25185 and found the  
25 legislative and administrative standards reasonable. (**Id.** at pp. 1423-1426.)  
26  
27  
28



1 The "department," within the meaning of the above-cited section 25185(a) means the  
2 Department of Toxic Substances Control. (See Health and Safety Code section 25111.) The  
3 attached affidavit of Robert Aragon demonstrates that he is an "authorized representative" of the  
4 Department of Toxic Substances Control, within the meaning of section 25185(a).  
5

6 **III**  
7 **CONCLUSION**

8 The attached affidavit fulfills the above standards: it sets forth statutory authority,  
9 reasonable in nature, that authorizes entry; it shows consent to inspect has been sought and  
10 effectively refused in addition to facts and circumstances reasonably justifying the failure to seek  
11 additional consent."  
12

13  
14 Dated: 7-19-05

Respectfully submitted,

15 THOMAS J. ORLOFF  
16 District Attorney

17 By: 

18 Alyce Sandbach  
19 Deputy District Attorney  
20  
21  
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24  
25  
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27  
28

THOMAS J. ORLOFF  
District Attorney  
County of Alameda County

-ALYCE SANDBACH (State Bar No. 141894)  
Deputy District Attorney  
Consumer & Environmental Protection Division  
7677 Oakport Street, Suite 650  
Oakland, CA 94621  
(510) 569-9281  
Attorneys for Plaintiff

ENDORSED  
FILED  
ALAMEDA CO.

JUL 20 2005

CLERK OF THE SUPERIOR COURT  
By Karen D. Foss, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

IN THE MATTER OF INSPECTION OF: )

PERSIVA CORPORATION dba VALLEY CLEANERS )  
at 224 Rickenbacker Circle, Livermore, CA )  
Assessor Parcel #099-1316-032-00 )

)  
) **AFFIDAVIT OF**  
) **PAUL SMITH**  
) **IN SUPPORT OF**  
) **INSPECTION WARRANT**  
) (CCP Section 1822.50 et. seq.)  
)  
)

I, Paul Smith, declare as follows:

I am a Hazardous Materials Inspector with the Livermore Pleasanton Fire Department. I have held this title and position since April of 2002. Prior, I was Hazardous Materials Specialist with the Alameda County Environmental Health Department, Hazardous Materials Division for over 10 years.

The Livermore Pleasanton Fire Department (LPFD) is a "Certified Uniform Program Agency" ("CUPA") pursuant to Health and Safety Code section 25123.7, which means it is a governmental agency that has the primary enforcement, under state law, to enforce the hazardous

materials and hazardous waste regulations and laws within the city limits of Livermore and Pleasanton.

I have had extensive training in the area of hazardous materials and hazardous waste compliance in my employment with LPFD and with Alameda County. I have attended many courses and conferences in the area of hazardous materials and hazardous waste compliance during the time in which I have been employed by LPFD and with Alameda County. I received my undergraduate degree in Natural Resources Planning from Humboldt State University in 1981. I received a graduate degree in Environmental Management from the University of San Francisco in 1991.

I have conducted approximately two thousand compliance inspections of businesses and other facilities that use hazardous materials and generate hazardous waste.

Persiva Corporation owns a piece of property in Livermore at 224 Rickenbacker Circle. At one time, Persiva had operated a dry-cleaners on the premises called Valley Cleaners. The President of the corporation was Jerry Ratto, who died in approximately 2003. The corporation filed for bankruptcy in 2001 under Chapter 7 and the case was apparently resolved in 2004 or 2005. I believe there are hazardous materials and/or waste on the premises, but have thus far been unable to obtain permission from anyone with authority to give it for an inspection of the facility.

After several inquiries with a number of parties involved with the above-mentioned bankruptcy (Bankruptcy Trustee Lois Brady; Eric Nyberg, the Bankruptcy attorney for Persiva, Eric Nyberg; and the attorneys for Heller First Capital Corporation which owns a Deed of Trust against the property), I determined that Mark Ratto is the son of the deceased Jerry Ratto, that he is the trustee of the Peter J. Ratto Trust, and that he is a shareholder of Persiva Corporation. I was informed by Lois Brady that everyone was settled out and that there was nothing she could do for

me. Deputy District Attorney Alyce Sandbach informed me that she went to Bankruptcy Court to view the file and was told that the case was no longer active and that the file was in archives.

On March 23, 2005, I sent a letter to Mr. Ratto requiring him to schedule an appointment to access the Rickenbacker property. On April 4, 2005, I left a message for Mark Ratto. On April 14, 2005, I spoke with Mr. Ratto at which time he told me that he wanted to consult with an attorney and get back to me, and that he wanted to get a representative to meet with me for an inspection of the property. He seemed upset during the conversation that hazardous materials <sup>pms</sup> WASTE/WASTE WAS ON SITE and might cost money to clean up.

I did not hear back from Mr. Ratto. I called him again on June 27, 2005. He returned my call on July 2d, leaving me a message in which he stated he did not have the authority to authorize an inspection and did not even have access to the site himself. I called Mr. Ratto on July 5<sup>th</sup>, asking him if he didn't have authority, who did. I have yet to hear back from Mr. Ratto.

Earlier this month, I noticed a "For Sale" sign at the site. I called the realtor listed, Cynthia Sund of Colliers International. She told me she no longer had the listing and referred me to the attorney "handling it," Dennis Miller. This was the attorney who had informed me that he represented Heller First Capital Corporation, which owned a Deed of Trust against the property but who had not foreclosed on the property. DDA Alyce Sandbach told me that she called Mr. Miller on July 14, 2005 and left a message asking if they had since acquired the property, since they were apparently involved in attempting to sell it, and informing him that I was still attempting to obtain consent to inspect the property. DDA Sandbach told me that as of today, she has not heard back from Mr. Miller.

There is currently a unit key inside the Knox Box at the Rickenbacker site to which the LPFD has a key which would allow me access for an inspection.

I believe there are hazardous materials and/or hazardous waste stored on the premises given that there are approximately 12 drums inside a locked cyclone-fence enclosure at the rear of the building and a number of drums inside a cinderblock dumpster enclosure, some of which bear hazardous waste labels. I was able to kick one of the drums: it appeared full. Dried sludge was visible inside one of the open drums. There may also be hazardous materials/waste inside machines in the dry-cleaning business. The business last filed a Hazardous Materials Business Plan (HMBP) in 2001, stating it stored hazardous materials and generated hazardous waste (even though the business had apparently stopped using the carcinogen perchlorate). There are two large step vans parked at the rear of the building that may also be storing hazardous materials or waste. The storage of hazardous waste is a violation of numerous regulations and laws; failure to file a Hazardous Materials Business Plan when required to (given the amount of Hazardous Materials stored) is also a violation.

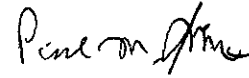
Attached to my declaration are the letter I sent Mark Ratto [Exhibit 1]; the voluntary Chapter 7 petition signed by Mark Ratto which lists his titles as "Trustee of Peter J. Ratto Trust" and "Shareholder" [Exhibit 2]; a letter from attorneys for Heller First Capital Corporation stating that Mark Ratto appears to be the responsible officer now for Persiva [Exhibit 3]; and California Secretary of State web site information for Persiva Corporation [Exhibit 4]. On July 18, 2005, I checked the Alameda County and ParcelQuest web bases for the property at 224 Rickenbacker Circle in Livermore and determined the current owner was still Persiva Corporation. As of July 19, 2005, Persiva Corporation was still listed as an active corporation on the Secretary of State's web site.

Robert Aragon is a Senior Hazardous Substances Engineer, employed by the Department of Toxic Substances Control. DDA Sandbach told me that she had a conversation with Mr. Aragon

about this case in which he told her that he is authorized by DTSC to conduct inspections of businesses and to sample during the course of same.

I declare the foregoing to be true, to the best of my knowledge, under penalty of perjury.

Executed at Oakland, California, on July 19, 2005

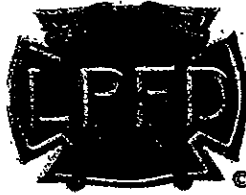


---

Paul Smith

# Exhibits

Livermore - Pleasanton



Fire Department

March 23, 2005

Mark Ratto  
670 West Fruit Cove Forest Road  
Jacksonville, Florida, 32259

**Re: Site inspection access Perciva Corporation/Valley Cleaners facility, 224  
Rickenbacker Cir., Livermore, CA 94550**

Dear Mr. Ratto:

This letter concerns the need for Livermore Pleasanton Fire Department (LPFD) to have site inspection access and a contact person representing the Perciva Corporation dba Valley Cleaners present in order to conduct a site inspection concerning: hazardous waste, Fire Code and Hazardous Materials Business Plan compliance. I am aware that this site is now unoccupied and that there is likely hazardous waste and hazardous materials stored on the premises. I have been attempting to gain access to this property since December of 2004. I am also aware that the Perciva Corporation has declared bankruptcy and that you are the acting principal for the debtor.

Please be aware that CA Fire Code and Hazardous Waste Laws authorize LPFD access to the site. They also require the proper management of hazardous materials and wastes and a proper closure of a facility which previously used hazardous materials and generated hazardous waste. I observed several drums of what appear to be hazardous waste stored in the dumpster enclosure and hazardous materials stored outside in the fenced rear yard of the subject site.

**You are required to contact me within 5 business days to schedule an appointment to access the above property. If you are not the appropriate contact who currently has responsibility for this property please provide that information to me at your earliest convenience.**

Please contact me by phone, letter or email at (925) 454-2339, at the above address or at [psmith@lpfire.org](mailto:psmith@lpfire.org).

Sincerely,

A handwritten signature in black ink that reads "Paul M. Smith". The signature is written in a cursive style.

Paul M. Smith  
Hazardous Materials Inspector

c:

- Terence Daniel Doyle Esq., 571 Hartz Ave., Danville, CA 94526
- Alyce Sandbach, Alameda County District Attorney's Office, Consumer & Environmental Affairs Division, 7677 Oakport Street, Suite 650, Oakland, CA 94621

---

3560 Nevada Street, Pleasanton, CA 94566

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

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



**STEIN & LUBIN LLP**  
ATTORNEYS AT LAWTransamerica Pyramid, 600 Montgomery Street, 14<sup>th</sup> Floor  
San Francisco, California 94111Telephone (415) 981-0550  
Facsimile (415) 981-4343**RECEIVED**

FEB 17 2005

**FIRE PREVENTION**

February 15, 2005

DENNIS D. MILLER  
Direct Dial: (415) 955-5026  
E-mail: dmiller@steinlubin.com**FAX AND U.S. MAIL**  
(925) 249-2397Paul M. Smith  
Hazardous Materials Inspector  
Livermore - Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, CA 94566

In re Persiva Corporation, etc.,  
USBC Northern District Case No. 04-41396RN-7

Dear Mr. Smith:

This letter is to respond to your February 2, 2005 correspondence regarding the LPPD request to inspect the property at 224 Rickenbacker Circle, Livermore, California (the "Property"). First, let me correct your misunderstanding from our prior telephone conversation. I did not state at any time that Heller First Capital Corporation ("Heller") owned the Property as a result of the bankruptcy case. Heller has never owned this Property. Heller holds a Deed of Trust against the Property, and also a security interest over the personal property. However, Heller has never taken any steps to foreclose upon either the Property or personal property.

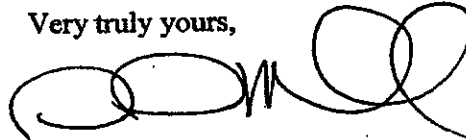
The bankruptcy situation involved the chapter 7 filing by Persiva, Inc. last year. Lois Brady, whom you copied on your February 2, 2005 correspondence was the chapter 7 trustee over the bankruptcy case of Persiva. Ms. Brady, as the chapter 7 trustee attempted to sell the Property, but was unable to do so. Ms. Brady has abandoned the Property, including the personal property and the chapter 7 bankruptcy case may be closed. However, since the president of Persiva Peter Ratto is deceased, my information is the Property sits vacant.

For your information, the owner of the Property continues to be Persiva. As you noted in your correspondence, the bankruptcy attorney for Persiva was Eric Nyberg. According to the bankruptcy petition, a copy of which is enclosed for your reference, Mark Ratto is the trustee of the Peter J. Ratto Trust and you should contact Mark Ratto, who appears to be the responsible officer now for Persiva. The only information I have for Mark Ratto is that he may live in Florida. I assume you can contact Mark Ratto through Eric Nyberg.

Paul M. Smith  
February 15, 2005  
Page 2

My understanding is that there is a Knox Box located at the Property. I do not know if a key to the Property is in the Knox Box and that information may already be known to the Fire Department. However, you will be contacted by Budd Cornett who has obtained a key to the Property and will provide that key to the Fire Department to place in the Knox Box. Thus, to the extent you need to have access to the Property, it will be within the complete control of the Fire Department.

Very truly yours,

A handwritten signature in black ink, appearing to be "Dennis D. Miller", with a stylized, cursive flourish extending to the right.

Dennis D. Miller

Enclosure

cc: Eric Nyberg, Esq. w/o Encl. (by mail)

DDM:ecp  
23490029/294983v1

(Official Form 1) (12/03)

**Voluntary Petition**

*(This page must be completed and filed in every case)*

Name of Debtor(s):

Persiva Corporati...

FORM B1, Page 2

**Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location

Where Filed: **Oakland, California**

Case Number:

**01-43104 N-11**

Date Filed:

**6/01/01**

**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:

- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X \_\_\_\_\_  
Signature of Attorney for Debtor(s)      Date

**Exhibit C**

Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.  
 No

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

\_\_\_\_\_  
Printed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security Number (Required by 11 U.S.C. § 110(c).)

\_\_\_\_\_  
Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Mark Ratto  
Signature of Authorized Individual

Mark Ratto  
Printed Name of Authorized Individual

Trustee of Peter J. Ratto Trust, Shareholder  
Title of Authorized Individual

\_\_\_\_\_  
Date

IN THE UNITED STATES BANKRUPTCY COURT  
Northern District of California

In the Matter of:

Persiva Corporation

Debtor

No.

Chapter 7

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Mark Ratto, declare under penalty of perjury that I am the Trustee of Peter J. Ratto Trust, Shareholder of Persiva Corporation, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 9 day of MARCH, 2004.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 7 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 7 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to employ Eric A. Nyberg, attorney and the law firm of Kornfield, Paul & Nyberg, PC to represent the corporation in such bankruptcy case."

Date March 9, 2004

Signed Mark Ratto

Mark Ratto  
Trustee of Peter J. Ratto Trust, Shareholder

Resolution of Board of Directors.  
of  
Persiva Corporation

Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 7 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 7 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to employ Eric A. Nyberg, attorney and the law firm of Kornfield, Paul & Nyberg, PC to represent the corporation in such bankruptcy case.

Signed Mark Ratto  
Mark Ratto  
Trustee of Peter J. Ratto Trust, Shareholder

# California Business Portal

Secretary of State BRUCE McPHERSON

SECRETARY OF STATE

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## Corporations

The information displayed here is current as of "JUL 29, 2005" and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation		
PERSIVA, INC.		
Number: C1134050	Date Filed: 2/4/1983	Status: active
Jurisdiction: California		
Address		
PO BOX 2737		
LIVERMORE, CA 94551		
Agent for Service of Process		
P JERRY RATTO		
3 BLACKHAWK CLUB CT		
DANVILLE, CA 94506		

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- For information about certification of corporate records or for additional corporate information, please refer to **Corporate Records**.
- Blank fields indicate the information is not contained in the computer file.
- If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code **Section 2114** for information relating to service upon corporations that have surrendered.

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**Smith, Paul**

**From:** Smith, Paul  
**Sent:** Friday, July 08, 2005 2:00 PM  
**To:** alyce.sandbach@acgov.org  
**Subject:** Progress on making contacts on Perciva, 224 Rickenbacker Circle, Livermore

Hi Alyce,  
I wanted to let you know my progress (not) regarding my favorite project.

Mark Ratto still hasn't returned my call that I left on his voice mail on 7/5 asking him if he didn't have authority to authorize the inspection at the above site who he thought did or would have this authority. I also asked him that if someone else thought he had authority that he would authorize me to access the property.

Also I heard back from the realtor agent from Cynthia Sund of Colliers International whose name was on the for sale sign out front of 224. She called back and said that she didn't have that listing any longer and referred me to the attorney for the site Dennis Miller. He had written me a letter on February 15, 05 informing me that Heller First Capitol Corporation hold a Deed of Trust against the Property, and also a security interest over the personal property. He works for Stein and Lubin LLP. He said that Heller has never taken steps to foreclose upon the property of personal property. I looked to me that with a for sale sign Heller was/is intending to takes steps to liquidate personal property. If you want a copy of the letter please let me know and I'd fax it to you. Cynthia Sund gave me Dennis Millers phone number 415 981-0550.

I'm not sure where to go from here. Is it warrant time yet? Also I still haven't called Bob Aragon re: sampling. As you know he will put on the task force presentation next Wednesday.  
Happy Friday.

*Paul M. Smith*

Hazardous Materials Inspector  
Livermore-Pleasanton Fire Department  
3560 Nevada St.  
Pleasanton, CA 94566  
(925) 454-2339 office  
(925) 454-2367 fax

1/6/05 drive by site noted for sale  
sign says: Colliers International  
mark Triska (925) 2300  
Cynthia Sund  
www.colliersparish.com

Spoke w Alyce  
1/6/05<sup>11:59</sup> left message for Cynthia Sund on voice mail  
said com attempting to gain access to the property would  
like to perform a site compliance inspection. Reverted  
a call back.





**Livermore Pleasanton Fire Department**  
**Fire Prevention Bureau**  
 3560 Nevada Street  
 Pleasanton, CA 94566  
 925-454-2361 FAX: 925-454-2367

**Transmittal Memo**

Mark Ratto

Date: 7/5/05 Time: \_\_\_\_\_ Phone: (904) 525-6436  
 Project: \_\_\_\_\_ FAX: \_\_\_\_\_  
 To: file  
 former Perciva Inc, 224 Rickenbacker Cir,  Meeting Notes  Phone Call  
Livermore, CA  Conversation  File Notes  
 From: \_\_\_\_\_  Site Visit  Inspection  
 \_\_\_\_\_  Other: voice mail  
 \_\_\_\_\_

**SUBJECT:**

109 pm CA time

received voice mail message Saturday July 2, 05 from Mark Ratto  
 He said he no longer has keys, possession of building  
 after bankruptcy. ER5 & SBA are main creditors of the estate  
 he knows what my job is but he feels he doesn't have authority  
~~was notified that~~ to authorize me to enter the building.  
 He said would do anything we need ~~by~~ but doesn't have  
 authority to authorize inspection of building.

10:38

7/5/05 left message for Mr Ratto saying that this issue regarding  
 authority is a legal issue and asked him who he thought had authority  
 to authorize an ~~sp~~ inspection on the property. I asked him if  
 he would mind that if someone else ~~he~~ thought he had authority  
 that ~~was~~ he would authorize us to access the property. I requested

cc: a call back.  
 \_\_\_\_\_  
 \_\_\_\_\_



**Livermore-Pleasanton Fire Department**

**Fire Prevention Bureau**

3560 Nevada Street  
Pleasanton, CA 94566

925-454-2361 FAX: 925-454-2367

**Transmittal Memo**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Phone: \_\_\_\_\_

Project: \_\_\_\_\_ FAX: \_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

From: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Meeting Notes  Phone Call

Conversation  File Notes

Site Visit  Inspection

Other: \_\_\_\_\_

**SUBJECT:**

Can Mark Ratto

let him know that I haven't heard anything from him since  
4/14/05 when we last spoke

- I need authorization to inspect the facility
- Ideally I would like to have a representative <sup>there</sup> to meet me at the site
- other wise I need you to grant me authorization to conduct an inspection of the facility

If he refuses or protests tell him that I've been in  
touch w/ the DA's office who will seek an inspection warrant

510 569-9281

cc: 6/28/05 telcom message for Mark Ratto <sup>Do you want split sampler - of</sup> and referenced above of the points  
above

**Livermore-Pleasanton Fire Department**  
**Fire Prevention Bureau**

**Transmittal Memo**

4550 East Avenue  
 Livermore, CA 94550  
 (925) 454-2361

Perciva Cleaners  
 224 Rickenbacker Cir.

FAX: (925) 454-2367

PROJECT NO: \_\_\_\_\_

Routing:


TO: file  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DATE: 4/14/05  
 TIME: 1:35  
 PHONE: (904) 525-6436  
 FAX: \_\_\_\_\_

FROM: Paul Smith  
 \_\_\_\_\_  
 \_\_\_\_\_

RE:  Phone Conversation With: Mark Ratto executor of Perciva Corp.  
 Meeting  
 Other  
 Plan Referral Type: \_\_\_\_\_

**SUBJECT:**

tel con w/ mark Ratto, he explained that he had helped his father build the  
cleaning business which he left in 1993. 15 people worked in the plant  
at one time, which served 18 stores running into the plant.  
he said that \$1.8 million is currently owed on the business  
\$700K to the SBA  
900K to the IRS  
he said the perc machines were replaced at around Sept 9, 03 with more  
ecological material due to the fact that Terry Ratto had contracted Leukemia  
I expressed to mark the need to access the facility and to have a person  
present to receive my directive. I also explained my understanding after speaking  
with several lawyers on this project was that I ~~believed~~ believed that  
Heller First Capital Bank owns a deed of trust against the property but has not taken  
steps to foreclose on the property and that Perciva Corp still technically owns the property and  
 cc: \_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

that Mark Ratto was the responsible officer for Perciva was the responsible person  
to contact/hold responsible for resolving compliance issues associated with  
this business.

Trans Memo Plan Check  
 12/99 LFD HQ

mark R said he'd speak w/ Terry Doyle about this issue & ~~phone me~~ get back w/ me.



3/18/05

Tel con w/ Eric Nyberg attorney for Percina Corp  
Mr Nyberg again referred me to: Lois Brady, Ron Olinier  
& Dennis Miller

He also said he knew phone # & address for Mark Rallo  
but would not release this information without authorization from  
Mr Rallo's attorney Joe Shatzko 855-4330 of  
Terrance Daniel Doyle, 571 Hartz Ave., Danville, VA 94526

I also phoned Lois Brady Bankruptcy trustee & left her  
a phone message

I received a call back from Gayle of Terrance Daniel Doyle  
who said she'd convey a message to Karen or Terrance  
re: this matter. I explained the situation where I was  
attempting to make contact w/ Mark Rallo or his designee  
so that I could direct proper management / closure  
of hazardous materials/wastes at the site.

She said that Mr <sup>Joe</sup> Shatzko no longer worked at Terrance Doyle  
since 1/04. That she'd give the message to Karen or Terrance  
to get back to me.

I spoke to Alyce.

3/23/05 spoke w/ Karen of Terrance Daniel Doyle re: contact  
information for Mark Rallo in Florida both address & phone #.  
She said she'd get back w/ me today..

4/5/05 called 9:am - 4:15 pm left message for Mark Rallo

4/14/05 received

**Livermore-Pleasanton Fire Department  
Fire Prevention Bureau**

**Transmittal Memo**

4550 East Avenue  
Livermore, CA 94550  
(925) 454-2361  
FAX: (925) 454-2367

Perciva/Metro valley Cleaners  
224 Rickenbacker Cir  
LIV.

PROJECT NO: \_\_\_\_\_

Routing:


TO: file  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: 9/1/05  
TIME: 9:30  
PHONE: \_\_\_\_\_  
FAX: \_\_\_\_\_

FROM: Bud Cornett 462-9090 xt 104  
\_\_\_\_\_

RE:  Phone Conversation With: \_\_\_\_\_  
 Meeting \_\_\_\_\_  
 Other \_\_\_\_\_  
 Plan Referral Type: \_\_\_\_\_

SUBJECT:  
\_\_\_\_\_  
received call from Bud Cornett who informed me while showing the  
warehouse building to a prospective client he came across my inspection  
warrant a card. He said he's representing:  
- ~~GE~~ Commercial Finance Kenneth Goessling - Asset mgmt specialist  
635 Maryville Center Dr., Suite 120, St Louis, MO 63141  
800 447-2025 xt 3642 FAX 866 947-2956  
we discussed electrical wiring issues, illegal dumping & alleged removal  
of ~~the~~ Cleaners vans (2) by son.

cc: \_\_\_\_\_  
\_\_\_\_\_

Page \_\_\_\_\_ of \_\_\_\_\_

8/19/05  
8/18/05 Tel con / voice mail from Robert Strong 250-2894  
a dry cleaner owner of Country Club Dry Cleaners - San Ramon  
Said had previously acquired some dry cleaning  
equipment from Percina prior to going out of business  
from Terry Doyle attorney for estate

Bob S informed me that he had heard a rumor  
that perchloroethylene had been dumped onto the  
ground by former Percina staff when the facility was  
going through bankruptcy. He mentioned Terry's ex-wife as  
source of rumor, Marie Ratto.

Bob said he was interested in purchasing this business  
He informed me that the bank is owed \$1 million and  
that he was trying to raise the cash to pay  
\$1 million cash for the property to Heller First  
Capital

compliance issues w/

He asked me about discharge into sewer & I referred  
him to Steve Aguilar. I called Steve & spoke with him  
about this matter. He said he thought there there might  
be liens against the property as high as  
\$30,000 → 40,000 for unpaid permit discharge  
fees.

8/16/05

top

5/13/02  
125 lbs

⊙ Cyclopentasiloxane

(⊙)

16 gal

8 total 4 full  
4 partial

⊙ Silicone siloxane

9 partial

13 total

14 Sparge filters

dia 14" h 27 double long

Silicone fluid content

2", 6", 1", 3, 1, 4, 3, 5, 1, 2, 1, 2, 6

MVC 02

8/13/02  
125 lbs

Cyclo fluid content

2, 6, 1, 6, 4, empty, empty, empty

4 full

(1) 5 gal latex paint 3 gal

inside building

(2) Green Earth cleaning machines

each has 3 tanks

T1

33 gal,

T1  
27 gal

T2

52 gal

T2  
44 gal

T3

37 gal

T3  
85 gal

122 gal

156

278.

15 gal Fabritec 5560 1/4 full

(1) 5 gal Clearwhite chemical

add 2 oz to 10 lbs/cleaning

polyethylene

blue tank large opening w 1/2 tubing  
fluid 10" deep - light brown

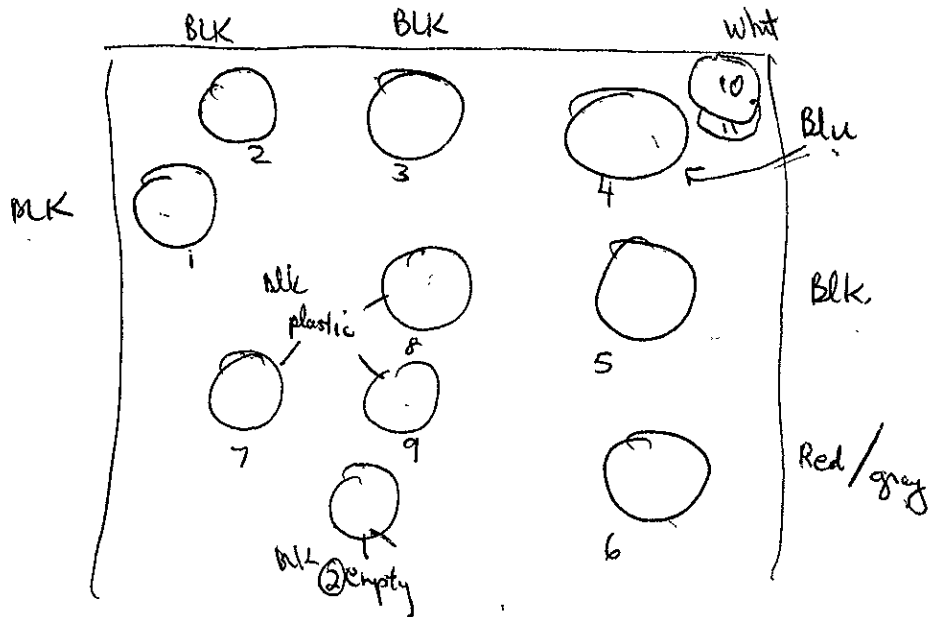
31" tall  
27" wide

electrical panel cover off

1 gal Brush cleaner - Panko



dumpster enclosure



	1,2,3	NOTOX,		Aly phatic Hydrocarbon		
1	Lot #	390716998	(33)	SS gal	New	
2	"	"	(22)		New	
3	"	"	(34)		New	
4	Dry lene	800			New	
5	Silicone	Fluid	SB32		waste	16"
6	Aly phatic	Hydrocarbon.			waste	7-8"
7	} plastic fibers - lint.			logal		
8				logal		
9						
10	} plastic.			SS gal		
11						

Fire ext  
 (17) p  
 Next north corner

main electrical panel disconnected  
fire sprinkler system unmounted  
no evidence of 5 yr cert

- (1) approx 100 gal polyethylene tank? (ia)
- (1)  $\approx$  200 gal tank 3' above ground? (ia)

for Sale Mark Thika  
Cynthia Smith

Colliers International  
(925) 463-2300

Spills to asphalt in rear of facility

# RESEARCH Fellowship

GreenEarth® Cleaning  
402 E. Bannister Road  
Suite C  
Kansas City, MO 64131  
(816) 926-0895

No. F-47

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SEPTEMBER 2002

## GREENEARTH® FELLOWSHIP

### EXECUTIVE SUMMARY

IFI was contracted by GreenEarth® Cleaning for comprehensive testing and evaluation of its drycleaning system in comparison to perchloroethylene drycleaning.<sup>1</sup> The solvent system used in the GreenEarth® process was developed jointly with General Electric<sup>2</sup> and is a "siloxane"—that is, a solvent in the silicone family.

Any new cleaning process must not only prove itself independently but must show that it compares favorably to existing cleaning systems. Perc systems, of course, do an excellent job of cleaning clothes and are the most widely used systems today. In today's world, however, evaluation of a new process needs to go beyond just cleaning performance and affordability. Specifically, any proposed new process must get good marks on health and contamination issues, the two areas of greatest concern to our industry—and if an alternative cleaning system has problems in either of these areas, there would be no compelling reason to change.

As noted above, the GreenEarth® cleaning process was compared directly to a well-run perchloroethylene system and to IFI's cleaning performance ratings for more than 2,000 plants. To help members with this comparison, we have summarized all of our data and research work into ratings on six criteria and averaged the ratings for each solvent. In doing this, IFI assigned equal value to each criterion—but it was a subjective decision to weight each criterion evenly. You may feel that some criteria are more important based on your business needs and therefore, may wish to weight the criteria differently.

*Based on our overall evaluations, IFI's findings are that GreenEarth® Cleaning is a viable alternative for the drycleaning industry, and while different in some respects, is comparable to a perc drycleaning process.*

	GreenEarth®	Perc
<b>A. Cleaning Performance</b>	★★★★☆	★★★★★
<b>B. Handle Garments you currently process</b>	★★★★★	★★★★★
<b>C. Affordable/Operating Costs*</b>	★★★★☆	★★★★★
<b>D. Realistic Capital Costs</b>	★★★★☆	★★★★★
<b>E. Health Issues†</b>	★★★★☆	★★★☆☆
<b>F. Contamination Issue†</b>	★★★★☆	★★★☆☆
<b>Overall</b>	★★★★☆	★★★★★

\* Reduced regulatory costs, depending on your state, could increase the rating for GreenEarth® to 4 stars or slightly higher—see Section C, pgs. 10-11.  
† The GreenEarth® ratings could increase to 5 stars—see "E" and "F" on pg. 2.

### A. Cleaning Performance

The GreenEarth® process with detergent J101 consistently received excellent or good ratings on IFI's Cleaning Performance Test (CPT). In terms of stain removal, the GreenEarth® process is not quite as effective as perchloroethylene but it is comparable, particularly in terms of water-soluble stain removal. Except for ballpoint ink and shoe polish stains, GreenEarth® and perc systems were directly comparable in terms of those stains where 100% removal was found.

<sup>1</sup> This Fellowship report is specific to GreenEarth® solvent and the J101 detergent as run in a Union Model HL850 machine. As with any drycleaning solvent system (including perchloroethylene) performance could be better, the same, or worse with another detergent or if used in a different cleaning machine.

<sup>2</sup> GreenEarth® Solutions, LLC is the owner of the GreenEarth registered trademark. GreenEarth® Solutions is a joint venture between GreenEarth® Cleaning, GE Silicones, and Procter & Gamble.

## B. Will Handle Garments You Currently Dryclean

GreenEarth® can handle a wide variety of specialty items such as beads, sequins, metallics, etc., without causing damage, and that is the reason it received a higher rating than perchloroethylene drycleaning. It can expand the type and variety of garments a drycleaning plant can process.

## C. Has Realistic/Affordable Labor and Operating Costs

One of the goals of the Fellowship was to look at how realistic labor and operating costs were with the GreenEarth® process. On the basis of solvent costs, detergent costs, and a licensing fee, the GreenEarth® process has a higher operating cost than perc but is still within a realistic range. At the same time, costs related to regulatory compliance will be lower. Other operating costs would be comparable to that of a perc operation since they are independent of the solvent used.

The type of work can vary considerably from plant to plant and will greatly affect your labor costs. IFI was able to do a side-by-side comparison and concluded that labor costs should be comparable between perchloroethylene and GreenEarth® processing. Labor components that would be affected by the solvent used are those involved in stain removal and finishing. As mentioned above, since the overall stain removal results are comparable, the labor should not increase in this area. In regards to finishing, there was a slight increase in finishing times, but again it was not significant and probably due to the garment type requiring a "hard" finish since the test was performed during the summer season. With heavier mid-season/winter garments, we would not expect any differences in finishing time. There is less lint and static electricity with garments processed in the GreenEarth® system, which facilitates finishing.

## D. Has Realistic Capital Costs

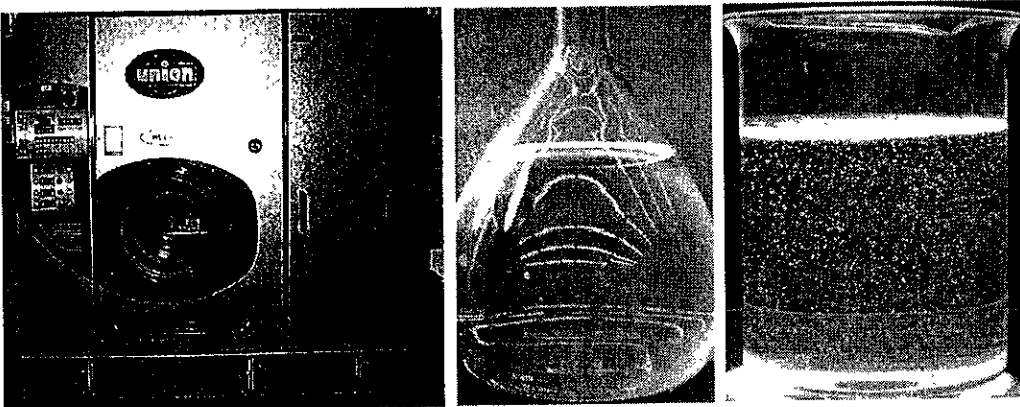
In testing GreenEarth® we used a higher-end Union dry-to-dry Class IIIA drycleaning machine, which is normally higher in cost than dry-to-dry refrigerated perchloroethylene machines. However, less expensive Class IIIA machines are available.

## E. Has No Known or Expected Health Issues

We all know the health issue surrounding perc. And, in this case, because of the negative "perception," not whether we agree with that perception, perc only receives a rating of 2. The data, studies, and current information on GreenEarth® solvent do not indicate any potential health issues. GreenEarth® and GE expect a favorable EPA review of a two-year cancer study in rats late this year. If this occurs as expected, then the rating would rise to a 5.

## F. Will Not Create Water or Soil Contamination

Perchloroethylene drycleaning could and has resulted in soil and water contamination. If handled with today's safeguards, contamination may be greatly minimized, possibly even eliminated, but in some cases there is still some potential. GreenEarth® and GE also expect that EPA will classify GreenEarth® solvent as a benign contaminant that would not normally need to be cleaned up if it is found in soil or groundwater. If this occurs, the rating here would also raise to a 5.



Left: IFI evaluated GreenEarth® using a higher-end dry-to-dry Class IIIA drycleaning machine, a Union Model HL850.

Middle: The GreenEarth® solvent is a clear, odorless silicone-based liquid.

Right: J101, the detergent used in testing, was developed by GreenEarth® Cleaning in cooperation with Procter & Gamble.

## THE GREENEARTH® PROCESS

**Solvent:** The GreenEarth® solvent (GE's designation is SB32) is a clear, odorless silicone-based liquid generally referred to as D5; the full chemical name is decamethylcyclopentasiloxane. IFI evaluated a number of solvent parameters according to ASTM standard test methods. All tested parameters conducted on GreenEarth® solvent meet ASTM specifications for a drycleaning grade Class IIIA solvent. Because there has been some question as to whether solvents with a flashpoint would exhibit a change in flashpoint after repeated use and distillation, IFI tested a sample at the end of the testing. The flashpoint did not change.

### ASTM Test Methods

- Specific Gravity (ASTM D2111)
- Flashpoint by Fisher Open Tag Tester (ASTM D56)  
(Flashpoint of distilled solvent after 3,600 lbs. cleaned)
- Copper Corrosion Test according to ASTM D130  
*Copper corrosion test determines if a solvent has the potential to corrode machine parts such as solvent tanks and condenser.*
- Non-Volatile Residue (ASTM D2109)  
*Non-volatile residue (NVR) test determines how much the pure (no cleaning additive) solvent contributes to the total NVR of the working wash solvent.*
- Residual Odor Test (IFI Method as contained in ASTM D1296)
- Distillation Range (ASTM D86)  
*Distillation range is an excellent indicator of temperatures that will occur in the vacuum still during distillation.*

### GreenEarth® Solvent Parameters

0.958 at 20°C (68°F)  
 170°F  
 170°F  
 1B (dark orange)  
  
 0.05 grams/liter  
  
 None  
 Initial boiling  
 point: 386°F  
 End point: 400°F

## GREENEARTH® PROCESS CONDITIONS

### **Machine**

A 50 lb. refrigerated dry-to-dry Class IIIA (hydrocarbon) machine was used. The machine is equipped with three filter housings. Housing No. 1 contains a spin disc filter with 39 filter discs. Housing No. 2 is smaller and contains two standard size carbon core cartridges. This filter serves as an after-filter for solvent leaving the disc filter. Housing No. 3 consists of three adsorptive split cartridges and is engaged only during the pre-wash and drying cycle after the solvent passes through the other two filter housings.

*combustible liquid as per Fire Code 7140° ~ 200° F*

### **Detergent**

GreenEarth® Cleaning, in cooperation with the Procter & Gamble Company (P&G), developed the J101 detergent that was used for the GreenEarth® process testing. J101 detergent is a pale yellow liquid of which the chemical composition is still confidential. According to P&G, the detergent is environmentally safe to workers, consumers, and the environment when used as intended.

The J101 drycleaning detergent is predominantly non-ionic, which means there is no simple in-plant test method for determining detergent concentration. The J101 detergent is automatically injected into each load in specified amounts to keep a 1% concentration by volume (that is, 1 gal. of detergent per 100 gals. of solvent).

### **Cycle**

The cleaning cycle used in testing was as follows:

<b>Total cycle length:</b>	<b>53-58 minutes depending on load</b>
<b>Pre-wash:</b>	<b>4 minutes</b>
<b>Wash cycle:</b>	<b>16 minutes</b>
<b>Dry cycle:</b>	<b>approximately 30 minutes depending on load</b>
<b>Detergent concentration:</b>	<b>1.0% volume/volume by injection, no water addition</b>
<b>Load size:</b>	<b>40 lbs., 80% of machine capacity</b>

Solvent was pumped from the working tank into the wheel for the four-minute pre-wash cycle. At the end of the cycle, the load was lightly extracted and the solvent was pumped into the still. During the pre-wash cycle, all three filters are engaged. Then the main wash of 16 minutes begins followed by light and high extraction cycles followed by drying. During the main wash cycle, the solvent from the distilled solvent tank is pumped into the wheel and the pre-measured amount of detergent is injected. During the first eight minutes of the wash cycle, no filters are engaged. During the final eight minutes, the disc and carbon core filters are engaged.

## PERCHLOROETHYLENE PROCESS CONDITIONS

### Machine

A 35-pound dry-to-dry no-vent refrigerated Class IV (perchloroethylene) machine with disc filtration was used for the stain removal, colorfastness, dimensional stability, and hand and appearance tests.

### Detergent

One of the most popular anionic detergents was used at a 1% concentration by volume.

### Cycle

<b>Total cycle length:</b>	<b>45 minutes</b>
<b>Wash cycle:</b>	<b>15 minutes</b>
<b>Dry cycle:</b>	<b>approximately 25 minutes depending on load</b>
<b>Detergent concentration:</b>	<b>1% volume/volume charge</b>
<b>Relative humidity:</b>	<b>adjusted to approximately 75% RH</b>
<b>Load size:</b>	<b>28 pounds, 80% of machine</b>

A single bath process was used, with continuous filtration over the entire 15-minute wash cycle.

## A. DOES THE PROCESS CLEAN?

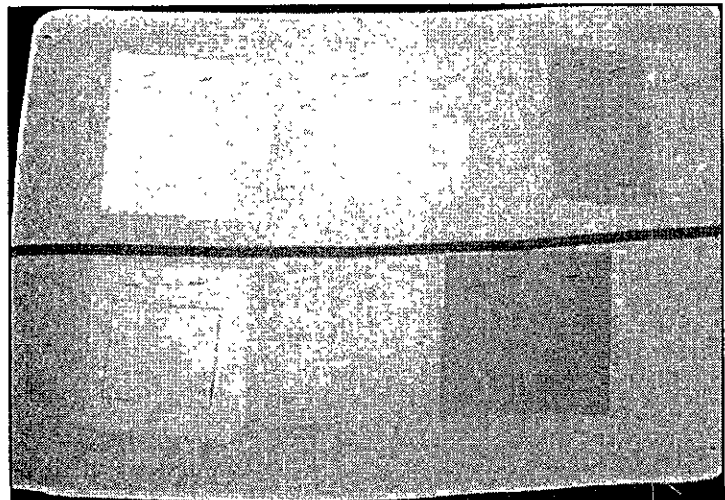
### 1. Cleaning Performance

IFI's Cleaning Performance Test (CPT) is designed to measure the degree of cleaning accomplished in a specific drycleaning system.

The CPT consists of five swatches (see picture at right). A 65/35 polyester/cotton swatch and a 100% cotton swatch measure graying, yellowing, and whiteness. A 100% cotton swatch containing rug soil evaluates solid insoluble soil removal. The remaining two swatches, a white acetate swatch treated with salt and a 100% polyester swatch treated with violet food dye, measure water-soluble soil removal.

The CPT swatches are run in light colored loads since dark fabrics carry more soil and dark lint has a disproportionate effect on the white CPT swatches. Also, dark fabrics are more apt to bleed dyes. Finally, the towels are pinned to garments, per IFI's procedure.

Results of the CPTs processed in the GreenEarth® system were evaluated against IFI's rating scale, which is based on more than 2,000 results from various drycleaning plants. Each category (Excellent, Good, Fair, and Poor) represents 25% of the test results.



IFI'S RATING SCALE FOR CLEANING PERFORMANCE TESTS									
Ranking	% Graying		Yellowing		% Whiteness (Degree)		Water Soluble		Solid
	Poly/Cotton	Cotton	Poly/Cotton	Cotton	Poly/Cotton	Cotton	% Salt Removal	% Food Dye Removal	% Rug Soil Removal
Excellent: Top 25%	0-4	0-3	Below 0	Below 0	91 or higher	95 or higher	33 or higher	91-100	87-100
Good: Upper Middle 25%	5	4-5	1	1	88-90	90-94	25-32	52-90	81-86
Fair: Lower Middle 25%	6	6	2	2	85-87	82-89	16-24	18-51	73-80
Poor: Bottom 25%	7 or higher	7 or higher	3 or higher	3 or higher	84 or lower	81 or lower	15 or lower	0-17	72 or lower

The first step was to look at how well the solvent cleans by itself.

CPT RESULTS: SOLVENT—NO DETERGENT			
Solvent	Water-Soluble Soil Removal		Solid Soil Removal
	% Salt Removal	% Food Dye Removal	% Rug Soil Removal
GreenEarth	11	0	76
Perc	8	0	80

There is no water-soluble soil removal and the only solid soil removal is that which is occurring because of mechanical action in the washwheel.

We then looked at how well GreenEarth® solvent and J101 detergent cleaned. IFI ran a total of 26 loads with three CPT swatches per load. The loads were comprised of customers' clothes from a Silver Spring, Maryland, cleaner.

CPT RESULTS: GREENEARTH® SOLVENT AND 1.0% J101 DETERGENT								
% Graying		Yellowing		% Whiteness (Degree)		Water Soluble		Solid
Poly/Cotton	Cotton	Poly/Cotton	Cotton	Poly/Cotton	Cotton	% Salt Removal	% Food Dye Removal	% Rug Soil Removal
2.7	4.6	0.4	-1.3	96.3	101.2	24	86	89
Excellent	Good	Excellent	Excellent	Excellent	Excellent	Fair	Good	Excellent

HOW EACH OF THE INDIVIDUAL SWATCHES RANKS AMONG THE FOUR CATEGORIES FOR GREENEARTH® SOLVENT AND 1.0% J101 DETERGENT									
Ranking	% Graying		Yellowing		% Whiteness (Degree)		Water Soluble		Solid
	Poly/Cotton	Cotton	Poly/Cotton	Cotton	Poly/Cotton	Cotton	% Salt Removal	% Food Dye Removal	% Rug Soil Removal
Excellent	26		14	26	26	26	4	11	26
Good		23	12				7	15	
Fair		3					10		
Poor							5		

**Conclusion**

The CPT results for the GreenEarth® process are very good. The results for all tests except % salt removal were in the excellent or good category. Just as important, the results from load to load were consistent. The salt swatch has high variability but has been retained in the IFI CPT only because of strong requests from members using the service.

## 2. Stain Removal Efficiency

The process's inherent ability to remove stains was evaluated using IFI stain swatches. The stains chosen to be evaluated represent the various classes of water-soluble, solvent-soluble, and combination stains that frequently appear on garments.

Water-Soluble		Solvent-Soluble	Insoluble	Combination
coffee wine milk grass	cola blood ketchup soy sauce	ball point ink vegetable oil shoe polish	pencil	chocolate lipstick

The stains were applied to white or ivory-colored test fabrics of silk, wool, polyester, acetate, cotton, linen, and rayon. Multiple sets of stained fabrics were allowed to age at intervals of one day, three days, and three weeks. This represents ideal, typical, and extreme consumer behavior respectively. One set of fabrics was cleaned in the GreenEarth® process and the other set in perc drycleaning.

After cleaning, three independent evaluators compared the cleaned swatches to the original stained swatches and rated them using the following scale:

- 5: Stain completely removed (no visible trace)**
- 4: Stain mostly removed**
- 3: Stain slightly removed**
- 2: Stain almost as original**
- 1: Stain unchanged from original**

### Results

Table 1. Overall Stain Removal Ratings (averaging the 14 stains on seven test fabrics together)				
Solvent	1 Day	3 Days	3 Weeks	Overall Average
Perc	3.5	3.0	3.4	3.3
GreenEarth	3.0	3.1	2.9	3.0

Table 2. Average Individual Stains on All Fabrics																		
Aging Period	Solvent	Water-Soluble Stains									Solvent-Soluble Stains				Insoluble Stains	Combination Stains		
		Coffee	Wine	Milk	Grass	Cola	Blood	Ketchup	Soy Sauce	Average	Ball Point Ink	Veg. Oil	Shoe Polish	Average		Pencil	Chocolate	Lipstick
1 Day	Perc	1.9	3.4	3.6	4.4	4.0	1.8	2.6	1.5	2.9	4.4	4.9	4.7	4.7	3.8	5.0	3.2	4.1
	GreenEarth	1.6	3.4	4.1	4.1	3.9	1.4	2.7	1.5	2.8	2.8	5.0	3.6	3.8	3.6	5.0	1.8	3.4
3 Day	Perc	1.6	3.2	2.7	2.9	3.9	1.4	1.4	1.2	2.3	4.3	5.0	4.6	4.6	2.3	4.7	2.5	3.6
	GreenEarth	2.2	3.9	3.6	2.6	4.0	2.6	2.0	1.8	2.8	1.6	5.0	3.9	3.5	2.6	5.0	2.3	3.7
3 Weeks	Perc	1.8	3.4	3.3	3.3	4.3	2.5	2.2	1.7	2.6	4.6	4.6	4.7	4.6	3.6	5.0	3.0	4.0
	GreenEarth	1.9	3.4	3.3	3.5	4.5	2.3	1.5	1.5	2.7	2.5	1.8	3.7	2.7	3.1	5.0	2.0	3.5



Table 3. Stains Completely Removed

Fabric	Perc			GreenEarth		
	1 Day	3 Days	3 Weeks	1 Day	3 Days	3 Weeks
Silk	Grass, lead pencil, veg. oil, shoe polish, chocolate Ink, veg. oil,	shoe polish, chocolate	Ink, chocolate	Grass, veg. oil, chocolate	Veg. oil, chocolate	Chocolate
Wool	Wine, grass, cola, ink, veg. oil, shoe polish, chocolate	Ink, veg. oil, shoe polish	Cola, ink, shoe polish, chocolate	Grass, veg. oil, shoe polish, chocolate	Veg. oil, shoe polish, chocolate	Grass, cola, chocolate
Polyester	Wine, grass, cola, veg. oil, chocolate	Wine, cola, ink, veg. oil, shoe polish, chocolate	Wine, cola, ink, shoe polish, chocolate	Wine, cola, veg. oil, chocolate	Wine, cola, veg. oil, chocolate	Wine, cola, chocolate
Acetate	Veg. oil, chocolate	Wine, veg. oil, chocolate	Cola, veg. oil, chocolate	Grass, veg. oil, chocolate	Wine, veg. oil, chocolate	Wine, cola, chocolate
Cotton	Milk, ink, shoe polish, veg. oil, chocolate	Veg. oil, shoe polish, chocolate	Ink, veg. oil, shoe polish, chocolate	Milk, veg. oil, chocolate	Veg. oil, chocolate	Milk, cola, chocolate
Linen	Ink, milk, veg. oil, chocolate	Milk, ink, veg. oil, chocolate	Veg. oil, shoe polish, chocolate	Milk, lead pencil, veg. oil, chocolate	Milk, veg. oil, chocolate	Shoe polish, chocolate
Rayon	Ink, veg. oil, shoe polish, chocolate	Ink, veg. oil, shoe polish	Ink, veg. oil, shoe polish, chocolate	Veg. oil, chocolate	Veg. oil, chocolate	Chocolate
<b>Total</b>	<b>32</b>	<b>26</b>	<b>25</b>	<b>23</b>	<b>19</b>	<b>16</b>
<b>Without Shoe Polish &amp; Ink</b>	<b>24</b>	<b>16</b>	<b>15</b>	<b>22</b>	<b>18</b>	<b>15</b>

## Conclusion

There is less than a 0.3 difference between the two processes when all the stain results are averaged (Table 1); differences less than 0.5 are not considered significant. Table 2 shows that the GreenEarth® process is comparable to a perc process in removing water-soluble stains but not as effective at removing solvent-soluble stains. With the differences in KB value, you would not expect GreenEarth® to be as effective as it is on solvent-soluble stains. (Perc's KB is 90 and GreenEarth's KB is less than 20. KB value is the measure of how well a solvent dissolves oils and other solvent-soluble materials.)

While we evaluated the degree of removal of each stain—and these are what make up our ratings—the key question in the real world is, "Were stains removed completely, or will I have to do additional spotting?" In Table 3, IFI shows which stains were completely removed. As we analyzed these results, we noted that two stains (ballpoint ink and shoe polish) essentially accounted for the entire difference between perc and GreenEarth®. In summary then, except for ballpoint ink (usually pre-spotted) and shoe polish (a relatively uncommon stain), perc and GreenEarth® were virtually identical in terms of the ability to remove stains completely.

## B. WILL THE PROCESS HANDLE THE GARMENTS YOU CURRENTLY DRYCLEAN?

In order to answer this question colorfastness, dimensional change, appearance, and hand evaluations were done on a variety of fabrics and trims. Fabrics evaluated included wools, silks, cottons, rayons, acetates, linens, and lycra in a variety of colors, textures, and weaves. Trims evaluated included specialty buttons, sequins, fake fur, pearls, and rhinestones.

### 1. Colorfastness (shade change & dye bleeding)

**Table 5. Shade Change Results**  
Average of 3 Evaluations  
Standard: 4.0 Minimum  
5.0: No Shade Change 1.0: Severe Shade Change

Fabric	Shade Change	
	Perc 3 Cycles	GreenEarth 3 Cycles
Blue acetate	5.0	5.0
Pink acetate	5.0	5.0
Green cashmere blend	5.0	5.0
Brown cashmere blend	5.0	5.0
Navy cashmere blend	5.0	5.0
Green cotton	4.8	4.7
Red cotton	5.0	5.0
Orange cotton	4.5	4.7
Light green cotton	4.3	4.7
Black fake fur	5.0	5.0
Brown fake fur	5.0	5.0
Light blue linen	4.8	5.0
Lavender linen	4.0	4.8
Olive green lycra	4.8	5.0
Light pink rayon	4.8	5.0
Light green rayon	5.0	5.0
Gold viscose rayon	5.0	4.8
Fuchsia rayon	5.0	5.0
Red print silk	5.0	5.0
Peach silk	5.0	5.0
Aqua silk	5.0	5.0
Fuchsia silk	5.0	5.0
Brown ultra suede	4.3	4.8
Green ultra suede	5.0	5.0
Green wool	5.0	5.0
Peach wool	5.0	5.0
Black wool with backing	*	5.0
Navy wool felt	5.0	5.0
Fuchsia wool	5.0	5.0

\* Backing separated from face fabric after only one cycle so testing was discontinued.

### Shade Change

Shade change was visually evaluated by three independent evaluators using the American Association of Textile Chemists and Colorists Gray Scale of Shade Change. The AATCC Gray Scale evaluates the overall difference or contrast between the original fabric and the drycleaned fabric. The scale ranges from 1-5 with 5 being no shade change and 1, severe shade change.

#### Results

The minimum standard for most applications is a shade change of 4.0. After processing in either GreenEarth® or perc, none of the fabrics tested received a rating lower than 4.0. In fact, most of the fabrics tested showed no color loss after processing in either GreenEarth® or perchloroethylene.

### Dye Bleeding

Another parameter of colorfastness evaluated was dye bleeding or dye staining. A multifiber swatch consisting of cotton, acetate, nylon, polyester, acrylic, and wool fiber strips was attached to the fabric. After processing in either GreenEarth® or perc, the swatch was visually evaluated against the AATCC Gray Scale for Staining. This scale ranges from Class 5 (no staining) to Class 1 (severe staining).

#### Results

Eight fabrics processed in GreenEarth® did receive a rating of 4.0 on at least one of the six sections of the multi-fibers bleeding swatch. In comparison, 15 of the fabrics processed in perc received at least one rating of 4.0. Additionally, four fabrics in perc received a rating of 3.5 on one of the sections of the multi-fiber swatch. The minimum standard for most applications is a rating of 4.0.

## 2. Dimensional Change

Dimensional change was assessed by measuring the fabric in inches prior to processing and again after three cycles in either GreenEarth® or perc drycleaning. The percentage difference is reported. An average of three measurements was assessed. A total of 26 different fabrics of various fiber contents was evaluated.

**Table 6. Dimensional Change (%)**  
Standard: 2.0% Maximum

Fabric		Perc 3 Cycle	GreenEarth 3 Cycles
100% silk	Length	0.8	0.0
	Width	1.0	0.0
100% silk	Length	1.9	0.9
	Width	1.8	0.6
100% silk	Length	1.7	1.1
	Width	0.5	0.0
100% silk	Length	0.0	0.0
	Width	0.0	0.0
100% rayon	Length	1.0	0.0
	Width	1.5	0.0
100% rayon	Length	1.0	1.9
	Width	1.0	0.4
100% wool	Length	0.7	0.0
	Width	0.5	0.0
100% wool	Length	1.2	2.1
	Width	0.3	0.9
100% acetate	Length	0.5	0.8
	Width	0.7	0.7
100% acetate	Length	0.5	0.0
	Width	0.0	0.0
100% cotton	Length	1.7	1.5
	Width	2.1	1.0
100% cotton	Length	1.1	0.9
	Width	1.5	1.1
100% cotton	Length	0.4	1.0
	Width	0.1	0.4
100% cotton	Length	1.0	1.0
	Width	0.4	0.4
Lycra cotton blend	Length	3.1	2.3
	Width	+2.1	+1.1
100% lycra	Length	1.0	1.1
	Width	1.8	1.5
100% linen	Length	2.0	1.9
	Width	2.9	2.3
100% linen	Length	2.5	2.4
	Width	2.5	3.0
100% spandex	Length	2.3	0.0
	Width	0.7	0.0
100% rayon	Length	0.9	0.9
	Width	0.6	0.4
Ultrasuede	Length	1.7	1.4
	Width	0.9	0.9
Ultrasuede	Length	1.9	1.1
	Width	1.0	0.9
100% wool felt	Length	1.5	2.0
	Width	1.1	1.0
100% cashmere blend	Length	1.1	0.3
	Width	0.5	0.3
100% cashmere blend	Length	1.1	1.4
	Width	0.1	0.2
100% cotton	Length	0.4	1.0
	Width	0.1	0.4

**Results**

ASTM develops a variety of standards for textile products. ASTM D3778. A maximum shrinkage of 2.0% after three cleanings is acceptable for most garment applications.

Of the 26 fabrics tested, four fabrics exhibited slightly higher than 2.0% shrinkage after processing in GreenEarth® in either length or width. Five fabrics exhibited a change of slightly higher than 2.0% after processing in perc. In general, neither process is likely to result in excessive dimensional change of fabrics.

**3. Hand and Appearance**

Subjective evaluations of the appearance and hand or feel of the fabrics and trims were done by three independent evaluators. The evaluators compared the drycleaned samples, either perc or GreenEarth®, to the original fabric samples. Parameters looked for included stiffness, stickiness, slickness, softness, and damage.

**Results**

The majority of the fabrics tested had the same hand and appearance as the original fabric. The fabrics that exhibited any change after drycleaning in either solvent were those which contained a sizing. All of these fabrics had a softer (less stiff) hand after processing in perc or GreenEarth® and the change was to the same degree. A wool fabric with a urethane backing, was damaged after cleaning. The backing was softened after cleaning in GreenEarth® but after cleaning in perc, it was completely separated from the wool face fabric.

In all cases, the trims cleaned in GreenEarth® withstood processing better than those cleaned in the perc process. Some of the trims exhibited a slight loss of shine after several cleanings in GreenEarth® whereas in perc, the trim exhibited severe color and finish loss after only one cleaning.

In terms of zippers, while the zippers cleaned in perc exhibited very slight sticking, there was no change in the zippers processed in GreenEarth®.

A number of specialty fabrics identified to be more challenging for the cleaner were processed. These included fabrics with metallic yarns, applied glitter, rhinestones, coated fabrics, flocked fabrics, leather, and fake furs. Again, all of the specialty fabrics performed better in GreenEarth® processing than perchloroethylene. There was some loss of glitter on one fabric after three cycles in GreenEarth®, but perc drycleaning completely removed the glitter after only one cleaning. The leather sample lost excessive amounts of color after three cleanings in GreenEarth®, but this excessive color loss occurred with only one cleaning in perchloroethylene. After one cleaning in perc, the urethane fabric was completely stiff, while the fake fur was hard and the flocking was completely removed from another fabric. Some of the metallic fabrics exhibited a loss of color and/or finish and the laminated fabrics showed separation after one cleaning in perc. All of these fabrics withstood three cleanings in GreenEarth® without damage.

## C. HAS REALISTIC/AFFORDABLE LABOR & OPERATING COSTS

When IFI looked at the total operating cost, we knew there were several factors in the process that could greatly affect the operating costs from one plant to another. Two of the greatest factors affecting operating cost are solvent mileage and supply expense. The type of equipment used, maintenance schedules, and the type of cleaning performed will have a great effect on solvent mileage, and this is true with the GreenEarth® process as well.

### 1. Labor Costs

There should not be significant differences in terms of labor between GreenEarth® processing and perchloroethylene processing. The only personnel that could be affected by the solvent used are the stain removal technician, the finishers, and machine maintenance personnel.

Although GreenEarth® is not quite as effective in removing some stains, the difference is not that significant that pre- or post-spotting should increase. GreenEarth's J101 detergent is effective at removing most water-soluble stains, which for most spotters are the more difficult stains to remove.

We compared the finishing times needed for 26 garments processed in perc vs. the same 26 garments processed in GreenEarth®.

The finishing times for garments processed in the two systems do not differ greatly. The plant's finishing personnel did comment that the garments that were processed in GreenEarth® took a little longer to finish, although as mentioned before these were primarily summer garments. With heavier mid-season/winter garments, we would not expect any differences in finishing time.

Combining the finishing times for all of the garments, we found the time for the garments processed in the perc system was 3.5 minutes faster than that for the GreenEarth® process. The garments processed in GreenEarth® are "softer" so those garments requiring a firmer finish may take a little extra time. Sizings are being developed for GreenEarth® but were unavailable at the time of testing.

The maintenance for the GreenEarth® machine is no different than that required for perc and/or petroleum machines; maintenance does not have to be done more frequently nor is it more difficult.

### 2. Operating Costs

Many factors figure into operating costs but we looked only at those parameters we decided could be different between the two processes—licensing fees, solvent and chemical costs, hazardous waste disposal, and regulatory costs.

#### Solvent & Chemical Costs

GreenEarth® solvent delivered is \$15/gal., freight included. The average cost for perchloroethylene is \$7/gal. in states where there is no solvent tax. In states where there is a solvent tax as

part of the state drycleaning remediation program, a fee is added to the cost of perchloroethylene and could be as high as an additional \$10/gal., or \$17 total/gal. These are straight costs but a better way to look at solvent costs is to look at solvent mileage. The formula for solvent mileage is:

$$\text{Solvent Mileage} = \frac{\text{Lbs. clothes cleaned}}{\text{Gallons of solvent consumed}}$$

Solvent consumption occurs primarily because of 1) solvent lost as emission, and 2) solvent retained by the filters and still residue.

GreenEarth® solvent mileage during the IFI test was 38,902 lbs. cleaned/drum of solvent, or 707 lbs./gal. solvent. This solvent mileage is based on 3,600 lbs. cleaned and filter changes per the cleaning machine manufacturer's recommendation of 1,000 lbs. cleaned per split and 1,000 lbs. cleaned per carbon core. However, according to the filter pressure and solvent color, the filters did not have to be changed.

IFI's analysis found that after drying in the wheel the two carbon core cartridges retained a total of 0.045 gals. of solvent, and the three adsorptive split cartridges retained a total of 1.5 gals. of solvent. Still residue analysis shows that after 3,600 lbs. cleaned, there was a loss of 3.54 gals. of solvent. IFI found that the optimum frequency for still cleaning was at 400 lbs. cleaned. We attempted to run to 600 lbs., but distillation was slowed considerably and the still did not empty enough to allow the next wash cycle.

As we noted above, filter pressure had not increased indicating that we could have continued without changing the filters. GreenEarth® reports that in the field, operators are running three times longer before changing filters. Under those parameters, solvent mileage would increase to 48,601 lbs./drum or 884 lbs./gal. of solvent. Typical solvent mileage on a dry-to-dry refrigerated perc system will vary significantly depending on the type of filter wastes. For a perc system with the same type of filtration as our GreenEarth® system, we would expect the solvent mileages to be directly comparable.

Detergent costs are higher for the GreenEarth® process. For optimum cleaning, 15 oz. per cycle of detergent J101 is used, or 3.75 oz. per 10 lbs. The cost for J101 is \$50-\$55/gal., which works out to be a cost on average of \$6.21 per load. In comparison, the average cost for a perc system using an injection detergent system, at 2 oz. per 10 lbs. at \$30/gal., is \$1.87 per load.

#### Other Costs

GreenEarth® charges an annual licensing fee of \$2,500 for the first cleaning machine and \$1,250 for any other additional cleaning machine at the same site. There is also a fee of \$250 for any recovery dryers.

As described in Section F, GreenEarth® solvent itself and the still bottoms, cartridges, and separator water from the system are not hazardous wastes. GreenEarth® recommends that plants dispose of their waste in accordance with local regulations. If haz-

ardous waste disposal is not used, disposal costs would be virtually nothing. Even if a hazardous waste hauler is used, however, costs will be lower: GreenEarth® reports that haulers will handle the waste as non-hazardous at a 40% reduction in costs and that there is up to a 30% reduction in the quantity of still residue, with resulting savings.

### Cost Summary

For a GreenEarth® operation similar to IFI's, detergent costs and the licensing fee would be higher than a perchloroethylene operation. Solvent costs would be higher with GreenEarth® in many states—but in those states with a solvent tax on perc but

not GreenEarth®, the costs may be the same or lower for GreenEarth®.

On the other side of the ledger is an expected reduction in waste disposal costs, which will vary depending on your state. Additionally, there are other offsetting "soft" costs that are difficult to quantify. These would primarily be costs and fees associated with regulatory compliance that would no longer be needed with GreenEarth® as compared to a perc system. For example, with air regulations alone there would be an elimination of record keeping, testing, and of permit fees. Finally, there may be an elimination of other fees such as facility taxes or gross receipt taxes related to cleanup funds, depending on your state.

## D. HAS FINANCIALLY REALISTIC CAPITAL COSTS

The machine used for GreenEarth® processing must be approved by GreenEarth®. The machines are a Class IIIA dry-to-dry machine and the cost is the same as that for petroleum solvent/hydrocarbon dry-to-dry machines. The cost for perc dry-to-dry machines is slightly lower.

The only other capital cost would be building requirements because of NFPA 32 requirements. Since GreenEarth® is a Class IIIA solvent with a flashpoint of 170°F, there may be some building code requirements, but this should be less than those required for petroleum solvent with a flashpoint of 140°F.

## E. HAS NO KNOWN OR EXPECTED HEALTH ISSUES

*Information in this section was provided by Bruce Frye, Manager of Product Stewardship, GE Silicones*

### General Toxicity

The toxicity of GreenEarth® solvent and related silicones have been extensively studied to ensure compliance with applicable federal regulations for use in hair conditioners, antiperspirants, and other personal care products. In the tests commonly used for such studies, it was non-irritating to skin, did not cause cell mutations, and has very low oral toxicity if swallowed (the same as pepper, sugar, or talc) and causes only mild eye irritation.

In extended "sub-chronic studies" in rats (that is, done at lower exposures than that which would produce immediate changes), the only effect seen has been an increase in rat liver size after long-term inhalation exposures of 160 ppm. However, there were no significant changes in liver chemistry or in the liver cells themselves, other than an increase in size. Additionally, these effects disappear once exposure is stopped.

### Carcinogenicity

A very thorough two-year exposure study in rats is wrapping up now with the final report expected in early 2003. To date, no effects other than the reversible liver weight increase (discussed above) have been found.

Additionally, GreenEarth® solvent is not listed under the *California Safe Drinking Water and Toxic Enforcement Act (Proposition 65)* as a chemical known to the state of California to cause cancer or reproductive toxicity.

### Safe Handling

As with polyethylene, mineral oil, and similar compounds

(that is, compounds containing methyl groups), GreenEarth® solvent at high temperatures (>300°F) in the presence of air can generate small traces of formaldehyde. With drying temperatures at 158°F and vacuum distillation, these formations would not be expected in the drycleaning process. Finally, GreenEarth® vapors passing through an open flame (such as in a gas-fired boiler or laundry dryer) would burn, producing silicon dioxide (sand), water, and carbon dioxide.

Because GreenEarth® is a Class IIIA combustible liquid and can cause mild eye irritation, it falls under OSHA's hazardous classification according to 29 CFR 1910.1200, Hazard Communication Rules. During storage care should be taken to handle it below the flash point and bulk containers should be stored in a cool, well-ventilated area with adequate access to facilitate unobstructed movement of personnel and fire protection equipment.

### Vapor Exposure

Good industrial hygiene practice minimizes inhalation exposure of any chemical. A time-weighted average (TWA) of 10 ppm is recommended by industry<sup>3</sup> for this substance. With average TWA exposures measured at <1 ppm (see below) and based on the No Observable Adverse Effect Level (NOAEL) in rats the safety factor is estimated to be greater than 160-fold.

To evaluate actual exposures in a drycleaning operation, California Industrial Hygienic Services tested air emissions and exposures at drycleaning facilities using the GreenEarth® solvent and a variety of detergents.

In these tests, employee exposures included those for machine operators, spotters, finishers, and counter personnel. Area sam-

<sup>3</sup> The American Conference of Government Industrial Hygienists (ACGIH) and the Occupational Safety and Health Administration (OSHA) determine government exposure limits as measured in Threshold Limits Values (TLV) or Permissible Exposure Limits (PEL). The safety limits as set by ACGIH TLV and OSAH PEL do not regulate solvent and no guidelines are set by them.

pling included the front and back of the drycleaning machine, the spotting area, the pressing area(s), the counter area, and outside the building.

Analysis included eight-hour time-weighted average (TWA) concentrations, short-term exposures during specific tasks (STEL), and concentrations during specific tasks such as transfer of load from the washer to a recovery dryer. Personnel sampling was performed according to OSHA and NIOSH methods

that monitor the airborne concentration of the solvent in the employee's breathing zone.

The average employee exposure level was less than 1 ppm on an eight-hour time-weighted average (TWA). The maximum employee exposure level (peak) seen was 3.5 ppm at the point of transfer when clothes were moved from washer to a transfer recovery dryer. Even in the transfer plant, the eight-hour time-weighted average was less than 2 ppm.

## F. WILL NOT CREATE FUTURE CONTAMINATION

*Information in this section was provided by Bruce Frye, Manager of Product Stewardship, GE Silicones*

### Air

GreenEarth® solvent is a small, low molecular weight volatile compound, which will evaporate fairly easily into the air. However, it has been shown not to generate ozone (which leads to smog formation) and the U.S. EPA has therefore exempted it from volatile organic compound (VOC) rules. Additionally, EPA has found that GreenEarth® solvent is not a hazardous air pollutant (HAP) and the state of California has found it not to be a toxic air contaminant (TAC).

### Water

GreenEarth® solvent has very low solubility in water (<100 ppb) and is very close in density to water, so if it is discharged to water, it will initially form a surface film and then will rapidly evaporate into the air. The aquatic half-life is estimated at between 1–5 days. Acute studies with trout, daphnia, and algae show no significant effects at the highest doses prescribed by the test methodology.

### Soil and Hazardous Waste

If a small amount of GreenEarth® solvent is discharged into soil, 90% volatilizes in 1–2 days from soil at 100% humidity. If larger amounts of GreenEarth® solvent are kept in contact with soil, it will also be expected to decompose to carbon dioxide, silicon dioxide (sand), and water.

GreenEarth® solvent is not considered a hazardous waste under RCRA. Testing has previously been done on still bottoms, filter cartridges, and wastewater by Severn Trent Laboratories, one of the largest certified testing laboratories in the United States. These results are for GreenEarth® solvent and a variety of detergents. All the information that follows is taken directly from those reports and was provided to IFI by GreenEarth®. The Waste Stream Analysis evaluated the following criteria:

- Characterization of each of the three waste streams to determine regulatory classification for disposal (to federal requirements).
- Evaluate changes in characteristics, if any, over time.
- Determination of the presence of trace contaminants in each waste stream.

Severn Trent Laboratories found that wastewater generated from the use of GreenEarth® alone was determined to be non-hazardous. However, trichloroethane (1,1,1) appeared in the wastewater at a few sites. This was determined to be caused by the use of certain spotting chemicals at those sites.

The still bottoms and filter cartridge waste that result from the use of GreenEarth® alone were determined to be non-hazardous. It should be noted that the still bottoms and filter cartridges in some cases may be ignitable and should be disposed of in accordance with any applicable federal, state, and/or local requirements. □



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### ABOUT IFI AND ITS FELLOWSHIP TESTING

The International Fabricare Institute has been the premier trade association for garment care professionals since 1883. A not-for-profit association, IFI supports its approximately 7,000 members through education, research, legislative representation, and other services.

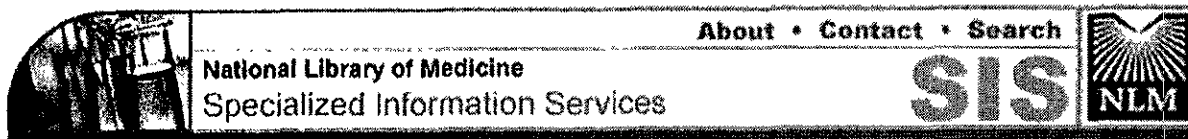
IFI derives its "Institute" status from the various research, testing, and education services it performs, including quality control services, textile testing and analy-

sis, and educational offerings. Fellowship Testing, which is paid for by the manufacturer contracting the testing, comprises IFI's most comprehensive, time-intensive research. Numerous equipment, garment, and chemical manufacturers have funded IFI Research Fellowships, enabling IFI to conduct extensive evaluations of product performance. IFI's Fellowship Testing benefits the drycleaning industry significantly because IFI approaches the evaluation of a manufacturer's product scientifically and objectively, as well as from a

practical point of view in terms of how the product will fit into a drycleaner's day-to-day, real-world operations. Results of IFI laboratories testing are respected throughout the industry, worldwide.

IFI is dedicated to the highest standards of business ethics and professionalism, environmental responsibility, textile serviceability, and a positive public image. To learn more about IFI's Fellowship Testing, contact IFI at (301) 622-1900.

*The data and comments set forth in this bulletin are the result of an objective technical analysis and are not to be considered as an endorsement of any product or device. The International Fabricare Institute disclaims and shall bear no legal responsibility whatsoever over the use or misuse of the product, equipment, or process so tested.*



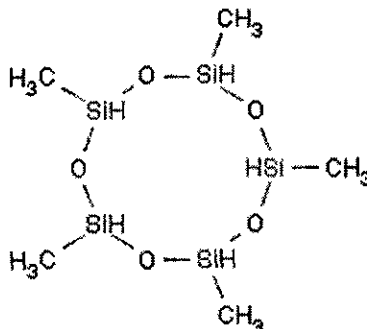
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## Cyclopentasiloxane, 2,4,6,8,10-pentamethyl-

RN: 6166-86-5

MW: null



## Names and Synonyms

## Synonyms

EINECS 228-204-7

## Systematic Name

2,4,6,8,10-Pentamethylcyclopentasiloxane

Cyclopentasiloxane, 2,4,6,8,10-pentamethyl-

## Registry Numbers

## CAS Registry Number

6166-86-5

## System Generated Number

006166865

## Formulas

## Molecular Formula

C5-H20-O5-Si5

## Locators

## File Locator

EINECS

EU Inv of Existing Commercial Chem Sub

TSCAINV

EPA Chemical Substances Inventory

Household Products

NLM Household Products Database

## Internet Locator

EPA CRS

EPA Substance Registry System

## Physical Properties

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Physical Property	Value	Units	Temp (deg C)	Source
Melting Point	1.08E+02	deg C		EXP
Boiling Point	169	deg C		EXP
log P (octanol-water)	2.970	(none)		EST
Atmospheric OH Rate Constant	7.48E-13	cm <sup>3</sup> /molecule-sec	25	EST

Physical property data is provided to ChemIDplus by [Syracuse Research Corporation](#).  
See [all available property data for this compound](#), including references.

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# TECHNICHEM

# Service Receipt / Invoice No. 103408

Transporter:  
4245 Halleck Street, Emeryville, CA 94608  
EPA ID: CAD981375983

Authorized Facility: ReSolvent, Inc.  
831 Deming Way, Sparks, NV 89431  
EPA ID: NVR000076158

For inquiry or customer service, call (800) 652-5455  
in Southern California, call (888) 998-2436

**24-hr Emergency No: Chem-Tel 1-800-255-3924**

Uniform Hazardous Waste Manifest No. <u>2442104</u>	Transporter Manifest No. <u>05091</u>	Ref. <u>2006</u> Date: <u>2/1/06</u>
---	---------------------------------------	---

Customer/Generator:  
224 Jackson Packer Corp  
Lawrence, CA 94550  
(925) 328-2000

Generator EPA ID #: \_\_\_\_\_  
Customer Account #: \_\_\_\_\_  
Generator Status: SQG / CESQG (40CFR 261.5)

CESQG Certification Initial: [Signature]

Drums Delivered:	Drums Picked-up:
20-gal water: # <u>94552-14-0-16</u>	# <u>94552-14-0-16</u>
30-gal water: # <u>94552-15-0-16</u>	# <u>94552-15-0-16</u>
55-gal water: # <u>94552-31-0-16</u>	# <u>94552-31-0-16</u>

DOT Description of Hazardous Waste	Quantity	Waste Code	Common Description	Unit	Unit Price	Amount Due
RQ, Waste Tetrachloroethylene, 6.1, UN1897, III (F002)		CA751	Still Residue Solid Residue	carbons	\$0.75	
RQ, Waste Tetrachloroethylene, 6.1, UN1897, III (F002)		CA751	Standard Split	Each	\$20.00	
RQ, Hazardous Waste, Liquid, n.o.s., 9, NA 3082, III (Petroleum Distillates, Tetrachloroethylene) (D039)		CA134	Wastewater	Gallon	\$0.20	
Non-RCRA Hazardous Waste Liquid (Petroleum Distillates)	75	CA213	Still Residue Solid Residue	Gallon	\$5.75	\$431.25
Non-RCRA Hazardous Waste Solid (Petroleum Distillates)		CA213	Standard Split	Pack	\$32.00	\$32.00
Energy Surcharge						\$0.00
* Outstanding					<b>SUBTOTAL</b>	
Account Balance (\$):	\$0.00				694.00	
Payment Check	Check Amount (\$):	C.O.D. / Volume / Other Discount %: 3%			80.00	
<b>Please Pay C.O.D.*</b>					<b>TOTAL AMOUNT DUE</b> (includes outstanding a/c bal. * If any)	
					571.77	

By my signature below, I certify that the hazardous wastes named above are properly classified, described and packaged, and in proper condition for transportation per applicable DOT regulation, that these wastes are stored in undamaged containers that contain only the wastes as described. I further acknowledge that I have the authority to enter into the service agreement printed on the reverse, that I understand \* the total amount due will be paid C.O.D. unless credit has been extended by Technichem, in which case, payment is due within 30 days of the date of service.

I may also certify, if indicated as such and by my initial above, that the wastes above are generated by a conditionally exempt small quantity generator (CESQG) as defined in 40 CFR part 261.5, and as such, per 40CFR part 268.1, these wastes are not subject to any land disposal restriction provision of 40CFR part 268. Pursuant to HSC Sec 25160.2 (b)(4)(H), I also certify that I have established a program to reduce the volume or quantity and toxicity of the hazardous waste to the degree as I have determined to be economically practicable.

Print Customer Name: [Signature] Customer Signature: [Signature] Date: 2/1/06

Pursuant to HSC Sec 25160.2 (c)(2)(C), Technichem hereby confirms that all hazardous waste above will only be transported to an authorized hazardous waste treatment facility, that the hazardous waste may first be transported to a storage or transfer facility in accordance with the applicable provisions of the law. Technichem does not take title to customer generated waste or other material. While exercising proper care and safety precautions, I have removed the wastes above from the customer's premises and accepted the materials for transport on the date undersigned below.

driver/office memo:  
Technichem New address:  
2059 E. Inman Ave. Hayward, CA 94545  
Phone: (510) 782-5000, EPA: CAD981375983  
Transporter Signature: [Signature] Date: 2/1/06

# TECHNICHEM

# Service Receipt / Invoice No. 103407

Transporter:  
4245 Halleck Street, Emeryville, CA 94608  
EPA ID: CAD981375983

Authorized Facility: ReSolvent, Inc.  
831 Deming Way, Sparks, NV 89431  
EPA ID: NVR000076158

For inquiry or customer service, call (800) 652-5455  
in Southern California, call (888) 998-2436

24-hr Emergency No: Chem-Tel 1-800-255-3924

Uniform Hazardous Waste Manifest No. 2144210	Transporter Manifest No. 09091	Ref. Date: 2/6/06
--	--------------------------------	-------------------

Customer/Generator: *Alto... Backer Circle*  
224 Ricken Backer Circle  
Livermore, CA 94550  
(925) 828-2000

Generator EPA ID #: CA0002399751  
Customer Account #: 94350-12  
Generator Status: SQG / CESQG (40CFR 261.5)  
CESQG Certification Initial: [Signature]

Drums Delivered:	Drums Picked-up:
20-gal water: # <i>94-2-1-17-0-10</i>	# <i>715-0-1281-6</i>
30-gal water: # <i>1155-0-1-1-0-10</i>	# <i>715-0-1-2-0-10</i>
55-gal water: # <i>10-2-1-2-0-10</i>	# <i>715-0-1-2-0-10</i>

DOT Description of Hazardous Waste	Quantity	Waste Code	Common Description	Unit	Unit Price	Amount Due
RQ, Waste Tetrachloroethylene, 6.1, UN1897, III (F002)		CA751	Still Residue Solid Residue	Gallon	\$6.75	
RQ, Waste Tetrachloroethylene, 6.1, UN1897, III (F002)		CA751	Standard Split	Each	\$29.95	
RQ, Hazardous Waste, Liquid, n.o.s., 9, NA 3082, III (Petroleum Distillates, Tetrachloroethylene) (D039)		CA134	Wastewater	Gallon	\$5.25	
Non-RCRA Hazardous Waste Liquid (Petroleum Distillates)		CA213	Still Residue Solid Residue	Gallon	\$6.75	
Non-RCRA Hazardous Waste Solid (Petroleum Distillates)		CA213	Standard Split	Each	\$42.00	
Energy Surcharge						\$10.00
* Outstanding Account Balance (\$): 50.00					<b>SUBTOTAL</b>	
Payment Check #:	Check Amount (\$):	C.O.D. / Volume / Other Discount %: <i>3%</i>			\$0.00	
<b>Please Pay C.O.D.*</b>					<b>TOTAL AMOUNT DUE</b> (includes outstanding a/c bal. * if any)	

By my signature below, I certify that the hazardous wastes named above are properly classified, described and packaged, and in proper condition for transportation per applicable DOT regulation, that these wastes are stored in undamaged containers that contain only the wastes as described. I further acknowledge that I have the authority to enter into the service agreement printed on the reverse, that I understand the total amount due will be paid C.O.D. unless credit has been extended by Technichem, in which case, payment is due within 30 days of the date of service.

I may also certify, if indicated as such and by my initial above, that the wastes above are generated by a conditionally exempt small quantity generator (CESQG) as defined in 40 CFR part 261.5, and as such, per 40CFR part 268.1, these wastes are not subject to any land disposal restriction provision of 40CFR part 268. Pursuant to HSC Sec 25160.2 (b)(4)(H), I also certify that I have established a program to reduce the volume or quantity and toxicity of the hazardous waste to the degree as I have determined to be economically practicable.

Print Customer Name: *[Signature]* Customer Signature: *[Signature]* Date: *2/6/06*

Pursuant to HSC Sec 25160.2 (c)(2)(C), Technichem hereby confirms that all hazardous waste above will only be transported to an authorized hazardous waste treatment facility, that the hazardous waste may first be transported to a storage or transfer facility in accordance with the applicable provisions of the law. Technichem does not take title to customer generated waste or other material. While exercising proper care and safety precautions, I have removed the wastes above from the customer's premises and accepted the materials for transport on the date undersigned below.

driver/office memo:  
Technichem new address:  
2550 Lincoln Ave. Hayward, CA 94545  
Ph: (510) 785-5455, EPA: CA0000161836  
Transporter Signature: *[Signature]* Date: *2/6/06*  
contact days: (925) 250-2888, separate OHWM, one time PU, PD, SC on file

# TECHNICHEM

# Service Receipt / Invoice No. 103403

Transporter:  
4245 Halleck Street, Emeryville, CA 94608  
EPA ID: CAD981375983

Authorized Facility: ReSolvent, Inc.  
831 Deming Way, Sparks, NV 89431  
EPA ID: NVR00076158

For inquiry or customer service, call (800) 652-5455  
in Southern California, call (888) 998-2436

24-hr Emergency No: Chem-Tel 1-800-255-3924

Uniform Hazardous Waste Manifest No. 3440210	Transporter Manifest No. 09091	Ref. Date: 2/8/06
--	--------------------------------	-------------------

Customer/Generator:

*CARRY HANCOCK*

224 Ricken Backer Circle  
Emeryville, CA 94550

925-828-2000

Generator EPA ID #:

CA000240031

Customer Account #:

9050-12

Generator Status: SQG / **CESQG** (40CFR 261.5)

CESQG Certification Initial: *CSQ*

Drums Delivered:

Drums Picked-up:

20-gal water: # <i>151</i>	# <i>71550-12-0-35</i>	# <i>71550-12-0-10</i>
30-gal water: # <i>151</i>	# <i>71550-12-0-10</i>	# <i>71550-12-0-10</i>
55-gal water: # <i>151</i>	# <i>71550-12-0-10</i>	# <i>71550-12-0-10</i>

DOT Description of Hazardous Waste	Quantity	Waste Code	Common Description	Unit	Unit Price	Amount Due
RQ, Waste Tetrachloroethylene, 6.1, UN1897, III (F002)		CA751	Still Residue Solid Residue	Carton	\$0.75 \$1.75	
RQ, Waste Tetrachloroethylene, 6.1, UN1897, III (F002)		CA751	Standard Split	Each	\$24.00 \$42.00	
RQ, Hazardous Waste, Liquid, n.o.s., 9, NA 3082, III (Petroleum Distillates, Tetrachloroethylene) (D039)		CA134	Wastewater	Carton	\$5.00	
Non-RCRA Hazardous Waste Liquid (Petroleum Distillates)	<i>67K</i>	CA213	Still Residue Solid Residue	Carton	\$0.75 \$7.75	<i>4211.50</i>
Non-RCRA Hazardous Waste Solid (Petroleum Distillates)		CA213	Standard Split	Each	\$24.00 \$42.00	
Emergency Surcharge						\$10.00
* Outstanding					<b>SUBTOTAL</b>	
Account Balance (\$):	<i>\$0.00</i>				<i>1711.50</i>	
Payment	Check	C.O.D. / Volume / Other				
Check #:	Amount (\$):	Discount %:			<i>3%</i>	
<b>Please Pay C.O.D.*</b>					<b>TOTAL AMOUNT DUE</b>	
					<i>415.985</i>	

By my signature below, I certify that the hazardous wastes named above are properly classified, described and packaged, and in proper condition for transportation per applicable DOT regulation, that these wastes are stored in undamaged containers that contain only the wastes as described. I further acknowledge that I have the authority to enter into the service agreement printed on the reverse, that I understand \* the total amount due will be paid C.O.D. unless credit has been extended by Technichem, in which case, payment is due within 30 days of the date of service.

I may also certify, if indicated as such and by my initial above, that the wastes above are generated by a conditionally exempt small quantity generator (CESQG) as defined in 40 CFR part 261.5, and as such, per 40CFR part 268.1, these wastes are not subject to any land disposal restriction provision of 40CFR part 268. Pursuant to HSC Sec 25160.2 (b)(4)(H), I also certify that I have established a program to reduce the volume or quantity and toxicity of the hazardous waste to the degree as I have determined to be economically practicable.

Print

Customer

Customer Name: *Carry Hancock*

Signature: *[Signature]*

Date: *2/8/06*

Pursuant to HSC Sec 25160.2 (c)(2)(C), Technichem hereby confirms that all hazardous waste above will only be transported to an authorized hazardous waste treatment facility, that the hazardous waste may first be transported to a storage or transfer facility in accordance with the applicable provisions of the law. Technichem does not take title to customer generated waste or other material. While exercising proper care and safety precautions, I have removed the wastes above from the customer's premises and accepted the materials for transport on the date undersigned below.

divert/office memo:

Technichem New Address:

340 Lincoln Ave, Hayward, CA 94545.

Ph: (709) 735-5455, EPA: CA000161836

Transporter Signature: *[Signature]*

Date: *2/8/06*

Customer Copy (1/3) 150-3895, separate UHWM, one time PO, PD, CC on file

IN CASE OF EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA, CALL 1-800-852-7350

<b>UNIFORM HAZARDOUS WASTE MANIFEST</b>		1. Generator's US EPA ID No. CA0002599751		Manifest Document No. 09091		2. Page 1 of 2		Information in the shaded areas is not required by Federal law.											
		3. Generator's Name and Mailing Address C. ...						A. State Manifest Document Number 24442101											
4. Generator's Phone ( )						B. State Generator's ID													
5. Transporter 1 Company Name				6. US EPA ID Number CA0000000000		C. State Transporter's ID [Reserved.]													
7. Transporter 2 Company Name						D. Transporter's Phone (510) 785-5455													
8. US EPA ID Number CA0000000000				E. State Transporter's ID [Reserved.]				F. Transporter's Phone (510) 785-5455											
9. Designated Facility Name and Site Address C. ...						G. State Facility's ID NVR0000007511													
10. US EPA ID Number NVR0000007511						H. Facility's Phone (775) 233-2347													
11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number)						12. Containers		13. Total Quantity		14. Unit Wt/Vol		I. Waste Number							
						No.		Type		Quantity		Wt/Vol		State		EPA/Other			
a. ...						0100		DIM		010000		G		751		P002			
b. ...						0100		DIM		010000		P		751		P002			
c. ...						0000		DIM		000000		P		341		P002			
d. ...						0000		DIM		000000		P		213		P002			
J. Additional Descriptions for Materials Listed Above Newly Manufactured Resin Beads US Dept. Transport, Title 22, section 60263.43						K. Handling Codes for Wastes Listed Above						a. 01		b. 01		c. 01		d. 01	
15. Special Handling Instructions and Additional Information ... (814) 295 3024										16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations.  If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.									
Printed/Typed Name				Signature				Month Day Year 01 01 00											
17. Transporter 1 Acknowledgement of Receipt of Materials				Printed/Typed Name				Signature				Month Day Year 01 01 00							
18. Transporter 2 Acknowledgement of Receipt of Materials				Printed/Typed Name				Signature				Month Day Year							
19. Discrepancy Indication Space										20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.									
Printed/Typed Name				Signature				Month Day Year											

DO NOT WRITE BELOW THIS LINE.

**STEIN & LUBIN LLP**  
ATTORNEYS AT LAW

Transamerica Pyramid, 600 Montgomery Street, 14<sup>th</sup> Floor  
San Francisco, California 94111

Telephone (415) 981-0550  
Facsimile (415) 981-4343

PS  
**RECEIVED**

FEB 17 2005

**FIRE PREVENTION**

February 15, 2005

DENNIS D. MILLER  
Direct Dial: (415) 955-5026  
E-mail: dmiller@steinlubin.com

**FAX AND U.S. MAIL**  
(925) 249-2397

Paul M. Smith  
Hazardous Materials Inspector  
Livermore - Pleasanton Fire Department  
3560 Nevada Street  
Pleasanton, CA 94566

In re Persiva Corporation, etc.,  
USBC Northern District Case No. 04-41396RN-7

Dear Mr. Smith:

This letter is to respond to your February 2, 2005 correspondence regarding the LPFD request to inspect the property at 224 Rickenbacker Circle, Livermore, California (the "Property"). First, let me correct your misunderstanding from our prior telephone conversation. I did not state at any time that Heller First Capital Corporation ("Heller") owned the Property as a result of the bankruptcy case. Heller has never owned this Property. Heller holds a Deed of Trust against the Property, and also a security interest over the personal property. However, Heller has never taken any steps to foreclose upon either the Property or personal property.

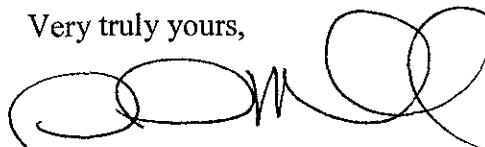
The bankruptcy situation involved the chapter 7 filing by Persiva, Inc. last year. Lois Brady, whom you copied on your February 2, 2005 correspondence was the chapter 7 trustee over the bankruptcy case of Persiva. Ms. Brady, as the chapter 7 trustee attempted to sell the Property, but was unable to do so. Ms. Brady has abandoned the Property, including the personal property and the chapter 7 bankruptcy case may be closed. However, since the president of Persiva Peter Ratto is deceased, my information is the Property sits vacant.

For your information, the owner of the Property continues to be Persiva. As you noted in your correspondence, the bankruptcy attorney for Persiva was Eric Nyberg. According to the bankruptcy petition, a copy of which is enclosed for your reference, Mark Ratto is the trustee of the Peter J. Ratto Trust and you should contact Mark Ratto, who appears to be the responsible officer now for Persiva. The only information I have for Mark Ratto is that he may live in Florida. I assume you can contact Mark Ratto through Eric Nyberg.

Paul M. Smith  
February 15, 2005  
Page 2

My understanding is that there is a Knox Box located at the Property. I do not know if a key to the Property is in the Knox Box and that information may already be known to the Fire Department. However, you will be contacted by Budd Cornett who has obtained a key to the Property and will provide that key to the Fire Department to place in the Knox Box. Thus, to the extent you need to have access to the Property, it will be within the complete control of the Fire Department.

Very truly yours,



Dennis D. Miller

Enclosure

cc: Eric Nyberg, Esq. w/o Encl. (by mail)

DDM:ecp

23490029/294983v1

→ Oakland Bankruptcy Ct.  
doesn't represent trust

---

→ Louis Brady -  
→ Ron Orliner -  
→ Dennis Miller

write to -  
510 452-6499  
trusts

Resolution of Board of Directors  
of  
Persiva Corporation

Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 7 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 7 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to employ Eric A. Nyberg, attorney and the law firm of Kornfield, Paul & Nyberg, PC to represent the corporation in such bankruptcy case.

Signed Mark Ratto  
Mark Ratto  
Trustee of Peter J. Ratto Trust, Shareholder

IN THE UNITED STATES BANKRUPTCY COURT  
Northern District of California

In the Matter of:

Persiva Corporation

Debtor

}  
} No.  
}  
} Chapter 7  
}  
}

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, Mark Ratto, declare under penalty of perjury that I am the Trustee of Peter J. Ratto Trust, Shareholder of Persiva Corporation, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 9 day of MARCH, 2004.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 7 of Title 11 of the United States Code;

Be It Therefore Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 7 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that Mark Ratto, Trustee of Peter J. Ratto Trust, Shareholder of this corporation is authorized and directed to employ Eric A. Nyberg, attorney and the law firm of Kornfield, Paul & Nyberg, PC to represent the corporation in such bankruptcy case."

Date March 9, 2004

Signed Mark Ratto  
Mark Ratto  
Trustee of Peter J. Ratto Trust, Shareholder



**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s):

Persiva Corporati...

**Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**

Location  
Where Filed: **Oakland, California**

Case Number:  
**01-43104 N-11**

Date Filed:  
**6/01/01**

**Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)**

Name of Debtor:  
**- None -**

Case Number:

Date Filed:

District:

Relationship:

Judge:

**Signatures**

**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.  
[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.  
I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date \_\_\_\_\_

**Signature of Attorney**

\_\_\_\_\_  
Signature of Attorney for Debtor(s)

**Eric A. Nyberg 131105**

Printed Name of Attorney for Debtor(s)

**Kornfield, Paul & Nyberg, PC**

Firm Name

**1999 Harrison St., Suite 800  
Oakland, CA 94612**

Address

**(510) 763-1000 Fax: (510) 273-8669**

Telephone Number

**3/12/04**  
Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.  
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**Mark Ratto**  
Signature of Authorized Individual

**Mark Ratto**

Printed Name of Authorized Individual

**Trustee of Peter J. Ratto Trust, Shareholder**

Title of Authorized Individual

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

Exhibit A is attached and made a part of this petition.

**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)  
I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

\_\_\_\_\_  
Signature of Attorney for Debtor(s)      Date

**Exhibit C**

Does the debtor own or have possession of any property that poses a threat of imminent and identifiable harm to public health or safety?

Yes, and Exhibit C is attached and made a part of this petition.  
 No

**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110(c).)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

\_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

UNITED STATES BANKRUPTCY COURT  
Northern District of California

In Re: Persiva Corporation  
dba Valley Cleaners  
Debtor(s)

Case No.: 04-41396 RN 7  
Chapter: 7

NOTICE OF POSSIBLE DIVIDEND **RECEIVED**

APR 20 2004

TO THE DEBTOR AND ALL INTERESTED PARTIES:

**FIRE PREVENTION**

Notice is given that the notice of meeting of creditors advised you that there were no assets in this case. It now appears that a payment of a dividend may be possible.

**Pursuant to Federal Rule of Bankruptcy Procedure 3002(c)(5), creditors may file proofs of claim on or before 7/12/04.**

In order to receive a copy of your proof of claim you must:

1. Enclose with your proof of claim one (1) original and one (1) copy of your proof of claim.
2. You must also enclose a self-addressed, postage paid envelope large enough to accommodate your conformed copy of the claim.
3. Please sign and print or type your name clearly underneath your signature.

Unless all of the above steps are completed, no return conformed copy of your claim will be sent out.

NO FEE FOR FILING CLAIMS

MAIL CLAIMS TO:

U.S. Bankruptcy Court  
1300 Clay Street (94612)  
Post Office Box 2070  
Oakland, CA 94604-2070

Dated: 4/13/04

For the Court:

Gloria L. Franklin  
Clerk of Court  
United States Bankruptcy Court

Doc # 10

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**PROOF OF CLAIM**

Name of Debtor  
Persiva Corporation

Case Number: 04-41396-RN  
Chapter 7  
Creditor Id: 7211847



**NOTE:** This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Livermore Pleasanton Fire Dept  
Name and Address where notices should be sent:

Livermore Pleasanton Fire Dept  
3560 Nevada St  
Pleasanton, CA 94566

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

Telephone Number:

925-454-2366

THIS SPACE IS FOR COURT USE ONLY

Account or other number by which creditor identifies debtor:

Check here if  replaces this claim  amends a previously filed claim, dated \_\_\_\_\_

**1. Basis for Claim**

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other \_\_\_\_\_

- Retiree benefits as defined in 11 U.S.C. § 1114(a)
- Wages, salaries, and compensation (fill out below)  
Your SS #: \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

**2. Date debt was incurred:**

**3. If court judgment, date obtained:**

**4. Total Amount of Claim at Time Case Filed:** \$ \_\_\_\_\_

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

**5. Secured Claim.**

Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- Real Estate  Motor Vehicle
- Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

**6. Unsecured Priority Claim.**

Check this box if you have an unsecured priority claim

Amount entitled to priority \$ \_\_\_\_\_

Specify the priority of the claim:

- Wages, salaries, or commissions (up to \$4,925)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- Up to \$ 2,225\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

**7. Credits:** The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

**8. Supporting Documents:** Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

**9. Date-Stamped Copy:** To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

**MAIL CLAIM TO:**

Clerk's Office  
4  
1300 Clay Street (94612)  
Post Office Box 2070  
Oakland, CA 94604-2070

Date

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT  
Northern District of California (Oakland)

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A chapter 7 bankruptcy case concerning the debtor Corporation listed below was filed on 3/12/04.

You may be a creditor of the debtor. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor(s) (name(s) and address):

Persiva Corporation  
dba Valley Cleaners  
224 Rickenbacker Circle  
Livermore, CA 94550

Eric N - cell

Case Number:  
04-41396

510 220-4512

Taxpayer ID Nos.:  
94-2886326

Attorney for Debtor(s) (name and address):

Eric A. Nyberg  
Kornfield, Paul and Nyberg  
1999 Harrison St. #800  
Oakland, CA 94612  
Telephone number: (510) 763-1000

Bankruptcy Trustee (name and address):

Lois I. Brady  
350 Frank H. Ogawa Plaza  
Suite 702  
Oakland, CA 94612  
Telephone number: 510-452-4200

6499 FAX

Meeting of Creditors:

Date: April 6, 2004

Time: 01:30 PM

Location: Office of the U.S. Trustee, 1301 Clay St. Room 680N, Oakland, CA 94612

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.

Address of the Bankruptcy Clerk's Office:

1300 Clay Street (94612)  
Post Office Box 2070  
Oakland, CA 94604-2070  
Telephone number: 510-879-3600

For the Court:

Clerk of the Bankruptcy Court:  
Gloria L. Franklin

Hours Open: Monday - Friday 9:00 AM - 4:30 PM

Date: 3/18/04

Important Notice to Individual Debtors: The United States Trustee requires all debtors who are individuals to provide government-issued photo identification and proof of social security number to the trustee at the meeting of creditors.

1/2/05 Corporation Ch 7 trustee  
property

2 HKs In  
SBA loan

Secured creditor =

1) Ron Oliner (415) 227-3504

2) - Dennis Miller - Stein - Lubin -

Secured lender = 415 981-0550

lender fore closer -

email to trustee's court =

abandonment - 554  
Persiva - estate no longer  
interest

Heller Financial - lien

415 981-0550

Stein & Lubin LLP

600 Montgomery St. 14th Floor  
F 94111

Dennis Lubin  
(415) 981-0550