

Rigter, John

From: Rigter, John
Sent: Thursday, April 24, 2008 11:16 AM
To: Rigter, John; 'Drogos, Donna, Env. Health'
Cc: 'Ken Mifsud (ken.mifsud@acgov.org)'
Subject: RE: Oversight of 414 and 448 Beverly St LV Cleanup 080424
Attachments: Alamilla Requirements Letter 080320.pdf

RECEIVED

APR 25 2008

ENVIRONMENTAL HEALTH SERVICE

Donna,

While filing the documents, I realized that I had not included our letter of March 20, 2008: it directs Mr. Alamilla to write a workplan..... Please see the additional attached document.

Thanks,

John Rigter

Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337

Fax: (925) 454-2367

From: Rigter, John
Sent: Thursday, April 24, 2008 10:32 AM
To: 'Drogos, Donna, Env. Health'
Cc: 'Ken Mifsud (ken.mifsud@acgov.org)'
Subject: Oversight of 414 and 448 Beverly St LV Cleanup 080424

Donna,

Per our phone conversation, I am sending the Contaminated Site Case Transfer Form for the above site. I have included as attachments the following:

- LPFD/ALCO Site Transfer Form
- Summary/History letter (Report for ALCO District Attorney, letterhead and MS Word copies - 12/4/07)
- Analytical Report (Test America - 11/14/07)
- LPFD Inspection Report (10/26/07)
- Property Data Sheet (Realquest - 10/29/07)

I have attached two copies of the Report for the District Attorney. The letter head (scanned) version is not as legible; so the MS Word version is also included.

In addition to hard copies of the the above documents, I will send you the photographs (on

Rigter, John

From: Rigter, John
Sent: Thursday, April 24, 2008 10:32 AM
To: 'Drogos, Donna, Env. Health'
Cc: 'Ken Mifsud (ken.mifsud@acgov.org)'
Subject: Oversight of 414 and 448 Beverly St LV Cleanup 080424
Attachments: Contamination Referral Form 414 and 448 Beverly 080422.doc; Report to ALCO DA 071204.pdf; Report to ALCO DA Word Ver 071204.doc; Sample Analysis 071116.pdf; LPFD IR 071026.pdf; Property Data 071029.pdf

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- Property Data Sheet (Realquest - 10/29/07)

I have attached two copies of the Report for the District Attorney. The letter head (scanned) version is not as legible; so the MS Word version is also included.

In addition to hard copies of the the above documents, I will send you the photographs (on disc) taken during the soil sampling. These should make today's mail.

ATTACHED

If you have any questions, please give me a call.

Again, thank you for your help with this case,

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

LIVERMORE - PLEASANTON FIRE DEPARTMENT

3560 Nevada Street, Pleasanton, CA 94566

Contaminated Site Case Transfer Form

Referral To:

Date	April 23, 2008		
By (name)	John Rigter	Phone	925-454-2337
Agency	Alameda County Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502		
Attention	Donna L. Drogos, LOP/TOXICS Program Manager		
Transferred as:	<input checked="" type="checkbox"/> LOP <input type="checkbox"/> TOXICS		
Level of Update	<input checked="" type="checkbox"/> distribution list <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	- Mr. Alejandro Alamilla - owner/resident - Mr. Marty Holzschuh - owner/resident
Site Address	- 414 Beverly Street, Livermore CA (Mr. Alamilla) - 448 Beverly Street, Livermore CA (Mr. Holzschuh)
Site Phone	- 925- 449-6183 and 925-785-4216 (Mr. Alamilla) - 510-719-9761 and 925-828-4401 (Mr. Holzschuh)
Site Contractor/Consultant (if available)	Russ Bartlett w/AEI Consultants 925-944-2899, ext 138
Please see additional info. attached	<i>12/4/07 letter to ALCO DA's Office (background/history), photographs (disc) and soil sample analytical results.</i>

Site Conditions:

UST N/A	
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
NON-UST	
Former industrial use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Current Use: Residential Property	
ALL REFERRALS	
Detectable concentrations of soil contamination? o Highest Concentration Detected in Soil - Contaminant (specify) Diesel Range Organics Concentration 2,900 ppm - Contaminant (specify) Mineral Spirits Organics Concentration 4,200 ppm <i>For additional contaminants, see attached analytical results. See attached photographs (on CD) for sample location.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Future intended use if known? If Yes, specify Residential	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<i>If available, attach pertinent reports</i>	

From: Rigter, John
Sent: Wednesday, March 12, 2008 9:12 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 040.jpg; Beverly Street Pictures 414 and 448 036.jpg; Beverly Street Pictures 414 and 448 037.jpg; Beverly Street Pictures 414 and 448 038.jpg; Beverly Street Pictures 414 and 448 039.jpg

Richard,

Attached are pictures (5 at a time) - eighth and final installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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

From: richard.herrera@farmersinsurance.com
[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
Subject: 414 & 418 Beverly St., Livermore

John,

Please resend.

Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

***** PLEASE NOTE ***** This E-Mail/telefax message and any documents accompanying this transmission may contain privileged and/or confidential information and is intended solely for the addressee(s) named above. If you are not the intended addressee/recipient, you are hereby notified that any use of, disclosure, copying, distribution, or reliance on the contents of this E-Mail/telefax information is strictly prohibited and may result in legal action against you. Please reply to the sender advising of the error in transmission and immediately delete/destroy the message and any accompanying documents. Thank you.*****

From: Rigter, John
Sent: Wednesday, March 12, 2008 9:11 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 035.jpg; Beverly Street Pictures 414 and 448 031.jpg; Beverly Street Pictures 414 and 448 032.jpg; Beverly Street Pictures 414 and 448 033.jpg; Beverly Street Pictures 414 and 448 034.jpg

Richard,

Attached are pictures (5 at a time) - seventh installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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Please resend.

Richard R. Herrera
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From: Rigter, John
Sent: Wednesday, March 12, 2008 9:10 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 030.jpg; Beverly Street Pictures 414 and 448 026.jpg; Beverly Street Pictures 414 and 448 027.jpg; Beverly Street Pictures 414 and 448 028.jpg; Beverly Street Pictures 414 and 448 029.jpg

Richard,

Attached are pictures (5 at a time) -sixth installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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From: richard.herrera@farmersinsurance.com
[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
Subject: 414 & 418 Beverly St., Livermore

John,

Please resend.

Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

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From: Rigter, John
Sent: Wednesday, March 12, 2008 9:09 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 025.jpg; Beverly Street Pictures 414 and 448 021.jpg; Beverly Street Pictures 414 and 448 022.jpg; Beverly Street Pictures 414 and 448 023.jpg; Beverly Street Pictures 414 and 448 024.jpg

Richard,

Attached are pictures (5 at a time) - fifth installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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From: richard.herrera@farmersinsurance.com
[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
Subject: 414 & 418 Beverly St., Livermore

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Please resend.

Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

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From: Rigter, John
Sent: Wednesday, March 12, 2008 9:08 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 020.jpg; Beverly Street Pictures 414 and 448 016.jpg; Beverly Street Pictures 414 and 448 017.jpg; Beverly Street Pictures 414 and 448 018.jpg; Beverly Street Pictures 414 and 448 019.jpg

Richard,

Attached are pictures (5 at a time) - fourth installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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From: richard.herrera@farmersinsurance.com
[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
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Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

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From: Rigter, John
Sent: Wednesday, March 12, 2008 9:06 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 015.jpg; Beverly Street Pictures 414 and 448 011.jpg; Beverly Street Pictures 414 and 448 012.jpg; Beverly Street Pictures 414 and 448 013.jpg; Beverly Street Pictures 414 and 448 014.jpg

Richard,

Attached are pictures (5 at a time) - third installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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From: richard.herrera@farmersinsurance.com
[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
Subject: 414 & 418 Beverly St., Livermore

John,

Please resend.

Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

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Sent: Wednesday, March 12, 2008 9:06 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Beverly Street Pictures 414 and 448 010.jpg; Beverly Street Pictures 414 and 448 006.jpg; Beverly Street Pictures 414 and 448 007.jpg; Beverly Street Pictures 414 and 448 008.jpg; Beverly Street Pictures 414 and 448 009.jpg

Richard,

Attached are pictures (5 at a time) - second installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
Subject: 414 & 418 Beverly St., Livermore

John,

Please resend.

Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

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From: Rigter, John
Sent: Wednesday, March 12, 2008 9:02 AM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore Pictures 1

Attachments: Beverly Street Pictures 414 and 448 005.jpg; Beverly Street Pictures 414 and 448 001.jpg; Beverly Street Pictures 414 and 448 002.jpg; Beverly Street Pictures 414 and 448 003.jpg; Beverly Street Pictures 414 and 448 004.jpg

Richard,

Attached are pictures (5 at a time) - first installment....

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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From: richard.herrera@farmersinsurance.com
[mailto:richard.herrera@farmersinsurance.com]
Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
Subject: 414 & 418 Beverly St., Livermore

John,

Please resend.

Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
(805) 501-5999 Cell

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From: Rigter, John
Sent: Tuesday, March 11, 2008 4:56 PM
To: 'richard.herrera@farmersinsurance.com'
Subject: RE: 414 & 418 Beverly St., Livermore

Attachments: Report to ALCO DA 071204.pdf; Property Data 071029.pdf;
Sample Analysis 071116.pdf

Richard,

Please email me when you receive this part...

Thanks,

John Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department
3560 Nevada Street
Pleasanton CA 94566

Phone: (925) 454-2337
Fax: (925) 454-2367

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Sent: Tuesday, March 11, 2008 4:45 PM
To: Rigter, John
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Richard R. Herrera
Environmental Claims Specialist
(818) 874-1655 Office
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December 4, 2007

Alyce Sandbach
Alameda County District Attorney's Office
Consumer and Environmental Protection Division
7677 Oakport Street, Suite 650
Oakland, CA 94621

Re: Paint Thinner Contamination between 414 and 448 Beverly Street, Livermore 94550

Alyce,

Thank you for your willingness to take this case. To help simplify this, I have provided a brief history, observations, photographs taken, analytical results, and interview notes.

History

On October 25, 2007 Livermore-Pleasanton Fire Department (LPFD) received a complaint from Mr. Marty Holzschuh that paint related solvents were being poured into the landscape area between his property, located at 448 Beverly Street, and the adjacent property located at 414 Beverly Street. He reported seeing Mr. Alejandro Alamilla dumping these materials on Mr. Alamilla's side of the hedge. In addition, he said that the vegetation was being killed, and a solvent smell was observable in the area.

On October 26, I visited the properties, interviewed Mr. Holzschuh and Mr. Alamilla, took photographs, and collected a soil sample from the affected area. My observations, typed interview notes, copies of photographs, and soil sample documentation are attached.

The analytical results from the sample collected was received/reviewed on November 16, and found to contain Mineral Spirit Range Organics at 4,200 mg/Kg, Diesel Range Organics at 2,900 mg/Kg, and various Volatile Organic Compounds ranging from 1.8 to 17 mg/Kg.

Conversation with Mr. Marty Holzschuh (10/26/07)

Upon arrival at 9:15 am, I introduced myself, provided my business card, and walked the yard and planter area with Mr. Holzschuh. He provided the following history.

- He said that his neighbor has been pouring paint thinner and/or related paint products along his north planter/hedge area, from the driveway located at 414 Beverly Street.
- When I referred to his initial report that vegetation had been killed, he said that approximately two months ago, the grass in his front yard started turning brown, and that it had been replaced in the beginning of September. Two weeks later, the "heartly vegetation" in the planter area between the two properties started to die back. Several evergreen shrubs had been removed (they had died), the hedge has a large dead section in it, and an adjacent birch tree looks like it has been affected. (The last two were observed during my visit).

3560 Nevada Street, Pleasanton, CA 94566

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

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

- His call to LPFD was instigated by an incident the evening of 10/24/07, when his wife observed the neighbor pouring a container of liquid into the planter area. When she confronted him, he admitted to pouring paint thinner into the planter area adjacent to the hedge.
- He said that approximately three weeks ago, he observed a solvent/paint thinner like smell, while checking the irrigation system adjacent to the hedge. He collected a sample of the gravel/soil mixture in a bag, confirming his suspicions.
- He believes that the individual is a painting contractor, or works for one. He said that each day, a group of painters congregate with their trucks in front of 414 Beverly Street, at the beginning and end of the day.

Mr. Holzschuh's:

Cell Phone Number (510) 719-9761

Work Phone Number (925) 828-4401

Conversation with Mr. Alejandro Alamilla (10/26/07)

Mr. Alamilla drove into his driveway at 9:40 am, and I introduced myself. When asked, he provided his name and stated that he lived at 414 Beverly Street. I provided my business card, and stated that I was investigating a report of paint or paint related products having been poured in the planter area between 414 Beverly and 448 Beverly Street. We then walked the driveway and adjacent planter area of 414 Beverly Court.

- When asked if he had been pouring paint or paint thinner in the planter area adjacent to his driveway, he said that he had not.
- I took him close to a stained spot in the planter area, pointed it out, and asked if he smelled the paint thinner, to which he said he "yes". Again, I asked him if he had been pouring paint thinner or paint related products in this area, and he said "yes". He said that he washes his hands in paint thinner, and has poured the remainder in this area.
- I pointed out the hedge, and the difference between the area adjacent to the stainage, and the front area (brown vs. green). He nodded his understanding.
- I informed him that he must stop disposing of waste paint thinner or paint related materials in this area; that this was illegal disposal of hazardous waste, and that these materials must be disposed of at a properly permit facility. He said he understood.
- I informed him that the planter area must not be disturbed. This included digging, or washing with water or other materials. If rain were likely, the area should be covered with tarps or plastic sheeting. He said he understood.
- He seemed to be in a hurry, and left in his truck at 9:50 am.

Mr. Alamilla's:

Home Phone Number (925) 449-6183

Cell Phone Number (925) 785-4216

Work Phone Number (925) 484-5033

Employer: Central Painting, 7809 Olive Court, Pleasanton CA

Observations from October 26, 2007

The area between the two properties contains a hedge approximately 32 feet long. The side facing 448 Beverly Street is comprised of soil, from under the hedge, leading to grass in the yard area. The side facing 414 Beverly Street is a gravel/soil mixture covered with small to medium sized river

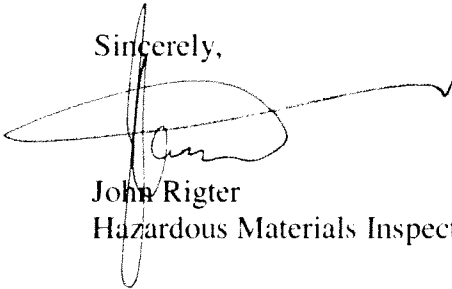
rock. The hedge had a brown/dried out section that covered approximately two thirds of its length. At the northeast end of the hedge are a number of birch trees. The one closest to the hedge appeared to be browner than the rest, and had very few leaves on it. Please see the attached pictures of the properties.

A sample was collected from the gravel/soil mixture (below the river rock), on the 414 Beverly Street side of the hedge, 1 foot in from the concrete driveway (8 inches from the curb), 22 feet into the property from the sidewalk, at a depth of 0.33 feet. The location was directly below the stained area pointed out to Mr. Alamilla earlier (see above). Paint thinner odor appeared to be associated with the specific soil where the sample was collected; it could not be smelled in the planter area (in general). Sampling was conducted by Paul Smith of Livermore-Pleasanton Fire Department.

I left an inspection report for Mr. Alamilla in his mail box (since he had not returned since 9:50 am), and we left the properties at approximately 12:15 pm.

If you have additional questions, or need additional information, please let me know. I can be reached directly at (925) 454-2337.

Sincerely,

A handwritten signature in black ink, appearing to read "John Rigter", with a long horizontal flourish extending to the right.

John Rigter
Hazardous Materials Inspector

Attachments:

Photographs taken 10/26/07 (on disk), and selected prints
Soil sample Chain of Custody documentation and analytical results
Property Detail (ownership) Report for 414 Beverly Street
Inspection Report of 10/26/07

Cc: Scott Deaver, Assistant Fire Marshal, Livermore-Pleasanton Fire Dept. (w/o attachments)
Danielle Stefani, Hazardous Materials Coord., Livermore-Pleasanton Fire Dept (w/o attachments)
John Pomidor, City Attorney, City of Livermore (w/o attachments)



March 20, 2008

Alejandro Alamilla
414 Beverly Street
Livermore, CA 93101

Subject: Investigation and Removal of Paint Thinner Contamination, Residential Properties, 414 and 448 Beverly Street, Livermore CA 94550

Mr. Alamilla:

On March 17, 2008, we met to discuss the paint thinner contaminated soil located in the front planter area adjacent to your driveway.

Brief Summary

On October 25, 2007 Livermore-Pleasanton Fire Department (LPFD) received a complaint that paint related solvents were being poured into the landscape area between 414 and 448 Beverly Street. In addition, it was reported that vegetation in the area was being killed, and a solvent smell was observable.

On October 26, 2007, I visited the properties, observed the damaged vegetation and solvent smell, took photographs, and collected a soil sample from the affected area. The sample results found organic materials consistent with paint thinner and mineral spirits. During my visit (and our meeting of 3/17/08), you said that you had washed your hands in paint thinner, in the affected area.

Going Forward

As we discussed in our meeting of March 17, 2008, a workplan is required to direct the excavation of paint thinner contaminated soil, and confirm its removal.

Workplan preparation and implementation requirements shall include:

- Preparation of the plan by a California (CA) licensed professional engineer or geologist, approved by Livermore-Pleasanton Fire Department (LPFD).
- Approval of the plan by LPFD prior to excavation of soils at the site.
- Implementation of the plan under the supervision of the CA licensed professional.
- Sampling activities to be observed by an LPFD inspector.

The workplan document shall include:

- Site map, with sampling and excavation locations (to scale).
- Analytical test methods to be used, and which laboratory (CA approved) will process the samples.
- Estimated volume of soil to be removed, and disposal facility (CA approved) where the contaminated soils will be sent.

3560 Nevada Street, Pleasanton, CA 94566

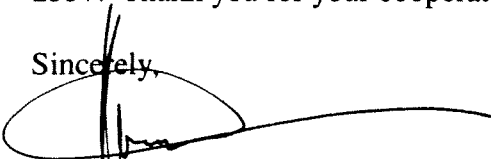
Administration & Suppression
(925) 454-2361
Fax 249-2397

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

After soil removal and sampling activities have been completed, the CA licensed professional shall submit a closure report to LPFD that summarizes removal and sampling activities conducted. This shall include an updated site map, sampling analytical results, Chain of Custody, and disposal documents.

If you have any questions concerning these requirements, please contact me directly at 925-454-2337. Thank you for your cooperation in this matter.

Sincerely,



John P. Rigter
Hazardous Materials Inspector
Livermore-Pleasanton Fire Department

Cc: Scott Deaver, Fire Marshal, LPFD
Tom Grappone, Assistant Fire Marshal, LPFD
Danielle Stefani, Hazardous Materials Coordinator, LPFD
Ken Mifsud, Deputy District Attorney, Consumer & Environmental Protection, Alameda County

December 4, 2007

Alyce Sandbach
Alameda County District Attorney's Office
Consumer and Environmental Protection Division
7677 Oakport Street, Suite 650
Oakland, CA 94621

Re: Paint Thinner Contamination between 414 and 448 Beverly Street, Livermore 94550

Alyce,

Thank you for your willingness to take this case. To help simplify this, I have provided a brief history, observations, photographs taken, analytical results, and interview notes.

History

On October 25, 2007 Livermore-Pleasanton Fire Department (LPFD) received a complaint from Mr. Marty Holzschuh that paint related solvents were being poured into the landscape area between his property, located at 448 Beverly Street, and the adjacent property located at 414 Beverly Street. He reported seeing Mr. Alejandro Alamilla dumping these materials on Mr. Alamilla's side of the hedge. In addition, he said that the vegetation was being killed, and a solvent smell was observable in the area.

On October 26, I visited the properties, interviewed Mr. Holzschuh and Mr. Alamilla, took photographs, and collected a soil sample from the affected area. My observations, typed interview notes, copies of photographs, and soil sample documentation are attached.

The analytical results from the sample collected was received/reviewed on November 16, and found to contain Mineral Spirit Range Organics at 4,200 mg/Kg, Diesel Range Organics at 2,900 mg/Kg, and various Volatile Organic Compounds ranging from 1.8 to 17 mg/Kg.

Conversation with Mr. Marty Holzschuh (10/26/07)

Upon arrival at 9:15 am, I introduced myself, provided my business card, and walked the yard and planter area with Mr. Holzschuh. He provided the following history.

- He said that his neighbor has been pouring paint thinner and/or related paint products along his north planter/hedge area, from the driveway located at 414 Beverly Street.
- When I referred to his initial report; that vegetation had been killed, he said that approximately two months ago, the grass in his front yard started turning brown, and that it had been replaced in the beginning of September. Two weeks later, the "heartly vegetation" in the planter area between the two properties started to die back. Several evergreen shrubs had been removed (they had died), the hedge has a large dead section in it, and an adjacent birch tree looks like it has been affected. (The last two were observed during my visit).

- His call to LPFD was instigated by an incident the evening of 10/24/07, when his wife observed the neighbor pouring a container of liquid into the planter area. When she confronted him, he admitted to pouring paint thinner into the planter area adjacent to the hedge.
- He said that approximately three weeks ago, he observed a solvent/paint thinner like smell, while checking the irrigation system adjacent to the hedge. He collected a sample of the gravel/soil mixture in a bag, confirming his suspicions.
- He believes that the individual is a painting contractor, or works for one. He said that each day, a group of painters congregate with their trucks in front of 414 Beverly Street, at the beginning and end of the day.

Mr. Holzschuh's:

Cell Phone Number (510) 719-9761

Work Phone Number (925) 828-4401

Conversation with Mr. Alejandro Alamilla (10/26/07)

Mr. Alamilla drove into his driveway at 9:40 am, and I introduced myself. When asked, he provided his name and stated that he lived at 414 Beverly Street. I provided my business card, and stated that I was investigating a report of paint or paint related products having been poured in the planter area between 414 Beverly and 448 Beverly Street. We then walked the driveway and adjacent planter area of 414 Beverly Court.

- When asked if he had been pouring paint or paint thinner in the planter area adjacent to his driveway, he said that he had not.
- I took him close to a stained spot in the planter area, pointed it out, and asked if he smelled the paint thinner, to which he said he "yes". Again, I asked him if he had been pouring paint thinner or paint related products in this area, and he said "yes". He said that he washes his hands in paint thinner, and has poured the remainder in this area.
- I pointed out the hedge, and the difference between the area adjacent to the stainage, and the front area (brown vs. green). He nodded his understanding.
- I informed him that he must stop disposing of waste paint thinner or paint related materials in this area; that this was illegal disposal of hazardous waste, and that these materials must be disposed of at a properly permit facility. He said he understood.
- I informed him that the planter area must not be disturbed. This included digging, or washing with water or other materials. If rain were likely, the area should be covered with tarps or plastic sheeting. He said he understood.
- He seemed to be in a hurry, and left in his truck at 9:50 am.

Mr. Alamilla's:

Home Phone Number (925) 449-6183

Cell Phone Number (925) 785-4216

Work Phone Number (925) 484-5033

Employer: Central Painting, 7809 Olive Court, Pleasanton CA

Observations from October 26, 2007

The area between the two properties contains a hedge approximately 32 feet long. The side facing 448 Beverly Street is comprised of soil, from under the hedge, leading to grass in the yard area. The side facing 414 Beverly Street is a gravel/soil mixture covered with small to medium sized river

rock. The hedge had a brown/dried out section that covered approximately two thirds of its length. At the northeast end of the hedge are a number of birch trees. The one closest to the hedge appeared to be browner than the rest, and had very few leaves on it. Please see the attached pictures of the properties.

A sample was collected from the gravel/soil mixture (below the river rock), on the 414 Beverly Street side of the hedge, 1 foot in from the concrete driveway (8 inches from the curb), 22 feet into the property from the sidewalk, at a depth of 0.33 feet. The location was directly below the stained area pointed out to Mr. Alamilla earlier (see above). Paint thinner odor appeared to be associated with the specific soil where the sample was collected; it could not be smelled in the planter area (in general). Sampling was conducted by Paul Smith of Livermore-Pleasanton Fire Department.

I left an inspection report for Mr. Alamilla in his mail box (since he had not returned since 9:50 am), and we left the properties at approximately 12:15 pm.

If you have additional questions, or need additional information, please let me know. I can be reached directly at (925) 454-2337.

Sincerely,

John Rigter
Hazardous Materials Inspector

Attachments:

Photographs taken 10/26/07 (on disk), and selected prints
Soil sample Chain of Custody documentation and analytical results
Property Detail (ownership) Report for 414 Beverly Street
Inspection Report of 10/26/07

Cc: Scott Deaver, Assistant Fire Marshal, Livermore-Pleasanton Fire Dept. (w/o attachments)
Danielle Stefani, Hazardous Materials Coord., Livermore-Pleasanton Fire Dept (w/o attachments)
John Pomidor, City Attorney, City of Livermore (w/o attachments)