

Patrick D. Riddle, Esq. (SBN 56037)
Jennifer A. Coenenberg, Esq. (SBN 264425)
LAW OFFICE OF PATRICK D. RIDDLE, P.C.
1811 Grand Canal Boulevard, Suite 2
Stockton, California 95207
Telephone: (209) 367-6992
Facsimile: (209) 367-6997
Email: riddlelaw@patriddlelaw.com



Attorneys for Petitioner
VALLEY PACIFIC PETROLEUM
SERVICES, INC.

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition for Review by VALLEY PACIFIC PETROLEUM SERVICES, INC., of Technical Reporting Order No. R5-2011-0800	PETITION FOR REVIEW OF ACTION; REQUEST FOR STAY AND HEARING
---	--

Valley Pacific Petroleum Services, Inc. ("Petitioner") hereby files this Petition for Review of Action and Request for Stay and Hearing by the State Water Resources Control Board ("SWRCB") of that certain Technical Reporting Order No. R5-2011-0800 ("Order") issued on March 3, 2011, by Pamela C. Creedon, Executive Officer of the California Regional Water Quality Control Board, Central Valley Region ("Regional Board"). This Petition for Review is filed pursuant to the Water Code section 13320, Title 23, California Code of Regulations (CCR) sections 2050-2068.

1. Name and Address of Petitioner: Petitioner's name and corporate office address is:

VALLEY PACIFIC PETROLEUM SERVICES, INC.
166 Frank West Circle
Stockton, California 95206

Petitioner may be contacted through its counsel listed above.

2. Regional Board Action for Which This Petition for Review of Action is Sought:

The Regional Board's action for which this Petition is filed is the Technical Reporting Order No. R5-2011-0800, dated March 3, 2011, a copy of which is attached as **EXHIBIT 1**, and incorporated herein by reference.

3. The Date the Regional Board Acted:

The date the Regional Board's action subject to review is March 3, 2011.

REQUEST FOR STAY AND HEARING

Petitioner's request for a stay and evidentiary hearing pending review of the merits of the Petition in order that Petitioner and/or counsel, and other designated parties, can participate in a hearing and given the opportunity to present evidence and testimony based on the following:

A. There will be substantial harm to the Petitioner if a stay is not granted. As further elaborated below, requiring Petitioner to proceed with the investigation and technical report requested in the Order will subject Petitioner to ongoing and unreasonable expenses, when the Board has not provided sufficient evidence as to how Petitioner may be related to the groundwater contamination observed.

B. There will be no substantial harm to other interested persons and/or to the public interest, if a stay is granted because Chevron is presently undergoing an investigation and remediation of similar contamination adjacent to and surrounding this property and it appears the situation is stabilized.

C. There are substantial questions to fact or law regarding the disputed action. Petitioner will show through this petition, specifically in Issues 1 through 5, that there are several factual and evidentiary inaccuracies in the Board's Order with respect to the 2008 spill of approximately 15-20 gallons of diesel, and the 1998 spill of approximately 40 gallons of diesel.

Attached hereto, and incorporated herein is a Declaration of Patrick D. Riddle in support thereof.

D. Petitioner's summary of arguments, testimony and/or evidence to be introduced at Hearing:

///

**PETITION FOR REVIEW OF TECHNICAL REPORTING ORDER
NO. R5-2011-0800**

4. Statement of the Reasons the Action is Inappropriate and Improper:

The Regional Water Quality Control Board contends that spills occurred in 1998 and 2008 on Petitioner's leased property and that those spills may be responsible for contamination found in wells on adjacent Chevron Banta Terminal property. The Regional Water Quality Control Board, by letter dated September 28, 2010, directed Petitioner to submit either a report of investigation or cleanup documenting that the spills have not or no longer pollute groundwater, or submit a site assessment workplan. Petitioner's environmental consultants investigated the incident and prepared a report dated December 14, 2010 (see attached letter and responsive report, incorporated herein by reference as **EXHIBIT 2**). In their report, the consultants concluded that the 1998 spill was abated and had virtually no chance of impacting groundwater and that groundwater beneath Petitioner's site was likely contaminated with fuel hydrocarbons originating at Chevron's site. It was thereafter that Order R5-2011-0800 was issued

Petitioner believes that the allegations in the Regional Board's Order were inappropriate and improper, or not supported by the record, based on the following:

Issue #1: With respect to both the 1998 and 2008 spills.

The Order improperly makes a finding of fact that the "*Discharger (Petitioner) owns the property located at 23100 South Kasson Road in Banta, San Joaquin County*". However, Petitioner does not own that property and is merely a tenant of LTH Trust. The Lease is attached as **EXHIBIT 3** to this Petition, and incorporated herein by reference.

Issue #2: With respect to the 1998 release of approximately 50 gallons of diesel, 42 gallons of which were released onto an asphalt surface and only 8 gallons were released onto dirt, those 42 gallons spilled onto the asphalt, which is an impermeable surface and therefore is highly unlikely to have affected the groundwater. Therefore, we are focusing on the 8 gallons of diesel which went onto the dirt.

The Order improperly makes a finding of fact that "*there is no record of reclamation of the other 42 gallons of diesel from the bermed area, a disposal location for the five containers of waste, nor any evidence that samples were taken to show whether the cleanup completely removed the waste or that a subsurface investigation was conducted*".

Attached to this Petition, and incorporated herein by reference as **EXHIBIT 4**, is a copy of the Uniform Hazardous Waste Manifest provided by the San Joaquin County Environmental Health Department. This manifest documents the removal of the waste due to the spill which occurred March 14, 1998. The five containers were disposed by Laidlaw facility in San Jose. In addition, the Environmental Health Department provided a copy of their complaint cover sheet

which shows the spill was satisfactorily abated on March 19, 1998 by Eric Trevena. A copy of that document, as well as the investigative report, is also attached to this Petition and incorporated herein by reference as **EXHIBIT 5**.

Petitioner performed all site remediation that was required of them at the time of the incident. The San Joaquin County Environmental Health Department closed their file without requesting any further action of Petitioner, including, but not limited to, requiring any further sampling in the area, with the conclusion that the release had been entirely abated.

Issue #3: With respect to the 2008 release of approximately 15-20 gallons of diesel by an unrelated party on property adjacent to the leased premises of Petitioner, the record shows that this spill was completely abated.

The Order improperly states that an additional release allegedly occurred on Petitioner's site on July 24, 2008 when a tractor trailer turned over and rolled into an irrigation ditch. The Order assumes that Petitioner is the owner of that property. The Petitioner is not the owner of the property, but rather operates a business on the property as a tenant. While the Order fails to show with clarity that this incident alleged even occurred on the property in which Petitioner is a tenant, the investigative report (attached and incorporated herein by reference as **EXHIBIT 6**) does not even mention Petitioner as a Responsible Party nor was Petitioner ever made aware of the incident at the time of the alleged incident. Clearly, the discharger was Allegre Trucking, who was unrelated to the Petitioner, had nothing to do with Petitioner, and abated the problem (see attached report, **EXHIBIT 6**, incorporated herein by reference). That report also indicates that this spill was abated

Petitioner leases the cardlock facility on the site. The property line, according to the San Joaquin County Assessor's Office, places the spill on Kasson Road right of way (see attached **EXHIBIT 7**, incorporated herein by reference). Even if the incident had occurred on the property in which Petitioner is a tenant, the Board would have no jurisdiction over Petitioner for further action as requested in the Order. It would only have jurisdiction over the land owner. As stated above, Petitioner is merely a tenant of the property, and not an owner, and the facts clearly indicate that Petitioner was not a discharger nor were they in any way related to the 15-20 gallon diesel spill.

Issue #4:

The Order improperly states: "*Groundwater flows to the northeast. Laboratory analytical results of groundwater samples collected from two Chevron monitoring wells (MW-43A and MW46A) adjacent to the Valley Pacific Petroleum property boundary have contained total petroleum hydrocarbons as diesel (TPHd) as high as 1,200 micrograms per liter (ug/L) and 470 ug/L, respectively. However, the monitoring data in these wells dates back only as far as 2001, and the wells are not directly downgradient of the Valley Pacific Petroleum facility.*

Therefore, the groundwater data correlate indirectly (Emphasis Added) with the 1998 and 2008 discharges on the Valley Pacific Petroleum property”.

Groundwater at the site flows predominantly to the northeast. However, some twenty percent of the time, flow is to the east-southeast, and twenty percent of the time toward the north. (See **EXHIBIT 8**, attached and incorporated herein by reference).

Based on recorded groundwater flow, MW43-A has always been upgradient of the 1998 spill located (See **EXHIBIT 9**, attached and incorporated herein by reference) and the highest containment level was recorded in 2006, prior to the 2008 spill (See **EXHIBIT 10**, attached and incorporated herein by reference). Therefore, the groundwater data from this well do not correlate at all with either spill.

MW46-A is generally downgradient of the 1998 spill. However, this well is immediately downgradient of the “Excavation Area 3” (See **EXHIBIT 9**, attached and incorporated herein by reference) which was excavated by Chevron in 2004 because of diesel contaminated soil related to their own keylock operation. Moreover, monitoring wells MW9, and MW20, which were located within Excavation Area 3 and have been destroyed, had detected diesel in the groundwater as early as 1991 and 1995, respectively, predating both the 1998 and the 2008 spills (See **EXHIBIT 10**, attached and incorporated herein by reference). Therefore, the groundwater data from MW46-A do not correlate at all with either spill.

Issue #5:

The Order further improperly states: *“Monitoring well MV-63A on Chevron’s property is closer to Chevron’s documented release areas but has concentrations of TPHd that are lower than the monitoring wells adjacent to Valley Pacific Petroleum’s property where the 1998 and 2008 spills occurred. This indicates that the source of TPHd observed in MW-43A and MW-46A is more likely the Valley Pacific Petroleum property (Emphasis Added).”*

As stated above, MW43-A is upgradient of the 1998 spill and the highest levels of diesel occurred prior to the 2008 spill. As stated above, MW46-A is immediately downgradient of a Chevron release area. MW63-A is a well that shows anomalously low levels of TPHd, perhaps due to its proximity to a stormwater retention pond. A better comparison would be made between wells MW34-UA and MW35-UA, both of which are in a Chevron release area and well cluster MW74-UA, MW74-A, and MW74-B, which are in the closest proximity to the 1998 spill. As shown in **EXHIBIT 10** (attached and incorporated herein by reference), 2009 and 2011 average concentrations of diesel in MW34-A and MW35-A are higher than those in the MW74 series.

5. Petitioner is Aggrieved:

Petitioner is aggrieved for the reasons set forth in Paragraph 4 above. Petitioner is further

aggrieved in that the reports requested do not bear a reasonable relationship to the cost of obtaining the information or any benefits to be obtained by the report as required by State Water Code Section 13267. Further, staff has not met their burden under Section 13267 of explaining the need for these reports in light of the fact that the spills were minor, and completely abated, and the files closed by the San Joaquin County Department of Environmental Health. Lastly, with respect to the 2008 spill, the Petitioner is neither a property owner nor a discharger and is completely unrelated to that matter.

6. Petitioner's Requested Action by the State Board:

Petitioner respectfully requests that the Board determine that the Regional Board's action in issuing the Order was inappropriate and improper, and that it dismiss the Order in accordance with this Petition.

POINTS AND AUTHORITIES

7. Statement of Points and Authorities:

In requiring technical reports under Water Code 13267, the Board shall provide an explanation with regard to the need for the reports and shall identify evidence that supports requiring the person to provide such reports.

The Board has not met its burden of providing sufficient evidence for requiring the technical report as requesting in the Order. The Order was prompted by a desire of Chevron to apportion blame for the contamination at their site (see attached letter to Chevron, incorporated herein by reference as **EXHIBIT 11**).

With regard to the 1998 spill, Petitioner did assume responsibility. However, this minor, seven-to-eight gallon, spill, was cleaned up to the satisfaction of the San Joaquin County Environmental Health and the Board has not provided sufficient evidence of how that spill is capable of having caused or contributed to the contamination observed in the monitoring wells associated with the Chevron property.

The ubiquitous nature of the diesel contamination beneath the adjacent Chevron property, along with documented groundwater flow conditions, placing the Petitioner's site periodically downgradient of Chevron, strongly suggests that any groundwater investigation on Petitioner's site would encounter contaminated groundwater originating with Chevron. Contaminated groundwater was documented in Chevron wells near the property line prior to the construction of the Petitioner's cardlock (MW-9) and prior to the 1998 spill (MW-20).

Further, Water Code 13267 specifically gives the Board jurisdiction over the *discharger*, or one who is suspected of discharging, or who proposes to discharge waste within its region. Specifically with regards to the 2008 incident, the Board has not provided adequate evidence of

how Petitioner or their cardlock operation is at all related to this spill. Petitioner, on the other hand, has adequately shown that the spill did not occur on property they own and was not a result of their cardlock operations, and therefore they do not accept responsibility for the 2008 spill.

Requiring Petitioner to conduct such investigation as requested in the Order will cause ongoing and unreasonable expense for Petitioner, recriminations, and probably litigation.

8. Statement of Transmittal of Petition to the Regional Board:

A copy of this Petition for Review has been transmitted to the Executive Officer of the Regional Board and discharger, Allegre Trucking, on March 31, 2011.

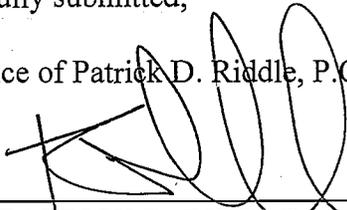
9. Request to Regional Board for Preparation of the Administrative Record:

By copy of the Petition to the Executive Officer of the Regional Board, Petitioner hereby requests the preparation of the administrative record herein. Petitioner reserves its right to request a hearing for the purpose of presenting additional evidence not previously present to the Regional Board in accordance with 23 CCR section 2050.6(b).

DATED: March 31, 2011

Respectfully submitted,

Law Office of Patrick D. Riddle, P.C.

By: 

- PATRICK D. RIDDLE -

Attorney for Petitioner, Valley Pacific Petroleum

Patrick D. Riddle, Esq. (SBN 56037)
Jennifer A. Coenberg, Esq. (SBN 264425)
LAW OFFICE OF PATRICK D. RIDDLE, P.C.
1811 Grand Canal Boulevard, Suite 2
Stockton, California 95207
Telephone: (209) 367-6992
Facsimile: (209) 367-6997
Email: riddlelaw@patriddlelaw.com

Attorneys for Petitioner
VALLEY PACIFIC PETROLEUM
SERVICES, INC.

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition for Review by VALLEY PACIFIC PETROLEUM SERVICES, INC., of Technical Reporting Order No. R5-2011-0800	DECLARATION OF PATRICK D. RIDDLE IN SUPPORT OF REQUEST FOR STAY AND HEARING/PETITION FOR REVIEW
---	--

I, Patrick D. Riddle, the attorney for Petitioner, Valley Pacific Petroleum Services, Inc. ("VPPS"), declare as follows:

1. I am an attorney at law licensed to practice in the State of California and, as such, represent VPPS in this matter. I have been involved with VPPS for approximately 15 years and therefore have personal knowledge of the facts contained herein.

2. VPPS does not own the property located at 23100 S. Kasson Road. VPPS leases the facility from LTH Trust.

3. The Regional Water Quality Control Board contends that spills occurred in 1998 and 2008 on VPPS's leased property and that those spills may be responsible for contamination found in wells on adjacent Chevron Banta Terminal property. The Regional Water Quality Control Board, by letter dated September 28, 2010, directed VPPS to submit either a report of investigation or cleanup documenting that the spills have not or no longer pollute groundwater, or submit a site assessment workplan.

4. I assisted VPPS in contacting environmental consultants who investigated the incident and prepared a report dated December 14, 2010. In their report, the consultants concluded that the 1998 spill was abated and had virtually no chance of impacting groundwater and that groundwater beneath Petitioner's site was likely contaminated with fuel hydrocarbons originating at Chevron's site.

4. I have reviewed the San Joaquin County Environmental Health Department's file

related to the 1998 diesel spill and a manifest was found showing that the material was cleaned up and disposed of by Laidlaw of San Jose. Their file also indicated that the spill was abated. This incident was never brought up again until recently, by the letter indicated above.

5. VPPS was not named as a responsible party for the 2008 spill in which the Discharger/Responsible party was named as Allegre Trucking. My clients were never made aware of this incident until recently, in the letter indicated above.

6. On March 3, 2011, Technical Reporting Order No. R5-2011-0800 ("Order") was issued by Pamela C. Creedon, Executive Officer of the California Regional Water Quality Control Board, Central Valley Region ("Regional Board").

7. This Order appears to have been prompted only after a request by Chevron to contact VPPS and evaluate the possibility that VPPS could be partly responsible for the condition of the wells at Chevron's site.

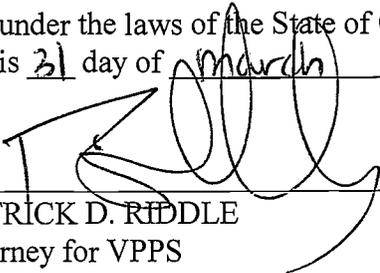
8. VPPS disputes the Order's allegations and hereby files this Petition for Review of Action and Request for Stay and Hearing by the State Water Resources Control Board ("SWRCB") pursuant to the Water Code section 13320, Title 23, California Code of Regulations (CCR) sections 2050-2068. Petitioner request a stay and evidentiary hearing pending review of the merits of the Petition in order that Petitioner and/or counsel, and other designated parties, can participate in a hearing and given the opportunity to present evidence and testimony based on the following:

A. There will be substantial harm to the Petitioner if a stay is not granted. Requiring VPPS to proceed with the investigation and technical report requested in the Order will subject VPPS to ongoing and unreasonable expenses, when the Board has not provided sufficient evidence as to how VPPS may be related to the groundwater contamination observed.

B. There will be no substantial harm to other interested persons and/or to the public interest, if a stay is granted because Chevron is presently undergoing an investigation and remediation of similar contamination adjacent to and surrounding this property and it appears the situation is stabilized.

C. There are substantial questions to fact or law regarding the disputed action. There are several factual and evidentiary inaccuracies in the Board's Order with respect to the 2008 spill of approximately 15-20 gallons, and the 1998 spill of approximately 40 gallons.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 31 day of March, 2011, at Stockton, California.



PATRICK D. RIDDLE
Attorney for VPPS

PROOF OF SERVICE

I declare that:

1. I am employed in the County of San Joaquin, State of California. I am over the age of 18 and not a part to the within action; my business address is 1811 Grand Canal Boulevard, Suite 2, Stockton, California 95207.

2. On March 31, 2011, I served the attached **Petition for Review of Action/Request for Stay** (without exhibits via fax and email) and (**original** with exhibits via overnight delivery) in said matter, as follows:

NAME OF PERSON SERVED	ADDRESS	FAX/EMAIL
State Water Resources Control Board Office of Chief Counsel, Jeannette L. Bashaw, Legal Analyst	1001 "P" Street, 22 nd Floor Sacramento, CA 95814	Fax: (916) 341-5199 Email: jbashaw@waterboards.ca.gov

3. On March 31, 2011, I served a **copy** of the **Petition for Review of Action/Request for Stay** with exhibits by U.S. Postal Service, in said matter, as follows:

NAME OF PERSON SERVED	ADDRESS
Pamela C. Creedon, Executive Officer California Regional Water Quality Control Board	11020 Sun Center Drive #200 Rancho Cordova, CA 95670-6114
Wendy Cohen, P.E. Chief, Aboveground Tanks Cleanup Unit California Regional Water Quality Control Board	11020 Sun Center Drive #200 Rancho Cordova, CA 95670-6114
Brian Taylor, P.C., AGT Program California Regional Water Quality Control Board	11020 Sun Center Drive #200 Rancho Cordova, CA 95670-6114
Margarent Lagario/Harlan Knoll San Joaquin County Public Health Services Environmental Health Division	600 East Main Street Stockton, CA 95202
Henry Rotor (Discharger) Frank Allegre Trucking	PO Box 1508 Lodi, CA 95241

BY UNITED STATES POSTAL SERVICE: I enclosed the documents in a sealed envelope or package address to the persons in item 3 and:

A. deposit the sealed envelope with the United States Postal Service, with the postage fully prepaid;

B. placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a seal envelope with postage fully prepared.

BY OVERNIGHT DELIVERY. I enclose the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the address in item 2. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

BY FAX TRANSMISSION: Based on an agreement of the parties to accept service by fax transmission. I faxed the documents to the person at the fax numbers listed in Item 2. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

BY ELECTRONIC SERVICE. I caused the documents to be sent to the persons at the electronic notification addressed listed in item 2.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct that the foregoing is true and correct, and that this Declaration was executed on March 31, 2011, at Stockton, California.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

EXHIBIT 1



California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Edmund G. Brown Jr.
Governor

Linda S. Adams
Acting Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

7 March 2011

COPY

Mr. Mike Eliason
Valley Pacific Petroleum Services, Inc.
166 Frank West Circle
Stockton, CA 95206

**ORDER TO SUBMIT TECHNICAL REPORTS IN ACCORDANCE WITH SECTION 13267 OF
THE CALIFORNIA WATER CODE, VALLEY PACIFIC PETROLEUM SERVICES,
23100 SOUTH KASSON ROAD, BANTA, SAN JOAQUIN COUNTY**

Enclosed is a copy of Technical Reporting Order No. R5-2011-0800 issued on 3 March 2011 to Valley Pacific Petroleum Services, Inc. for its cardlock fueling facility at 23100 South Kasson Road in Banta (Site). The Order requires Valley Pacific to submit by **15 April 2011** a Site Assessment Work Plan to investigate the extent of contamination in soil and groundwater due to the 1998 diesel spill and/or any other discharges or releases at the Site.

If you have any questions, please contact Brian Taylor at (916) 464-4811 or betaylor@waterboards.ca.gov.

WENDY COHEN, P.E.
Chief, Aboveground Tanks Cleanup Unit

- cc: Mr. Harlin Knoll, San Joaquin County Environmental Health Department, Stockton
- Mr. Mike Bauer, Chevron Environmental Management Company, Brea
- Mr. John Miller, Valley Pacific Petroleum Services, Inc., Stockton
- Mr. Patrick Riddle, Law Offices of Patrick D. Riddle, Acampo

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

TECHNICAL REPORTING ORDER NO. R5-2011-0800
CALIFORNIA WATER CODE SECTION 13267
FOR
VALLEY PACIFIC PETROLEUM SERVICES, INC.
23100 SOUTH KASSON ROAD, BANTA
SAN JOAQUIN COUNTY

This Order is issued to Valley Pacific Petroleum Services Inc. (hereafter "Discharger"), pursuant to California Water Code section 13267, which authorizes the California Regional Water Quality Control Board, Central Valley Region (hereafter "Central Valley Water Board" or "Board") to require the preparation and submittal of technical and monitoring reports.

The Executive Officer of the Central Valley Water Board finds:

PROPERTY OWNERSHIP AND OPERATIONS

1. The Discharger owns the property at 23100 South Kasson Road in Banta, San Joaquin County (hereafter the "Site"). An incident report prepared by the San Joaquin County Environmental Health Division (SJCEHD) documents that a release of about 50 gallons of diesel fuel occurred on 14 March 1998 at the Site. The Discharger owns and operates the aboveground storage tanks (AGTs) that were the source of this unauthorized release. A site plan is shown on Figure 1.

BACKGROUND

2. The Site is an active gasoline and diesel cardlock fueling operation that began dispensing fuel in 1994. Three AGTs are located near the west side of the Site. Initially, the Site included two AGTs, a 15,000-gallon diesel AGT and a 2,000-gallon gasoline AGT. A third AGT, with a 20,000-gallon capacity and used to store diesel, was installed around 2004. Based on aerial photos, much of the Site was unpaved as recently as 2004.
3. The SJCEHD incident report for the 1998 release stated that about 7-8 gallons of the 50-gallon diesel spill flowed from a bermed area onto an unpaved surface. Cleanup of this spill occurred over two to four days following the release by using adsorbent pads to soak up the diesel from the ground surface and by excavating shallow contaminated soil. Diesel fuel was visible on the unpaved surface until 16 March 1998. The SJCEHD report documents that five containers of waste were generated at the completion of the cleanup. However, there is no record of reclamation of the other 42 gallons of diesel from the bermed area, a disposal location for the five containers of waste, nor any evidence that samples were taken

to show whether the cleanup completely removed the waste or that a subsurface investigation was conducted.

4. SJCEHD's Emergency Response Record documents that an additional release occurred on the property on 24 July 2008. A tractor trailer rolled into an irrigation ditch at Valley Pacific Petroleum's south property boundary releasing 15 to 20 gallons of diesel fuel. In the SJCEHD incident report for that spill, the location of the spill relative to the Chevron property is unclear. SJCEHD's incident report documents that the discharger was identified as a trucking company. A licensed waste hauler removed more than 15,900 gallons of liquid from the ditch and two 55-gallon drums of adsorbent pads and diesel-contaminated soil. Four days after the spill, an additional 5,500 gallons of liquid were removed from the ditch to address a sheen that was still visible on the water in the ditch. There is no record that samples were taken to show whether the cleanup completely removed the waste or if a subsurface investigation was conducted to verify cleanup.
5. The Site is adjacent to the southeast property boundary of the Chevron Banta Fuel Terminal #1001621, where site investigation and cleanup have been ongoing since 1985. Groundwater flows to the northeast. Laboratory analytical results of groundwater samples collected from two Chevron monitoring wells (MW-43A and MW46A) adjacent to the Valley Pacific Petroleum property boundary have contained total petroleum hydrocarbons as diesel (TPHd) as high as 1,200 micrograms per liter ($\mu\text{g/L}$) and 470 $\mu\text{g/L}$, respectively. However, the monitoring data in these wells dates back only as far as 2001, and the wells are not directly downgradient of the Valley Pacific Petroleum facility. Therefore, the groundwater data correlate indirectly with the 1998 and 2008 discharges on the Valley Pacific Petroleum property.
6. Monitoring well MW-63A on Chevron's property is closer to Chevron's documented release areas but has concentrations of TPHd that are lower than the monitoring wells adjacent to Valley Pacific Petroleum's property where the 1998 and 2008 spills occurred. This indicates that the source of TPHd observed in MW-43A and MW-46A is more likely the Valley Pacific Petroleum property.
7. Based on the documented spills at the Valley Pacific Petroleum site, in a 28 September 2010 letter, Central Valley Water Board staff requested that the Discharger submit a Site Assessment Work Plan by 19 November 2010 to perform a subsurface investigation in the vicinity of the 1998 release. In an email dated 15 November 2010, the Discharger requested that the due date for the Work Plan be extended to 17 December 2010. Central Valley Water Board staff granted the extension.
8. On 14 December 2010, the Discharger's attorney, Mr. Patrick Riddle, sent an email with a detailed letter from a consultant describing and evaluating the 1998 spill. Based on that letter, Mr. Riddle informed Central Valley Water Board staff that the Discharger does not believe any additional investigation at the Site is necessary. However, the Discharger has not provided any evidence of confirmation sampling

documenting that soil and/or groundwater at the Site has not been affected by the spills or other operations at the Site. The Discharger has not submitted the requested Work Plan.

DISCHARGER LIABILITY

9. Water Code section 13267 states, in relevant part:

(b)(1) In conducting an investigation . . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

As described in Findings 1 through 6, the Discharger is subject to an order pursuant to Water Code section 13267 because existing data and information about the Site indicate that waste has been discharged, is discharging, or is suspected of discharging at the property, which is owned and operated by the Discharger. The technical reports required by this Order are necessary to adequately investigate the Site to protect the beneficial uses of waters of the state, to protect against nuisance, and to protect public health and the environment.

10. Water Code section 13268 states, in relevant part:

(a)(1) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267 . . . or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

(c) Any person discharging hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly fails or refuses to furnish technical or monitoring program reports as required by subdivision (b) of Section 13267, or who knowingly falsifies any information provided in those technical or monitoring program reports, is guilty of a misdemeanor, may be civilly liable in accordance with subdivision (d), and is subject to criminal penalties pursuant to subdivision (e).

(d)(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (c) in an amount which shall not exceed five thousand dollars (\$5,000) for each day in which the violation occurs.

Failure to submit the required report(s) to the Central Valley Water Board according to the schedule detailed herein may result in enforcement action(s) being taken against the Discharger, which may include the imposition of administrative civil liability pursuant to CWC section 13268. Administrative civil liability of up to \$5,000 per violation per day may be imposed for non-compliance with the directives contained herein.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to California Water Code section 13267, Valley Pacific Petroleum Services, Inc. shall:

1. Submit a Site Assessment Work Plan by **15 April 2011** to investigate the extent of contamination in soil and groundwater due to the 1998 diesel spill and/or any other discharges or releases at the Site. The Work Plan shall be prepared in general accordance with the attached *Items to be Included in a Site Assessment Work Plan*.

As required by the California Business and Professions Code sections 6735, 7835, and 7835.1, all work plans and reports shall be prepared by a registered professional or their subordinate and signed by the registered professional.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with CWC section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the 30th day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality
or they will be provided upon request.

This Order is effective upon the date of signature.

Ordered by:


PAMELA C. CREEDON
Executive Officer

3 March 2011

(Date)



California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair



Linda S. Adams
Acting Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
(916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Edmund G. Brown Jr.
Governor

2 March 2011

ITEMS TO BE INCLUDED IN A SITE ASSESSMENT WORK PLAN

The outline below is a minimum requirement for items to be included and discussed in the text of all site assessment work plans submitted to the Board. All work plans must be signed by a registered geologist, certified engineering geologist, or civil engineer registered or certified by the State of California. Other pertinent information specific to each individual investigation also should be included.

I. BACKGROUND

A. *Site History*

State all operations conducted at the site.

Identify present and historic chemical usage and handling procedures.

List all chemical spills and their disposition.

Identify all past and present above ground and under ground tank locations.

Identify tank capacities and other specifications as necessary.

Identify tank contents, past and present.

Submit all records of tests or repairs on fuel lines and tanks.

Identify locations of maintenance shops, chemicals used in the shops, method of chemical storage and disposal.

Identify past and present land uses and future as applicable.

B. *Topographic map of site vicinity showing:*

All natural and man-made drainage features including ditches and surface impoundments, and the drainages destination;

Utilities, especially storm drain system;

Location of existing monitoring wells, including those installed by other parties;

Location of above ground and underground storage tanks, other waste-handling facilities, and/or spill site;

Location of a major body of water relative to the site;

Location of any nearby private, municipal, or irrigation wells; and

Other major physical and man-made features.

C. *Geology/Hydrogeology*

Include proposal for logging of boreholes and characterizing site geology, and identifying unconfined or confined aquifers and contaminant flow paths.

II. PREVIOUS SITE ASSESSMENTS

Provide a detailed description of any previous site assessment conducted to determine if there is any soil or groundwater contamination. Include analytical results of all soil and water samples analyzed, and water level and floating product measurements.

III. FIELD INVESTIGATION

A. *General*

Monitoring well locations and rationale

Survey details

California Environmental Protection Agency

Equipment decontamination procedures
Health and safety plan

B. *Drilling Details*

Describe drilling and logging methods

C. *Monitoring Well Design*

Casing diameter

Borehole diameter

Depth of surface seal

Well construction materials

Diagram of well construction

Type of well cap

Size of perforations and rationale

Grain size of sand pack and rationale

Thickness and position of bentonite seal and sand pack

Depth of well, length and position of perforated interval

D. *Well Development*

Method of development to be used

Method of determining when development is complete

Method of development water disposal

E. *Soil Sampling*

Cuttings disposal method

Analyses to be run and methods

Sample collection and preservation method

Intervals at which soil samples are to be collected

Number of soil samples to be analyzed and rationale

Location of soil samples and rationale

QA/QC procedures

F. *Well Sampling*

Minimum time after development before sampling (48 hours)

Well purging method and amount of purge water

Sample collection and preservation method

QA/QC procedures

G. *Water Level Measurement*

Elevation reference point at each monitoring well shall be within 0.01 foot. Ground surface elevation at each monitoring well shall be within 0.1 foot. Method and time of water level measurement shall be specified.

IV. **QA/QC PROCEDURES**

Specify number of field blanks and duplicates.

V. **TIME SCHEDULE FOR PROPOSED WORK**

The work plan shall include a time schedule for implementation of work.

EXHIBIT 2



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

28 September 2010

Mr. Mike Eliason
Valley Pacific Petroleum Services, Inc.
166 Frank West Circle
Stockton, CA 95206

REQUEST FOR WORK PLAN, VALLEY PACIFIC PETROLEUM SERVICES, 23100 SOUTH KASSON ROAD, BANTA, SAN JOAQUIN COUNTY

As discussed in my email correspondence with you on 15 September 2010, Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff is currently overseeing an ongoing groundwater investigation at the Chevron bulk fuel storage facility at 22888 Kasson Road. Valley Pacific Petroleum (VPP) operates a cardlock facility at 23100 South Kasson Road, which is directly east of the Chevron terminal. Groundwater data from a monitoring well located adjacent to the property boundary between VPP and Chevron show that total petroleum hydrocarbons as diesel (TPHd) have historically been detected in this well.

An incident report recently obtained from the San Joaquin County Environmental Health Division (SJCEHD) documents that a release of about 50 gallons of diesel fuel occurred on 14 March 1998 from VPP's facility. The SJCEHD report stated that about 7-8 gallons of the 50-gallon spill flowed from a bermed area onto an unpaved surface.

Cleanup of VPP's diesel spill occurred over two to four days following the release and was performed using adsorbent pads to soak up the fuel from the ground surface and by removing shallow contaminated soil. The SJCEHD report documents that five containers of waste were generated at the completion of the cleanup. However, there is no record of a subsurface investigation. On 15 September 2010, Central Valley Water Board staff contacted you and requested documentation of the results of a subsurface investigation. At the time this letter was prepared, no response was provided in that regard.

By **19 November 2010**, we request that VPP submit either (1) a copy of an existing report of a subsurface investigation and/or cleanup documenting that the 1998 spill and/or other discharges have not or no longer pollute groundwater or (2) a site assessment work plan to investigate the extent of the 1998 diesel spill and/or additional discharges at this site in soil and groundwater. Enclosed is an outline describing the preferred content for the site assessment work plan, which may be used as a guideline when preparing the requested work plan.

After we receive the work plan, we will send VPP a cost recovery agreement to explain and establish an account to cover the Central Valley Water Board's costs to oversee the investigation.

California Environmental Protection Agency

If you have any questions regarding this letter, you may contact me at (916) 464-4811 or betaylor@waterboards.ca.gov.



BRIAN TAYLOR, P.G.
Engineering Geologist

Enclosure

cc: Mr. Harlin Knoll, San Joaquin County Environmental Health Department, Stockton
Mr. Mike Bauer, Chevron Environmental Management Company, Brea
Mr. John Miller, Valley Pacific Petroleum Services, Inc., Stockton



California Regional Water Quality Control Board

Central Valley Region

Katherine Hart, Chair



Linda S. Adams
Secretary for
Environmental
Protection

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

Arnold
Schwarzenegger
Governor

28 September 2010

ITEMS TO BE INCLUDED IN A SITE ASSESSMENT WORK PLAN

The outline below is a minimum requirement for items to be included and discussed in the text of all site assessment work plans submitted to the Board. All work plans must be signed by a registered geologist, certified engineering geologist, or civil engineer registered or certified by the State of California. Other pertinent information specific to each individual investigation also should be included.

I. BACKGROUND

A. Site History

~~State all operations conducted at the site.~~

Identify present and historic chemical usage and handling procedures.

List all chemical spills and their disposition.

Identify all past and present above ground and under ground tank locations.

Identify tank capacities and other specifications as necessary.

Identify tank contents, past and present.

Submit all records of tests or repairs on fuel lines and tanks.

Identify locations of maintenance shops, chemicals used in the shops, method of chemical storage and disposal.

Identify past and present land uses and future as applicable.

B. Topographic map of site vicinity showing:

All natural and man-made drainage features including ditches and surface impoundments, and the drainages destination;

Utilities, especially storm drain system;

Location of existing monitoring wells, including those installed by other parties;

Location of above ground and underground storage tanks, other waste-handling facilities, and/or spill site;

Location of a major body of water relative to the site;

Location of any nearby private, municipal, or irrigation wells; and

Other major physical and man-made features.

C. Geology/Hydrogeology

Include proposal for logging of boreholes and characterizing site geology, and identifying unconfined or confined aquifers and contaminant flowpaths.

II. PREVIOUS SITE ASSESSMENTS

Provide a detailed description of any previous site assessment conducted to determine if there is any soil or ground water contamination. Include analytical results of all soil and water samples analyzed, and water level and floating product measurements.

California Environmental Protection Agency

III. FIELD INVESTIGATION**A. *General***

Monitoring well locations and rationale
Survey details
Equipment decontamination procedures
Health and safety plan

B. *Drilling Details*

Describe drilling and logging methods

C. *Monitoring Well Design*

Casing diameter
Borehole diameter
Depth of surface seal
Well construction materials
Diagram of well construction
Type of well cap
Size of perforations and rationale
Grain size of sand pack and rationale
Thickness and position of bentonite seal and sand pack
Depth of well, length and position of perforated interval

D. *Well Development*

Method of development to be used
Method of determining when development is complete
Method of development water disposal

E. *Soil Sampling*

Cuttings disposal method
Analyses to be run and methods
Sample collection and preservation method
Intervals at which soil samples are to be collected
Number of soil samples to be analyzed and rationale
Location of soil samples and rationale
QA/QC procedures

F. *Well Sampling*

Minimum time after development before sampling (48 hours)
Well purging method and amount of purge water
Sample collection and preservation method
QA/QC procedures

G. *Water Level Measurement*

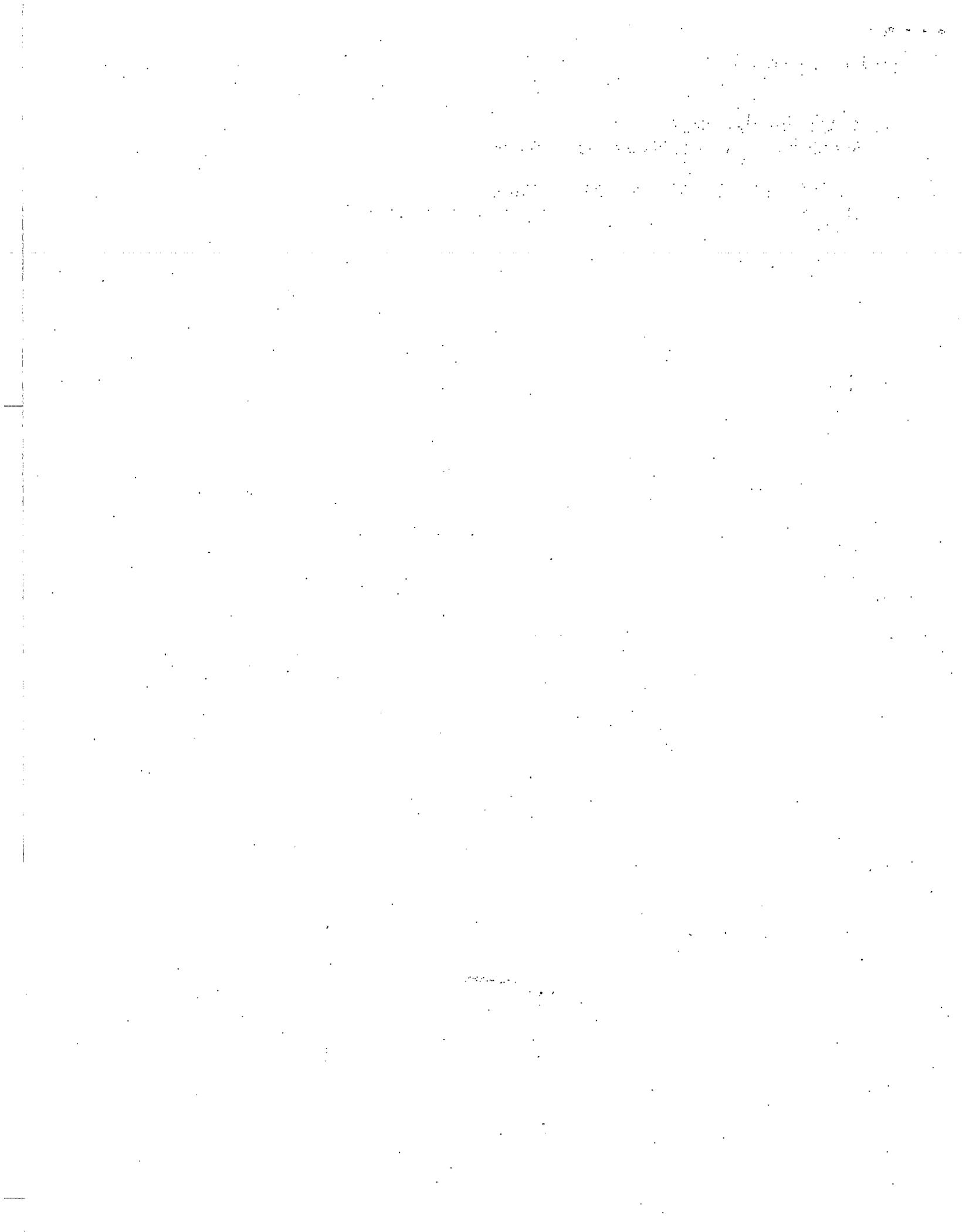
Elevation reference point at each monitoring well shall be within 0.01 foot. Ground surface elevation at each monitoring well shall be within 0.1 foot. Method and time of water level measurement shall be specified.

IV. QA/QC PROCEDURES

Specify number of field blanks and duplicates.

V. TIME SCHEDULE FOR PROPOSED WORK

The work plan shall include a time schedule for implementation of work.



GROUND ZERO ANALYSIS, INC.

1714 Main Street
Escalon, California 95320-1927
Telephone: (209) 838-9888
Facsimile: (209) 838-9883

December 14, 2010

Mr. Pat Riddle
Law Offices of Patrick D. Riddle, P.C.
22180 May Road
Acampo, CA 95220

Subject: Valley Pacific Petroleum Services, Inc. 23100 S. Kasson Rd., Banta, CA
RWQCB Request for Soil Sampling Workplan

Dear Mr. Riddle:

At your request, Ground Zero is writing to present a summary of our research into the conditions at the site. This is in response to the Regional Water Quality Control Board (RWQCB) directive for a workplan to investigate the potential presence, magnitude and extent of contamination resulting from a diesel spill that occurred at the subject property on March 14, 1998

Background

Site Description

The facility is a cardlock fueling operation dispensing gasoline and diesel fuel. The site is located at the northwest corner of the intersection of Highway 5 and Kasson Road in San Joaquin County California. Surrounding land use is agricultural and industrial. The Chevron Banta fuel terminal is located directly adjacent to the facility on the northwest. Site elevation is approximately 20 feet above sea level. The nearest natural body of surface water is Tom Paine Slough, located approximately 4,000 feet to the northeast. The location of the site is shown on Figure 1.

Three aboveground storage tanks (ASTs) are located near the west side of the site (Figure 2). The ASTs are each of triple-walled steel and concrete construction. According to the site *Spill Prevention, Control and Countermeasures Plan* the facility was constructed in 1994. This was confirmed with aerial photos available on the San Joaquin County Assessor's Office web site. Initially two AST's were present, one 15,000-gallon diesel AST and one 2,000-gallon gasoline AST. A third diesel AST (20,000-gallon) was installed in 2003 or 2004 (per aerial photos). The operational area of the site is currently

paved with asphalt and concrete. According to aerial photos, much of the site was unpaved as recently as 2004.

Diesel Spill

On March 14, 1998 a broken nozzle on a fuel dispenser resulted in the spillage of an estimated 40–50 gallons of diesel fuel. VPPS personnel reported the spill to the San Joaquin County Office of Emergency Services, who referred the case to the San Joaquin County Environmental Health Department (EHD). EHD personnel responded to the site. The incident report prepared by EHD indicates that an estimated 40-50 gallons were spilled, the majority of which was contained in a paved, bermed area around the dispenser islands. An estimated 7-8 gallons escaped the bermed area and flowed north along a dirt road near the western property line of the site.

When EHD arrived at the site, the spill was in the process of being cleaned up with absorbent. On a subsequent visit (March 16, 1998), EHD personnel noted that some residual fuel was visible next to the fence line on the west side of the property. VPPS was instructed to clean this up. On the final visit (March 18), the EHD inspector noted that the fuel had been cleaned up and 5 drums of material (fuel, contaminated soil and absorbent) had been generated and was stored on the site. The location of the spill is shown on Figure 2. The EHD report is included in Attachment A.

By letter dated September 28, 2010 RWQCB indicated that they had reviewed the EHD incident documentation and directed VPPS to submit a workplan to investigate the potential for residual contamination related to the spill or provide the results of previous investigation. The RWQCB inquiry into the spill was apparently prompted by a request from Chevron.

Groundwater Conditions

Due to significant contamination, groundwater at the adjacent Chevron Banta Terminal has been extensively investigated. According to Arcadis' *Third Quarter 2010 Groundwater Monitoring Report* shallow groundwater beneath the site has been divided into an "Upper A Zone", and "A Zone" and a "B Zone". First groundwater is the Upper A Zone. Groundwater flow is generally toward the northeast. Upper A Zone monitoring well MW-74UA is located in close proximity to the VPPS Cardlock facility. Depth to water in this well has ranged between 4.21 and 6.93 feet below grade. Judging from historical water levels in older monitoring wells on the Chevron site, groundwater may have been as shallow as 3 feet or less within the last fifteen years. Groundwater beneath the Chevron Terminal is impacted with fuel hydrocarbons, principally diesel. Analytical results indicate that contaminated groundwater from the Chevron release(s) likely extends beneath the VPPS Cardlock facility (Attachment B).

Site Inspection and Interview

Ground Zero personnel inspected the spill site on December 13, 2010 and interviewed Mr. Jim Lancaster with VPPS. Mr. Lancaster was the individual who directed the spill response and cleanup in 1998. The location of the spill is currently paved with asphalt and concrete and the northeasterly edge of the spill is inaccessible to investigation due to underground electric lines. Mr. Lancaster confirmed that the volume of soil impacted by diesel was very small and that all visibly impacted soil was removed at the time. VPPS has been unable to locate records of the disposal of the five drums of soil and absorbent that were generated by the cleanup.

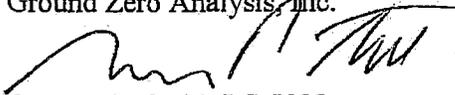
Conclusions

Based upon the small quantity of diesel released, the abatement actions including removal of contaminated soil, the severe impact to groundwater from diesel releases at the adjacent Chevron Banta Terminal and the likely attenuation of any small amount of residual hydrocarbons in soil it is virtually impossible for this spill to have contributed in even a de minimus amount to the pre-existing groundwater contamination. Moreover, even at very shallow depths, it is likely that diesel hydrocarbons may be detected in soil as a result of contaminated groundwater from the Chevron site having risen into the capillary zone and/or historically higher water table conditions.

We conclude that no further action is necessary to investigate the spill or to protect groundwater beneficial uses.

If you have any questions or comments please contact us at your earliest convenience.

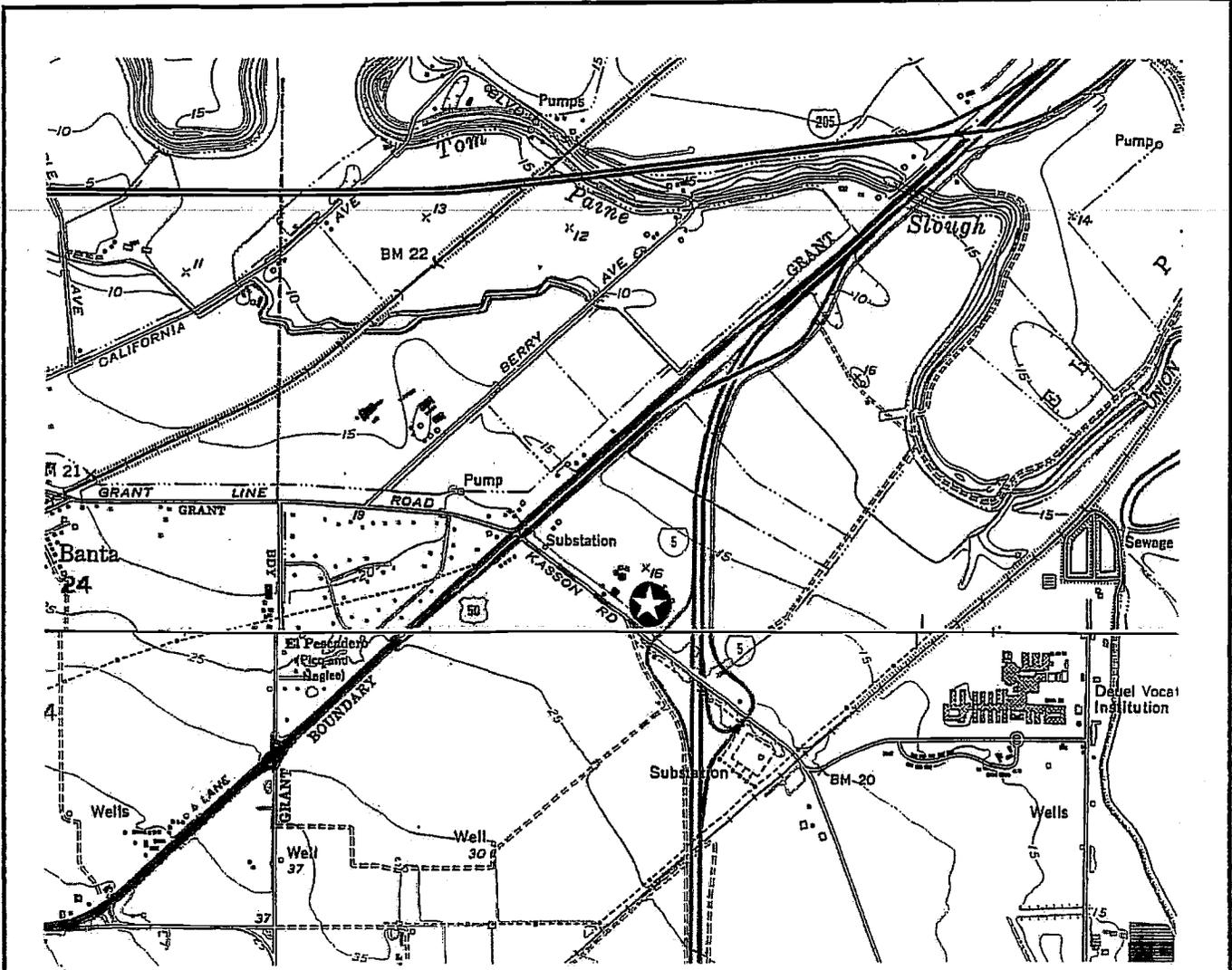
Respectfully,
Ground Zero Analysis, Inc.


Gregory P. Stahl, PG 5023
CA Certified Hydrogeologist No. 264

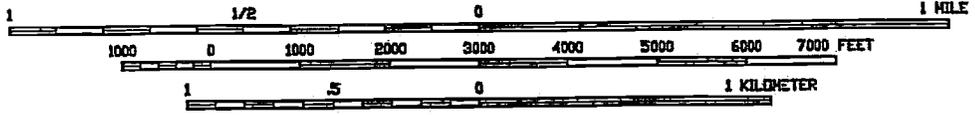


Attachments

FIGURES



SCALE 1:24000



CONTOUR INTERVAL 5 FEET

NATIONAL GEODETIC VERTICAL DATUM OF 1929

LEGEND:



SITE LOCATION



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE: LATHROP & VERNALIS CA.



GROUND ZERO ANALYSIS, INC.

SITE LOCATION MAP
 VALLEY PACIFIC PETROLEUM SERVICES, INC.
 CARDLOCK FACILITY
 23100 S. KASSON ROAD
 BANTA, CA

FIGURE

1

FN 1210/SITELDC

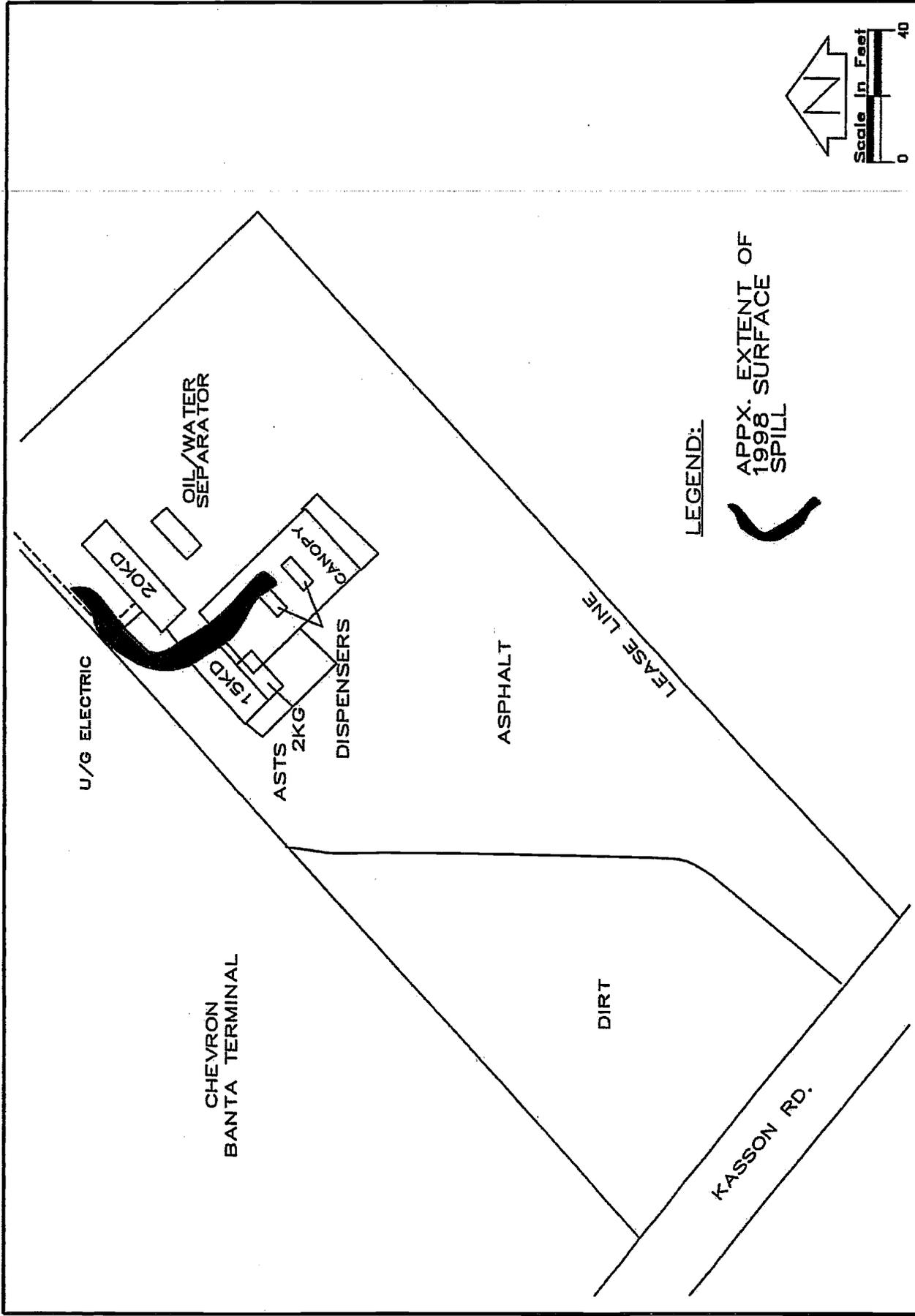
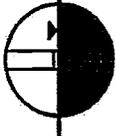


FIGURE
2
FW 1210/8475

SITE PLAN
VALLEY PACIFIC PETROLEUM SERVICES, INC.
CARDLOCK FACILITY
23100 S. KASSON RD.
BANTA, CA



GROUND ZERO
ANALYSIS, INC.

ATTACHMENT A

1998 Incident Report

Date run: 03/18/98 SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICE
Run by: CAROLD/CS
Copy #: 01 of 01 COMPLAINT INVESTIGATION REPORT

Report #5104
Page # 2

COMPLAINT #: C0009862 Program/Element: 2547
Taken by: 0606 TREVENA Date: 03/18/98 Assigned to: 0606 TREVENA Date: 03/18/98
Hard copy Printed:
Facility Name: _____ Fac ID: _____
Location: 23100 S KASSON RD. BILL to inventoried FACILITY: _____
(Must have FACILITY ID#)

Complainant: O.E.S. MIKE PARISSI Home Phone: 209-468-3963
Address: _____ Work Phone: _____

FACILITY LOCATION/Property Info -

DBA or Name: _____ Loc Code: _____
Address: 23100 S KASSON RD BOS Dist: _____
City: TRACY APN #: _____
Phone: _____

BILLING RESPONSIBLE PARTY or OWNER Info -

Name: WOOLSEY OIL INC Home Phone: 928-7412
Address: 166 FRANK WEST GIRCLE Work Phone: _____
City: STOCKTON CA

Nature of Complaint:

40 GALLONS OF DIESEL FUEL SPILLED ONTO THE GROUNDS ON 03-14-98. E.T. RESPONDED.

COMPLAINT Info -

COMPLAINT NODE: P PHONE

A-Agency Referral B-BD OF Supervisors/City Council C-Counter H-Mail/Correspondence
O-Other EH Unit P-Phone

COMPLAINT STATUS: 01

01-Field Abated 02-Office Abated 03-NAI Sent 04-Notice to Abate Issued 05-Enforce ACT Initiated
06-Transfer to Premise File 07-Refer to Other Agency 08-Not Valid 09-Foodborne Illness

Send Referral Letter to: _____
Address: _____

Referral Letter Sent by: _____ Date: _____

Circle appropriate Unit # if complaint in another PROGRAM jurisdiction. Have Complaint Record and P/E updated

Forwarded to UNIT: I II III IV for Investigation

COMPLAINT # : C0009882

Date: 03/18/98

Inspector: TREVENA

Location: 23100 S KASSON RD

COMMENTS

#4:

date 3/19/98 by: ET SEE ATTACHED ER REPORT FOR INFORMATION

date / / by: REGARDING THIS COMPLAINT

#5:

date / / by:

date / / by:

#6:

date / / by:

date / / by:

#7:

date / / by:

date / / by:

#8:

date / / by:

Reviewed/Abated by: # 606 Name: TREVENA Date: / /

Violations:

Enforcement:

CORRESPONDENCE & LEGAL DATES

NOTICE TO ABATE sent / / Office Hearing date / /

REFERRAL DATES - (Check Referral Agency and ENTER DATE letter sent)

Fire Dept	/ / /	Police/Sheriff Dept	/ / /	Building/Housing Dept	/ / /
PH Nursing	/ / /	Animal Control	/ / /	District Attorney	/ / /
State ODN	/ / /	Planning Dept	/ / /	Public Works Dept	/ / /
Cal-EPA DTSC and/or RWQCB	/ / /				

Third Party Billing Information:

Name: C/O:

Address:

City: State: ZIP:

Reviewed by:

Date:

Complaint Record Updated By:

Date:

Revised Report #5104 11/23/94

PUBLIC HEALTH SERVICES

SAN JOAQUIN COUNTY
ENVIRONMENTAL HEALTH DIVISION

Karen Furst, M.D., M.P.H., Health Officer
304 East Weber Avenue, Third Floor • Stockton, CA 95202

209/468-3420

EMERGENCY RESPONSE RECORD



DATE 3/14/98 SHORT TERM # C0009882
PREMISE ADDRESS 23100 S. KISSON ROAD CITY TRACY
DBA WOOLSEY OIL INC.
PREMISE OWNER WOOLSEY OIL INC. PHONE 1-800-266-3782
OWNER'S ADDRESS 106 FRANKWEST CIRCLE, STOCKTON CA 95206-4098
FACILITY CONTACT SIM LANCASTER / MIKE ALLISON PHONE 908-9412518
RESPONSIBLE PARTY (RP) DBA S/A ABOVE
RP NAME _____ PHONE _____
RP ADDRESS _____
RP CONTACT _____ PHONE _____

NATURE OF COMPLAINT (explosion, spill, leak, fire, or abandoned/dumped material) DIESEL FUEL SPILL

TIME RECEIVED 9:39am TIME OF ARRIVAL 9:11:20am TIME OF DEPARTURE 12:05pm
(TOA) (TOD)

PERSONS AT SCENE:
NAME AGENCY PHONE NO. TOA TOD
SIM LANCASTER WOOLSEY OIL INC. 908-9412518 _____ _____

IDENTIFICATION OF MATERIAL (CHEMICAL INVOLVED) DIESEL FUEL
SUBSTANCE FORM: SOLID POWDER GAS LIQUID GRANULE

REFERRALS TO: N/A DATE MAILED: N/A

DATE COMPLETED: PROP 65 3/12/98 UAR N/A

PERSONS EXPOSED and/or INJURED:
NAME ADDRESS PHONE NO.
N/A _____ _____

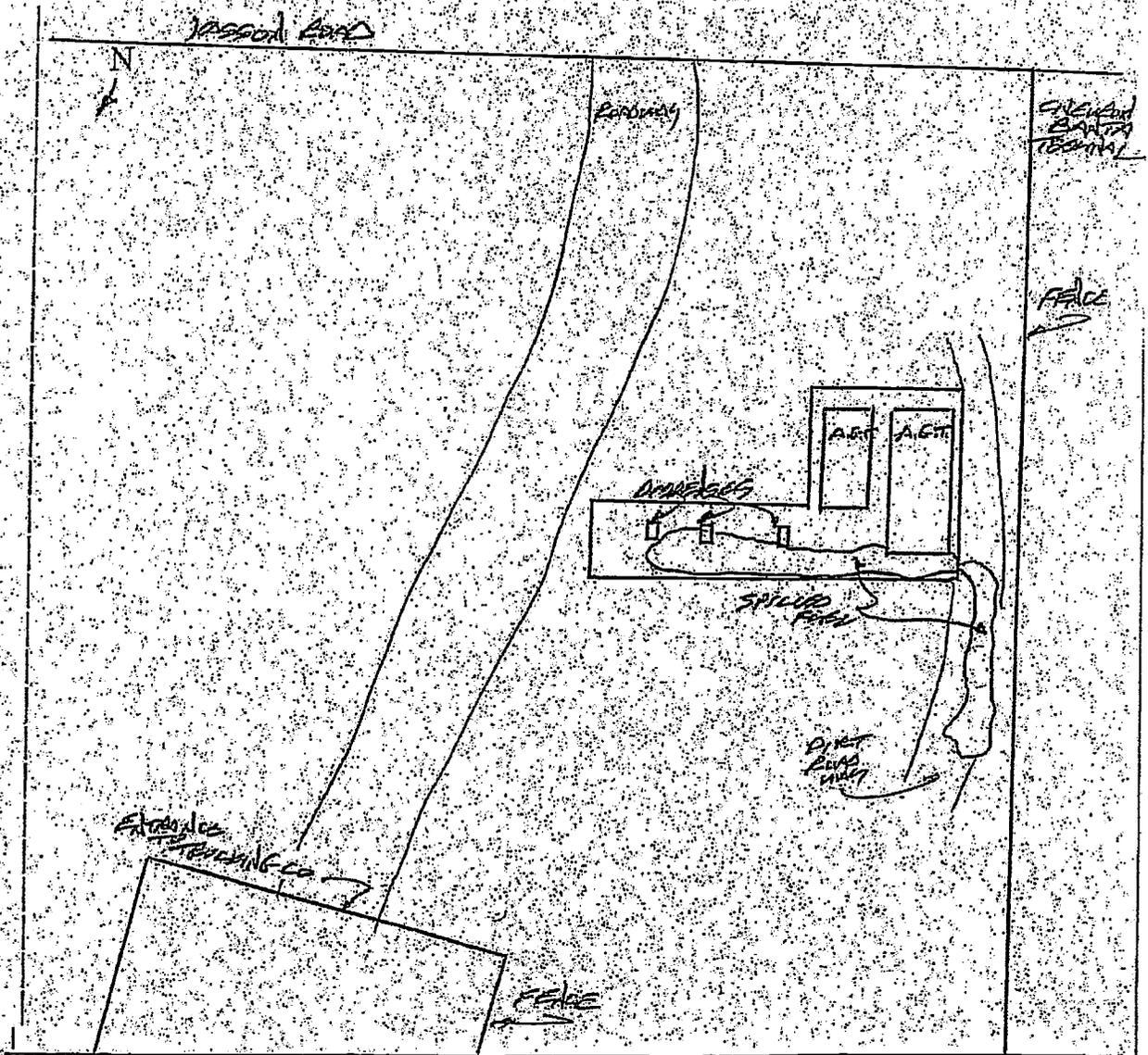
"PERSONAL TOXIC SUBSTANCE EXPOSURE RECORD" COMPLETED? YES NO

- E. R. BINDER COPIES:
- SHORT-TERM ON-TOP
 - EXPOSURE RECORD
 - REFERRALS
 - NARRATIVE
 - MANIFEST
 - MAP
 - ANALYTICAL DATA
 - CLEAN UP REPORT
 - FILE CREATED
 - PROP 65/UAR
 - OTHER AGENCY REPORTS

EH 22 014 4/96

E.R. INCIDENT MAP (include cross streets; structures, waterways, wells, sewer and water lines, septic systems, storm drains, spill area, drums, overturned vehicles, nearby businesses or residences, wind direction, etc., as appropriate.)

FIELD



REHS FILING REPORT:

FULL TREATY

DATE:

3/16/98

EH 22 014 4/96

EMERGENCY RESPONSE INVESTIGATION REPORT (INCLUDE CHRONOLOGICAL HISTORY, RECOMMENDATIONS, CLEANUP and FINAL DISPOSITION)

9:39am: RECEIVED A PAGE FROM MIKE PARISSIE (O.E.S.)
WHO REPORTED A 50 GALLON DIESEL FUEL SPILL
AT 23100 S. PAVAN ROAD - 7-8 GALLONS SPILLED
OUT OF 20 GALLON THE BURSTED AREA.

- CONTACTED HAZARDOUS WASTE BILL MARINER, WHO
RECOMMENDED THAT THE SPILL WAS CONTAINED ON SITE
AND WAS LOCATED WITHIN A BERMED AREA AND OUTSIDE
THE BERMED AREA ON A DIRT ROADWAY FACILITY

11:20am: ALSO CONTACT MIKE ALLISON 470-3465

- PHONED MIKE ALLISON WHO EXPLAINED FROM JIM
LANCASTER WAS ON THE WAY TO CLEAN UP THE SPILL.
MIKE EXPLAINED JIM HAD THE NECESSARY CERTIFICATES
TO CLEAN UP THE SPILL

11:20am: ARRIVED ON SITE, MET JIM LANCASTER WHO
WAS CLEANING UP THE SPILLED FUEL. LANCASTER
EXPLAINED SOME ONE CUT OFF THE WHEEL ON A
DIESEL FUEL DISPENSER APPEARED INTO AN A.G.T.
LANCASTER SAID HE BELIEVED SOMEONE REMOVED THE
PLUG ON THE BERM WHICH ALLOWED THE FUEL TO BE
RELEASED INTO THE DIRT ROADWAY. THE AREA WITHIN THE
BERM AND ON THE ROADWAY APPEARED TO HAVE STANDING
WATER. THE SPILL APPEARED TO HAVE MIXED WITH THE
STANDING WATER. RECOMMENDED TO LANCASTER TO HAVE
THE SPILLED FUEL AND CONTAMINATED RESOURCES / DIRT
MOVED AND DISPOSED BY SA A REGISTERED REGISTRY
INTERMEDIATE WASTE HULLS TO A PROPER FACILITY
ISSUES INSPECTION REPORT TO LANCASTER

WALCASTER EXPLAINED HE HAD THE NECESSARY TRAINING TO
 CLEAN UP THE SPILL. WALCASTER EXPLAINED HE WOULD PLACE
 THE BULK OF DIESEL FUEL & CONTAINERS OF CONTAMINATED
 NEXT TO THIS SITE INSIDE A FENCED AREA AT A TRUCKING
 COMPANY. THE ROAD FROM THIS SITE TO THE TRUCKING
 COMPANY IS A PRIVATE ROAD. 12:05 PM LEFT SITE

3/16 1:30 PM SITE VISIT. SOME DIESEL FUEL VISIBLE NEXT TO FENCE
 ALONG JIM WALCASTER STATED AMOUNT OF VISIBLE FUEL. HE WOULD
 SPEND MORE APPROPRIATE & PICK UP. APPT. FOR 3/18/96 @ 10:00 AM
 WJL:mld

3/18 SITE VISIT MET JIM WALCASTER. STATED FUEL HAS
 BEEN CLEANED UP. FIVE CONTAINERS OF WASTE OIL
 FROM CLEAN UP TRUCK STAGES INSIDE A FENCED TRUCK YARD
 WALCASTER CLEAN MAINTENANCE CO. TO AND-ENY (WJL:mld)

SAN JOAQUIN COUNTY
NOTIFICATION OF HAZARDOUS WASTE DISCHARGE
HEALTH & SAFETY CODE 25180.7

PHS-EH LOG # 98-035

A. EMERGENCY LEVEL II III
(Circle One)

B. SOURCE OF INFORMATION

Name: MIKE BRISBY Phone: (209) 468-3969

Company: O.E.S.

Address: _____ Phone: () _____

Designated Employee Name: _____

Reporting Agency Name: _____

Address: 304 E. WEBER AVE. THIRD FLOOR STOCKTON CA 95202

C. LOCATION AND DATE OF DISCHARGE

Location: 22100 S. BASSON ROAD / SAN JOAQUIN
(Best Physical Description) (City or County) Circle One

Date of Discharge: 3/14/98

Date Notified: 3/14/98 Time: 9:50am

D. RESPONSIBLE PERSON/BUSINESS

Name of Business: WILSON OIL INC.

Contact Person: TIM LANCASTER Telephone: (209) 948-9412

Physical Address: 166 FRANK WEST CIRCLE, STOCKTON CA 95206-4098

Mailing Address: _____

E. DESCRIPTION

Type of Discharge: RELEASE

Volume: REPORTED AS 40-50 GALLONS

Chemicals: DIESEL FUEL

Circumstances: PHS-EH WAS NOTIFIED OF RELEASE ON 3/14 BY O.E.S.

F. ACTION TAKEN

ABSORBENT WAS PLACED ON SPILLED FUEL

SITE DISPOSITION SPILLED FUEL WAS BEING CLEANED UP ON 3/14

98-035

G. MANDATORY CONTACTS

Public Health Services
of San Joaquin County
Environmental Health Division: Donita Abain, 2:05PM, 3/19/98
(Contact Name) (Time) (Date)

I. San Joaquin County
Board of Supervisors: Ron BARKIN, 2:05PM, 3/19/98
(Contact Name) (Time) (Date)

H. HEALTH AND SAFETY CODE S 25180.7.
(b) Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer. No disclosure of information is required under this subdivision when otherwise prohibited by law, or when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(c) Any designated government employee who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (b) shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in state prison for not more than three years. The court may also impose upon the person a fine of not less than five thousand dollars (\$5,000) or more than twenty-five thousand dollars (\$25,000). The felony conviction for violation of this section shall require forfeiture of government employment within thirty days (30) of conviction.

I. SIGNATURE DISCLOSURE

I make this report on behalf of all the designated employees of the County of San Joaquin, and

(Agency Name)

Signature: [Signature]
Typed/Printed Name: ERIC TREVENT
Title: R.E.N.S.
Date: 3/16/98 Time: 11:10 AM

cc: CALEBA. ATSC SWEEPS#/SITE CODE#: NA
R.W. O.C.B. (Chil-alk) CONFER Y/N (N)

REFERRED TO: _____

SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
304 E. Weber Ave., 3rd Floor, P.O. Box 388, Stockton, CA 95201-0388
(209) 468-3420

INSPECTION REPORT

Owner/Operator INDOLSEY OIL INC. Date MARCH 14 1998
Location 23100 S. KASSON ROAD TRACY
The following corrections are to be made: RESPONSE TO
DIESEL FUEL SPILL, REPORTED AS
40-50 GALLONS.

RECOMMENDATION: HAVE DIESEL FUEL/WATER
MIXTURE AND CONTAMINATED SOIL/ROCK
REMOVED AND DISPOSED OF BY A CALIFORNIA
REGISTERED HAZARDOUS WASTE HAULER
TO A PERMITTED FACILITY. SUBMIT
DISPOSAL DOCUMENTATION TO THIS OFFICE.

Received Notice:



ERNEST M. FUJIMOTO, M.D., M.P.H.
Acting Health Officer

BY ERIC TREVENA (209) 468-0333
Registered Environmental Health Specialist

ATTACHMENT B

Diesel Isocon Map for Chevron Banta Terminal Site

SCHEDULE OF TANKAGE	
TANK	CONTENTS
131	SUPREME UNLEADED
132	REGULAR UNLEADED
133	FIRE WATER
134	OUT OF SERVICE - EMPTY
135	TRANSUX VARIETIES
136	FIRE WATER
137	ETHANOL
138	DIESEL
139	REGULAR UNLEADED

- LEGEND:**
- MP-300A-1 GROUNDWATER MONITORING WELL
 - MP-300A-2 DESTROYED GROUNDWATER MONITORING WELL
 - MP-300A-3 WATER SUPPLY WELL
 - MP-300A-4 FORMER ISO-GEN MONITORING WELL
 - MP-300A-5 DESTROYED ISO-GEN MONITORING WELL
 - MP-300A-6 FORMER ISO-GEN REMEDIATION WELL
 - MP-300A-7 DESTROYED ISO-GEN REMEDIATION WELL
 - MP-300A-8 OXYGENATION POINT
 - MP-300A-9 EXISTING FENCE LINE
 - MP-300A-10 APPROXIMATE LOCATION OF PROPERTY LINE

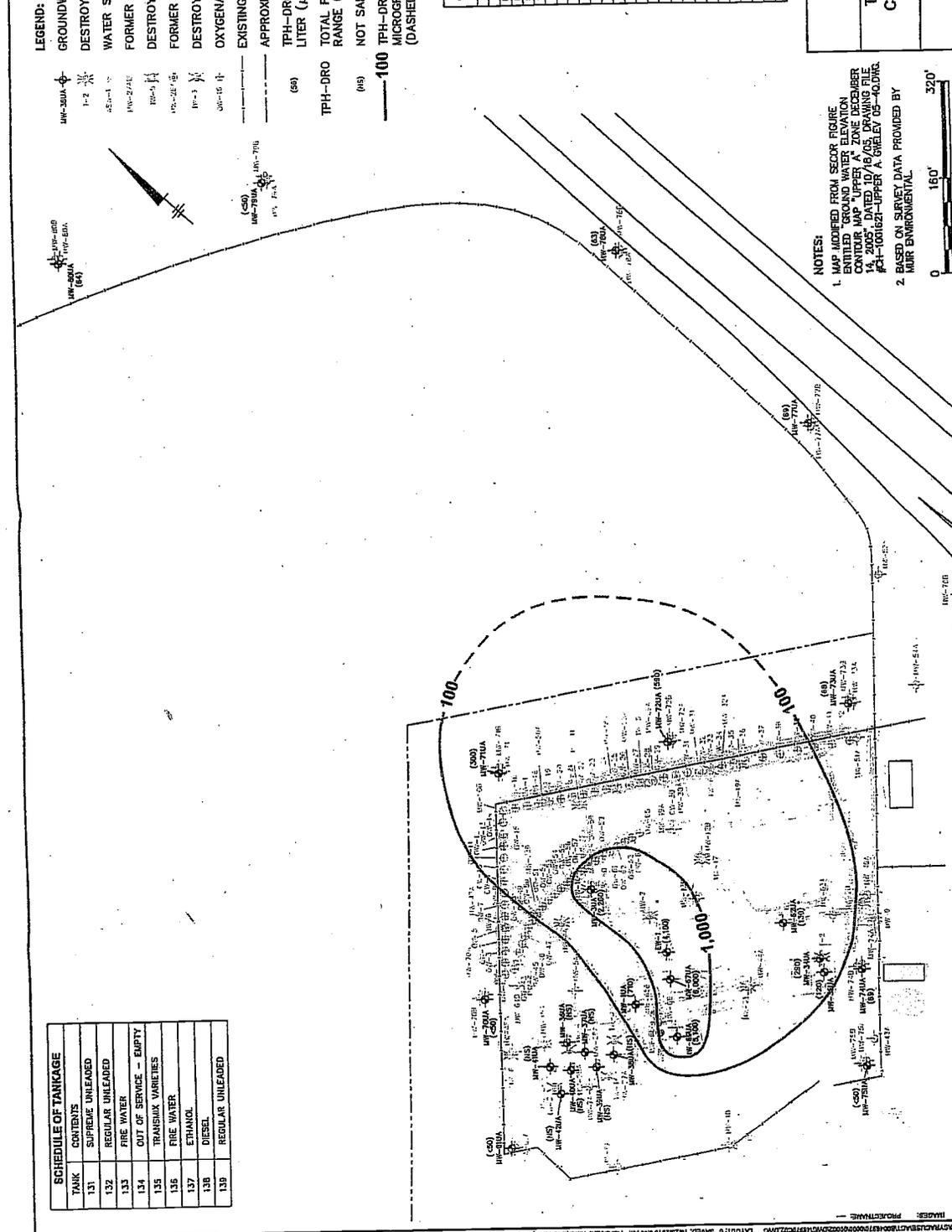
(69) TPH-DRO CONCENTRATION IN MICROGRAMS PER LITER ($\mu\text{g/L}$)

(68) TOTAL PETROLEUM HYDROCARBONS AS DIESEL ORGANICS

(67) NOT SAMPLED

— 100 TPH-DRO ISOCONCENTRATION CONTOUR IN MICROGRAMS PER LITER ($\mu\text{g/L}$) (DASHED WHERE INFERRED)

WELLID	SCREEN INTERVAL (FEET BELOW SURFACE)	SAMPLE SCHEDULE
MP-300A-1	3-13	SEM-ANNUALLY (EQ. 30)
MP-300A-2	3-13	SEM-ANNUALLY (EQ. 30)
MP-300A-3	2-12	SEM-ANNUALLY (EQ. 30)
MP-300A-4	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-5	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-6	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-7	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-8	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-9	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-10	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-11	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-12	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-13	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-14	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-15	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-16	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-17	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-18	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-19	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-20	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-21	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-22	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-23	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-24	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-25	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-26	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-27	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-28	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-29	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-30	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-31	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-32	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-33	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-34	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-35	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-36	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-37	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-38	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-39	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-40	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-41	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-42	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-43	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-44	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-45	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-46	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-47	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-48	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-49	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-50	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-51	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-52	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-53	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-54	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-55	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-56	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-57	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-58	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-59	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-60	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-61	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-62	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-63	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-64	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-65	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-66	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-67	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-68	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-69	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-70	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-71	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-72	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-73	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-74	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-75	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-76	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-77	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-78	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-79	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-80	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-81	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-82	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-83	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-84	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-85	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-86	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-87	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-88	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-89	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-90	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-91	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-92	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-93	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-94	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-95	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-96	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-97	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-98	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-99	3.5-15	SEM-ANNUALLY (EQ. 30)
MP-300A-100	3.5-15	SEM-ANNUALLY (EQ. 30)



NOTES:

- MAP MODIFIED FROM SECTOR FIGURE ENTITLED "GROUND WATER ELEVATION CONTOUR, UPPER A-ZONE, DRAWING FILE # 1001621-UPPER A-ZONE, REV. 05-16-01, FOR 1001621-UPPER A-ZONE, 17-19 AUGUST 2010."
- BASED ON SURVEY DATA PROVIDED BY HUR ENVIRONMENTAL.

CHEVRON FUEL TERMINAL, 1001621
23888 KASSON ROAD, BANTA, CALIFORNIA
THIRD QUARTER 2010
GROUNDWATER MONITORING REPORT
TPH-DRO ISOCONCENTRATION
CONTOUR MAP - UPPER A ZONE
17-19 AUGUST 2010

EXHIBIT 3

Commercial Lease Agreement
Commercial Fuel/Cardlock

Valley Pacific Petroleum Services, Inc. and the LTH Trust are entering into this agreement to Lease the Premises located at 23100 South Kasson Road, in Tracy California. The LTH Trust will own the property while Valley Pacific Petroleum Services, Inc. will own the equipment and operate the commercial fueling business.

THIS LEASE, effective the 1st day of December, 2002 between the LTH Trust and Valley Pacific Petroleum Services, Inc., (a California Corporation) hereinafter referred to as "Valley Pacific".

WITNESSETH

1. PREMISES. The LTH Trust hereby leases to Valley Pacific that certain portion of real property and improvements commonly known as the commercial fueling islands located on that certain parcel of land containing approximately .94 acres together with the right to use a Mutual Access area, and the right to use storm drainage system all as shown on the attached Exhibit "A", attached hereto and made a part hereof. (herein collectively called "Premises".)

2. TERM. The term of this Lease shall be for a period of five (5) years from the 1st day of December 2002 to the 30th day of November, 2007 ("Initial Term"), unless terminated sooner as provided in this Lease.

3. OPTION TO EXTEND LEASE TERM. Valley Pacific shall have the right to extend the lease for 3 additional five year periods as follows:

- 1) The First Optional Extension (at 5 years from commencement) if exercised, shall be exercised at the same terms and conditions as those of the original Lease
- 2) The Second Optional Extension (at 10 years from commencement) if exercised, shall be exercised at "Fair Market Rent" at that time.
- 3) The Third Optional Extension (at 15 years from commencement) if exercised, shall be exercised at the same terms and conditions as those of the Second Optional Extension.

The next available option term will be automatically exercised unless Valley Pacific gives written notice to the LTH Trust at least ninety (90) days prior to the expiration of the term specified in paragraph 2 hereof or the current option term.

4. MINIMUM RENT. Valley Pacific agrees to pay The LTH Trust as rent for the Premises, without notice or demand, the sum of Fifteen Hundred Dollars (\$1,500) per month. The monthly rate specified herein shall be due and payable on the fifteenth (15) day of each and every successive calendar month during the term of this Lease, or any extension of the term hereof. Rent paid after the 20th day of any month shall be late and subject to a late charge of three percent (3%). Rent for any period during the term hereof which is for less than one (1) month shall be a prorated portion of the applicable monthly installment based upon a thirty (30) day month.)

In addition to the minimum monthly rent, a commission of \$.01 per gallon will be paid on all gallons pumped from this facility exceeding 2,000,000 gallons per year as calculated at the end of each calendar year. Such commission will be due and payable on the 15th of January of the succeeding year.

Rent shall be made payable to:

LTH Trust
3419 Des Moines Drive
Stockton, CA 95209

5. COST OF LIVING INCREASE IN RENT. At the end of each successive twelve-month period the rent shall be increased to reflect the increase over the prior year in the Department of Labor Bureau of Labor Statistics Consumer Price Index for All Urban Consumers, San Francisco, Oakland Metropolitan Area (1982-1984=100) (the "index"). In no event shall the Minimum Rents ever be decreased.

6. TAXES. The LTH Trust shall be responsible for payment of real property taxes and assessments on the subject Premises. Valley Pacific shall be responsible for any increased taxes or assessments levied on the subject premises where such increase was caused by Valley Pacific's use or occupancy of the Premises from the beginning (Nov 15, 1993).

7. SIGNS. Valley Pacific shall have the right at any time, at Valley Pacific's sole cost and expense to install and affix on the Premises, any trade fixtures or signs for use in Valley Pacific's business that Valley Pacific may, at Valley Pacific's discretion deem necessary or desirable, provided that all signs erected or maintained by Valley Pacific comply with all requirements of state and local government authorities. Valley Pacific shall also have non exclusive rights to the freeway sign currently containing the Valley Pacific logo and located on the larger parcel.

8. REPAIRS. Valley Pacific shall keep all and every part of the commercial fueling islands in good repair, and such repairs and replacements, structural and nonstructural, shall be made promptly at its own cost and expense. Valley Pacific shall be responsible for its pro-rata share (based on usage) of mutual access areas.

9. INSURANCE. Valley Pacific agrees that it will at all times during the term of this Lease and so long as it remains in possession of the Premises, at its own expense, carry insurance in the amount of \$1,000,000 per incident upon the Premises for the protection of the same against loss or damage by fires and such other risks as may be included in the broadest form of extended coverage insurance and add The LTH Trust as additional insured for the duration of this Lease.

10. DAMAGES OR DESTRUCTION. In case of damage or destruction by fire or otherwise, Valley Pacific shall at its election repair and restore the improvements on the Premises. LTH Trust shall not be responsible to repair or restore any improvements.

11. ALTERATIONS & IMPROVEMENTS. Valley Pacific, at Valley Pacific's own cost and expense, may construct and install, or cause to be constructed or installed on the Premises, any improvements that Valley Pacific may require. All fixtures, structures, improvements, equipment or other property constructed or placed on the Premises by Valley Pacific at any time during the term hereof, shall be and remain Valley Pacific's property and Valley Pacific shall have the right to remove and replace any or all of the same from the Premises at any time during the term and within ninety (90) days after any termination or expiration of this Lease.

12. USE OF PREMISES. Valley Pacific may use the Premises only as a fueling site. Any other use must be approved by the LTH Trust in writing, which approval shall not unreasonably be withheld.

13. HAZARDOUS SUBSTANCES. Valley Pacific agrees that any and all handling, transportation, storage, treatment, disposal, or use of hazardous substances, including, without limitation fuel, by Valley Pacific in or about the Premises shall strictly comply with all applicable environmental laws.

14. INDEMNITY. Valley Pacific agrees to indemnify and hold The LTH Trust harmless from any liabilities, losses, claims, damages, penalties, fines, attorneys' fees, expert fees, court costs, remediation costs, investigation costs, or other expenses resulting from or arising out of the use, storage, treatment, transportation, release, or disposal of hazardous substances on or about the Premises resulting from Valley Pacific's occupancy from the beginning (commencing Nov 15, 1993). If the presence of hazardous substances on the Premises caused or permitted by Valley Pacific results in contamination or deterioration of the Premises or any water or soil beneath the Premises, Valley Pacific shall promptly take necessary action to investigate and remedy the contamination as may be required by responsible regulatory agencies.

Valley Pacific further agrees to hold The LTH Trust harmless against and from any and all claims, taxes, liens, liability, damage or loss arising from Valley Pacific's use of the Premises. Valley Pacific shall indemnify The LTH Trust and hold them harmless against and from any and all claims arising from the breach or default in the performance of any obligation on Valley Pacific's part.

15. EMINENT DOMAIN. If the whole of the Leased Property, or such portion thereof as will make the Premises unsuitable for the purpose herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this Lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between The LTH Trust and Valley Pacific as of the date of the surrender of possession.

All compensation awarded during the term of this Lease shall be paid to The LTH Trust without any participation by Valley Pacific; provided, however, that nothing herein contained shall be construed to preclude Valley Pacific from prosecuting any claim directly against the condemning authority for loss of business, or depreciation to, damage to, or cost of removal of, or for the value of any personal property belonging to Valley Pacific; provided, however, that no such claim shall diminish or otherwise adversely affect the LTH Trust award.

16. QUIET POSSESSION. The LTH Trust covenants that Valley Pacific shall have quiet and peaceful possession of the Premises for the term of this Lease and any extension thereof.

17. RIGHT TO SUBLEASE AND ASSIGN. Valley Pacific may sublet or assign all or portions of the Premises only by first obtaining The LTH Trust written permission, which permission shall not be unreasonably withheld, and provided that the business or occupation of the sub-tenant or assignee has adequate financial qualification to support this Lease and conforms with paragraph 11 above.

18. NOTICES. Any notice provided for herein shall be given by registered or certified United States Mail, postage prepaid, addressed to the parties at the following addresses:

Valley Pacific Petroleum Services, Inc.
166 Frank West Circle
Stockton, CA 95306

Lee Helms, Trustee
LTH Trust
C/O John Cyr, Realtors, Inc
234 East Fremont Street
Stockton, CA 5202

The person and place to which notices are to be mailed may be changed from time-to-time by either party by written notice given to the other party.

20. SURRENDER OF PREMISES. Valley Pacific shall, upon the expiration or sooner termination of this Lease, or any extensions thereof, surrender the Premises in good condition and repair, reasonable wear and tear excepted. Valley Pacific and any assignee or sub-lessee is expressly given the right at any time during the term of this Lease, or any extension thereof, and for a period of sixty (60) days after the termination of this Lease, by the lapse of time or otherwise, to enter on and remove from the Premises any improvements or equipment heretofore or hereafter purchased or placed by Valley Pacific, its assignee or sub-lessee upon the Premises, but shall not be obligated to do so. Any such improvements or equipment attached to and becoming a part of the real estate, which are not so removed, shall remain so attached and become a part of the real estate.

21. SUCCESSORS AND ASSIGN. The terms, covenants and conditions herein shall be binding upon and inure to the successors, heirs, assigns, executors and administrators of the parties hereto.

IN WITNESS WHEREOF, The LTH Trust and Valley Pacific have caused this Lease to be signed, in duplicate, upon the day and year first above written, Valley Pacific having executed and sealed the same, by its duly authorized officer.

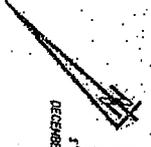
The LTH Trust

By: Maryclare Helms
Maryclare Helms, Trustee

Lee Helms
Lee Helms, Trustee

Valley Pacific Petroleum Services, Inc.

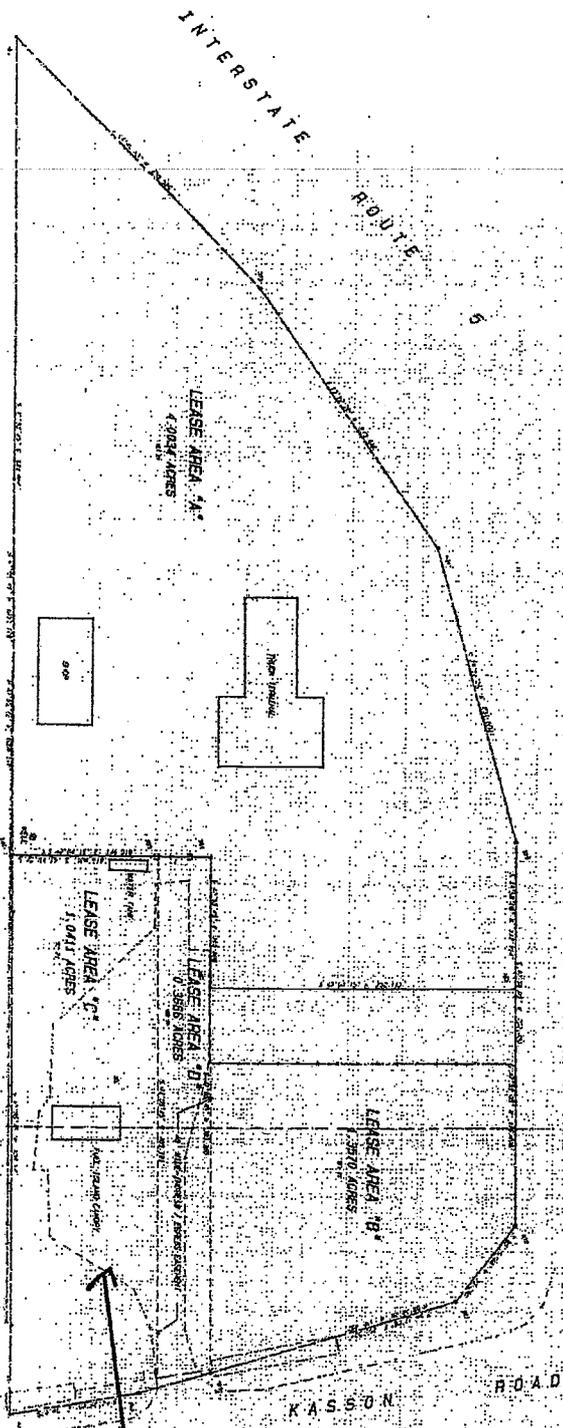
By: Dan Elmer
Dan Elmer, Vice President



1" = 40'
DECEMBER 10, 2002

ADIC
As Made - from as shown per field data.

E + M + A



Premises.
Designated
as Lease
Area "C"

<p>4.00 ACRES LEASE AREA A</p>	<p>2.00 ACRES LEASE AREA B</p>	<p>1.00 ACRES LEASE AREA C</p>	<p>1.50 ACRES LEASE AREA D</p>
<p>HELSNS FAMILY TRUST A TRUST FOR BENNETT EL ASSOCIATES, ASSISTANT TO JAMES W. HELNS, JR., 1400 DE WAINNA</p>			
<p>ELECTRO - DIST. & ASSOCIATES 1400 SUMMIT MORNING STAR, VA 22960</p>			
<p>LEASE AREAS - 12/10/2002 HELSNS FAMILY TRUST - MORNING STAR</p>			
<p>100-118 Sect. 1 T. 1</p>			



EXHIBIT 4

EXHIBIT 5

Complaint Investigation Form

Report #: 5106

COMPLAINT ID: CO0009882 Site Location: 23100 S KASSON RD

Account ID: _____

Received by: EE0000606 TREVENA
Assigned To: EE0000606 TREVENA

Received Date: 3/18/1998
Assigned Date: 3/18/1998

Location Code _____

Program/Element Code: 2547 - GENERATOR RESPONSE STANDBY

Nature of complaint:

40 GALLONS OF DIESEL FUEL SPILLED ONTO THE GROUNDS ON 03-14-98. E.T.
RESPONDED.
#3

Complaint Mode P Complaint Mode Codes A-Agency Referral B-Bd of Supervisors/City C C-Counter E-Code Enforcement
M-Mail/Correspondent O-Other EH Unit P-Phone

District _____ Location: _____
APN _____

***** ABATEMENT SUMMARY *****

Status	Employee ID and Name	Abatement Date
01	EE0000606 - TREVENA, ERIC	3/19/1998

Abatement Status Codes

- | | | |
|---|--|--|
| 01-Field Abated | 08-Unable to Verify | 15-Active Housing Case-New Complaint-See Active Case # |
| 02-Office Abated | 09-Foodborne Illness | 16-Letter Sent to Tenant |
| 03-NAI Sent | 10-Substandard Property-See Housing Abatement File | 17-15-Day Letter Sent |
| 04-Notice to Abate Issued | 11-Multiple Complaints-See Active Case # | 18-Enforcement Case-Transferred to Vector Control File |
| 05-Enforcement Action Initiated | 12-Enforcement Case-Transferred to Liquid Waste File | 19-Enforcement Case-Transferred to Well Program File |
| 06-EHD Permit Facility-See Linked Facility File | 13-Enforcement Case-Transferred to Solid Waste File | 20-Enforcement Case-Transferred to UIC Program File |
| 07-Referred to Other Agency | 14-Enforcement Case-Transferred to ER File | 99-Unspecified- Old Complaint - Original not Available |

Date run: 03/18/98 SAN JOAQUIN COUNTY PUBLIC HEALTH SERVIC
Run by: CAROLD/CB
Copy #: 01 of 01 COMPLAINT INVESTIGATION REPORT

Report #5104
Page # 2

COMPLAINT # : C0009882

Program/Element : 2547

Taken by : 0606 TREVENA Date: 03/18/98

Assigned to : 0606 TREVENA Date: 03/18/98

Hard copy Printed:

Facility Name: _____ Fac ID: _____

BILL to inventoried FACILITY:
(Must have FACILITY ID#)

Location: 23100 S KASSON RD

Complainant: O.E.S. MIKE PARISSI

Home Phone: 209-468-3963

Address: _____

Work Phone: _____

FACILITY LOCATION/Property Info -

DBA or Name: _____

Loc Code : _____

Address: 23100 S KASSON RD

BOS Dist : _____

City: TRACY

APN # : _____

Phone: _____

BILLING RESPONSIBLE PARTY or OWNER Info -

Name: WOOLSEY OIL INC

Home Phone: 948-9412

Address: 166 FRANK WEST CIRCLE

Work Phone: _____

City: STOCKTON CA

Nature of Complaint:

40 GALLONS OF DIESEL FUEL SPILLED ONTO THE GROUNDS ON 03-14-98. E.T.
RESPONDED.

COMPLAINT Info -

COMPLAINT MODE: P PHONE

A-Agency Referral B-BD/OF Supervisors/City Council C-Counter M-Mail/Correspondence

O-Other EH Unit P-Phone

COMPLAINT STATUS: 01

01-Field Abated 02-Office Abated 03-NAI Sent 04-Notice to Abate Issued 05-Enforce ACT Initiated

06-Transfer to Premise File 07-Refer to Other Agency 08-Not Valid 09-Foodborne Illness

Send Referral Letter to: _____

Address: _____

Referral Letter Sent by: _____

Date: _____

Circle appropriate Unit # if complaint in another PROGRAM jurisdiction, Have Complaint Record and P/E updated

Forwarded to UNIT: I II III IV for Investigation

COMPLAINT # : C0009882

Date: 03/18/98

Inspector: TREVENA

Location: 23100 S KASSON RD

COMMENTS -

#4:

date 3/19/98 by: ET SEE ATTACHED ER REPORT FOR INFORMATION

date / / by: REGARDING THIS COMPLAINT

#5:

date / / by:

date / / by:

#6:

date / / by:

date / / by:

#7:

date / / by:

date / / by:

#8:

date / / by:

Resolved/Abated by: # 606 Name: TREVENA Date: / /

Violations:

Enforcement:

CORRESPONDENCE & LEGAL DATES -

NOTICE TO ABATE sent / / Office Hearing date / /

REFERRAL DATES - (Check Referral Agency and ENTER DATE letter sent)

Fire Dept / / Police/Sheriff Dept / / Building/Housing Dept / /

PH Nursing / / Animal Control / / District Attorney / /

State ODW / / Planning Dept / /

Cal-EPA DTSC and/or RWQCB / / Public Works Dept / /

Third Party Billing Information:

Name: C/O:

Address:

City: State: ZIP:

Reviewed by:
Complaint Record Updated By:

Date:
Date:

PUBLIC HEALTH SERVICES

SAN JOAQUIN COUNTY

ENVIRONMENTAL HEALTH DIVISION

Karen Furst, M.D., M.P.H., Health Officer

304 East Weber Avenue, Third Floor • Stockton, CA 95202

209/468-3420

EMERGENCY RESPONSE RECORD



DATE 3/10/98 SHORT TERM # C0009882
PREMISE ADDRESS 23100 S. KASSON AVE CITY TRACY
DBA WOOLSEY OIL, INC.
PREMISE OWNER WOOLSEY OIL, INC. PHONE 1-800 266-3782
OWNER'S ADDRESS 166 FRANK WEST CIRCLE, STOCKTON CA 95206-4098
FACILITY CONTACT JIM LANCASTER / MIKE ALANSON PHONE 948-9412 ex 18
RESPONSIBLE PARTY (RP) DBA S/A ABOVE
RP NAME _____ PHONE _____
RP ADDRESS _____
RP CONTACT _____ PHONE _____

NATURE OF COMPLAINT (explosion, spill, leak, fire, or abandoned/dumped material) DIESEL FUEL SPILL

TIME RECEIVED 9:39am TIME OF ARRIVAL 11:20am TIME OF DEPARTURE 12:05pm
(TOA) (TOD)

PERSONS AT SCENE
NAME AGENCY PHONE NO. TOA TOD
JIM LANCASTER WOOLSEY OIL INC 948-9412 ex 18 _____ _____

IDENTIFICATION OF MATERIAL (CHEMICAL INVOLVED) DIESEL FUEL
SUBSTANCE FORM: SOLID POWDER GAS LIQUID GRANULE

REFERRALS TO: N/A DATE MAILED: N/A

DATE COMPLETED: PROP 65 3/10/98 UAR N/A

PERSONS EXPOSED and/or INJURED
NAME ADDRESS PHONE NO.
N/A _____ _____

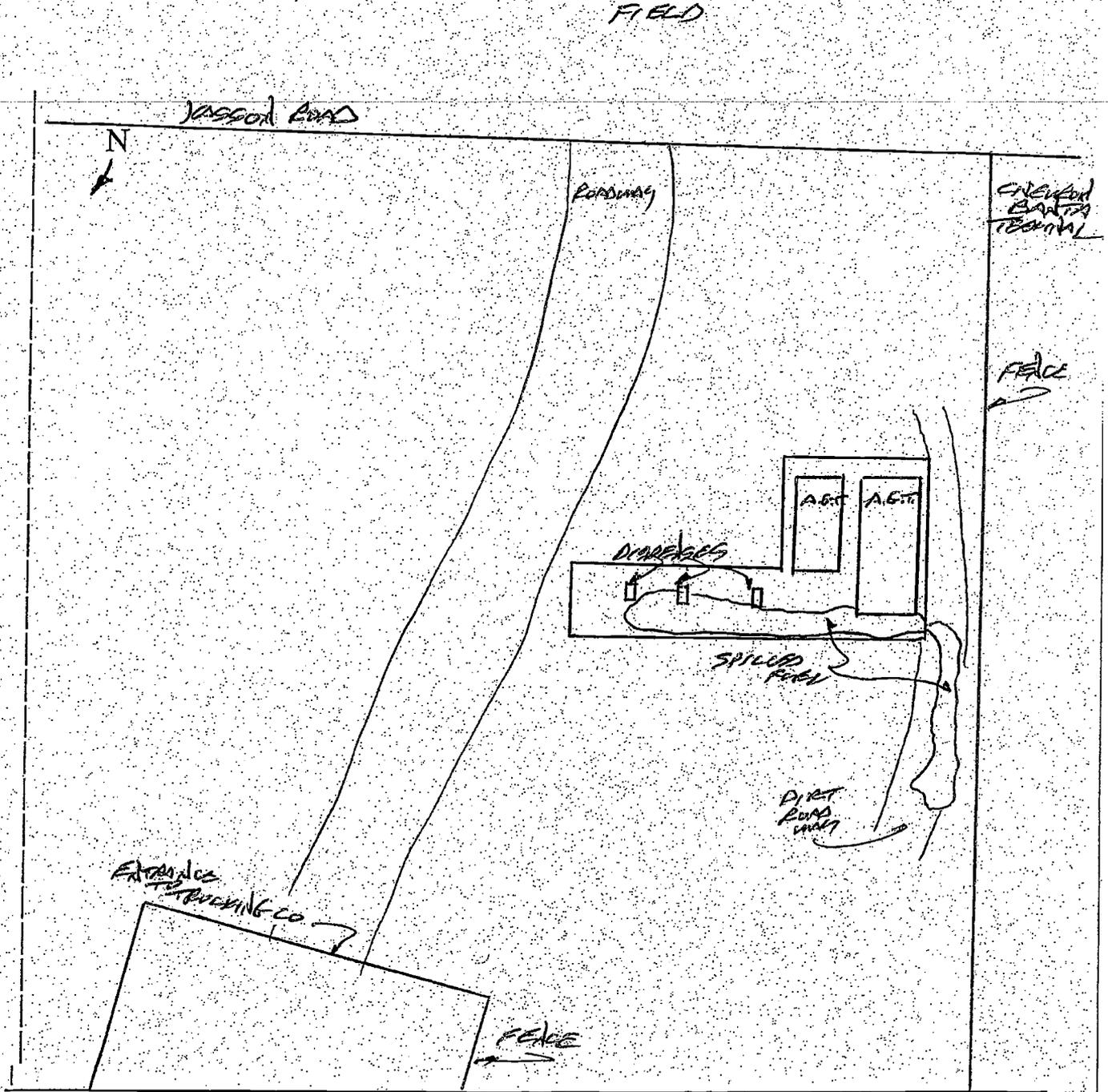
"PERSONAL TOXIC SUBSTANCE EXPOSURE RECORD" COMPLETED? YES NO

E. R. BINDER COPIES:

- SHORT-TERM ON TOP
- EXPOSURE RECORD
- REFERRALS
- NARRATIVE
- MANIFEST
- MAP
- ANALYTICAL DATA
- CLEAN UP REPORT
- FILE CREATED
- PROP 65/UAR
- OTHER AGENCY REPORTS

EH 22 014 4/96

E.R. INCIDENT MAP (Include cross streets, structures, waterways, wells, sewer and water lines, septic systems, storm drains, spill area, drums, overturned vehicles, nearby businesses or residences, wind direction, etc., as appropriate.)



REHS FILING REPORT: FIELD TRUCKING

DATE: 3/16/98

9:39am: RECEIVED A PAGE FROM MIKE PARISSI (O.E.S.)
WHO REPORTED A 50 GALLON DIESEL FUEL SPILL
AT 23100 S. KESSON ROAD - 7-8 GALLONS SPILLED
OUT OF ~~20~~ CONT. THE BURNED AREA.

- CONTACTED CATAQUIL CHEF BILL MARIMER, WHO
DESCRIBED THAT THE SPILL WAS CONTAINED ON SITE
AND WAS LOCATED WITHIN A BURNED AREA AND OUTSIDE
THE BURNED AREA ON A DIRT ROAD W/ A FACILITY

AT 11:20am: ARR: CONTACT MIKE ALLISON 470-3465

- PHONED MIKE ALLISON WHO EXPLAINED THAT JIM
LANCASTER WAS ON THE WAY TO CLEAN UP THE SPILL.
MIKE EXPLAINED JIM HAD THE NECESSARY CERTIFICATES
TO CLEAN UP THE SPILL

AT 11:20am: ARRIVED ON SITE, MET JIM LANCASTER WHO
WAS CLEANING UP THE SPILLED FUEL. LANCASTER
EXPLAINED SOME ONE CUT OFF THE NOZZLE ON A
DIESEL FUEL DISPENSER AND IT FELL INTO AN A.G.T.
LANCASTER SAID HE BELIEVED SOMEONE REMOVED THE
PLUG ON THE BEAM WHICH ALLOWS THE FUEL TO BE
RELEASED ONTO THE DIRT ROAD W/ A. THE AREA WITHIN THE
BEAM AND ON THE ROAD W/ A NEEDS TO HAVE STANDING
WATER. THE SPILL APPEARS TO HAVE MIXED WITH THE
STANDING WATER. RECOMMENDED TO LANCASTER TO HAVE
THE SPILLED FUEL AND CONTAINERS ABSORBED / DIRT
REMOVED AND DISPOSED BY A CATAQUIL (A REGISTERED)
HAZARDOUS WASTE MILLER TO A NEARBY FACILITY
ISSUES INSPECTION REPORT TO LANCASTER.

WALCASTER EXPLAINS HE HAD THE NECESSARY PERMITS TO
 CLEAN UP THE SPILL. WALCASTER EXPLAINS HE WOULD PLACE
 THE REMAINS OF DIESEL FUEL & CONTAMINATED PARTS/NEEDLES
 NEXT TO THIS SITE INSIDE A FENCED AREA AT A TRUCKING
 COMPANY. THE ROAD FROM THIS SITE TO THE TRUCKING
 COMPANY IS A PRIVATE ROAD. 12:05 p. LEFT SITE

3/16 1:30 p. SITE VISIT. SOME RESIDUAL FUEL VISIBLE NEAR TO FENCE
 PHONE JIM WALCASTER REPORTED NIM OF VISIBLE FUEL, HE WILL
 SPREAD MORE ADSORBENT & PICK UP. APT. FOR 3/18/92 @ 10:00am
 42 MIN

3/18 SITE VISIT MET JIM WALCASTER, SPILLED FUEL HAS
 BEEN CLEANED UP. FIVE CONTAINERS OF WASTE GENERATED
 FROM CLEAN UP BEING STORED INSIDE A FENCED TRUCK YARD.
 WALCASTER WILL MAIL NIM, REST COPY TO PAS-ENV. (42 MIN)

SAN JOAQUIN COUNTY
NOTIFICATION OF HAZARDOUS WASTE DISCHARGE
HEALTH & SAFETY CODE 25180.7

98-035

A. EMERGENCY LEVEL III
(Circle One)

PHS-EH LOG #

B. SOURCE OF INFORMATION

Name: MIKE PRISSE Phone: (209) 468-3969
Company: O.E.S.
Address: _____
Designated Employee Name: _____ Phone: () _____
Reporting Agency Name: _____
Address: 304 E. WHEEL AVE. THIRD FLR. STOCKTON CA 95207

C. LOCATION AND DATE OF DISCHARGE

Location: 22100 S. VASSON ROAD / SAN JOAQUIN
(Best Physical Description) (City or County) Circle One
Date of Discharge: 3/14/98
Date Notified: 3/14/98 Time: 9:50am

D. RESPONSIBLE PERSON/BUSINESS

Name of Business: WONSET OIL, INC.
Contact Person: JIM LANCASTER Telephone: (209) 948-9412
Physical Address: 166 FRANK WEST CIRCLE, STOCKTON CA 95206-4098
Mailing Address: _____

E. DESCRIPTION

Type of Discharge: RELEASE
Volume: REPORTED AS 40-50 GALLONS
Chemicals: DIESEL FUEL
Circumstances: AS-EM WAS NOTIFIED OF RELEASE BY O.E.S.

F. ACTION TAKEN

ABSORBENT WAS PLACED ON SPILLED FUEL

SITE DISPOSITION

SPILLED FUEL WAS BEING CLEANED UP ON 3/14

99-035

G. MANDATORY CONTACTS

Public Health Services
of San Joaquin County
Environmental Health Division:

Decker
Dorinda NEEAN / 2:05 PM / 3/19/98
(Contact Name) (Time) (Date)

1. San Joaquin County
Board of Supervisors:

ROD BALKMAN / 2:05 PM / 3/19/98
(Contact Name) (Time) (Date)

H. HEALTH AND SAFETY CODE S 25180.7.

(b) Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer. No disclosure of information is required under this subdivision when otherwise prohibited by law, or when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(c) Any designated government employee who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (b) shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in state prison for not more than three years. The court may also impose upon the person a fine of not less than five thousand dollars (\$5,000) or more than twenty-five thousand dollars (\$25,000). The felony conviction for violation of this section shall require forfeiture of government employment within thirty days (30) of conviction.

I. SIGNATURE DISCLOSURE

I make this report on behalf of all the designated employees of the County of San Joaquin, and

_____ (Agency Name)

Signature: *[Signature]*
Typed/Printed Name: ERIC TREVEA
Title: R.E.N.S.
Date: 3/16/98 Time: 11:10 AM

cc: CALEBA. D.T.S.C.

SWEEPS#/SITE CODE#: NA

R.W.O.C.B. (Adm. Task)

CONMFR Y (N)

REFERRED TO: _____

SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
304 E. Weber Ave., 3rd Floor, P O. Box 388, Stockton, CA 95201-0388
(209) 468-3420

INSPECTION REPORT

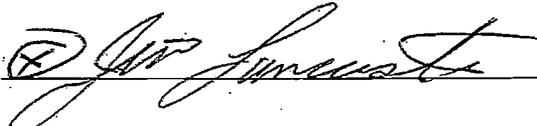
Owner/Operator WOLSEY OIL INC. Date MARCH 14 1998

Location 23100 S. KASSON ROAD TRACY

The following corrections are to be made: RESPONSE TO

DIESEL FUEL SPILL, REPORTED AS
40-50 GALLONS.

RECOMMENDATION: HAVE DIESEL FUEL/WATER
MIXTURE AND CONTAMINATED SOIL/ABSORBENT
REMOVED AND DISPOSED OF BY A CALIFORNIA
REGISTERED HAZARDOUS WASTE HAULER
TO A PERMITTED FACILITY. SUBMIT
DISPOSAL DOCUMENTATION TO THIS OFFICE.

Received Notice: 

ERNEST M. FUJIMOTO, M.D., M.P.H.
Acting Health Officer

BY ERIC TREVENA (209) 468-0333

Registered Environmental Health Specialist

EXHIBIT 6

Complaint Investigation Form

Report #: 5104

COMPLAINT ID: CO0028745 Site Location: 22888 KASSON RD

Account ID: .

Received by: EE0005642 HENRY

Received Date: 7/24/2008

Print Date: 7/30/2008 3:32:42PM

Assigned To: EE0005642 HENRY

Assigned Date: 7/30/2008

Program/Element Code: 2546 - GENERATOR RESPONSE / CLEAN UP

Complainant: HENRY ROTOR, ALEGRE TRUCKING

Home Phone

Address

Work Phone

COPY

Nature of complaint:

SEMI-TRUCK TOOK A WIDE TURN AND WENT INTO AN IRRIGATION DITCH. APPROXIMATELY 15 - 20 GALLONS OF FUEL WENT INTO THE IRRIGATION DITCH.

Complaint Mode: A

Complaint Mode Codes

A-Agency Referral

B-Bd of Supervisors / City Council

C-Counter

E-Code Enforcement

M-Mail / Correspondence

O-Other EH Unit

P-Phone

PROPERTY INFORMATION

PROPERTY OWNER INFORMATION

Property Name:

Responsible Party or Property Owner: FRANK C ALEGRE

Site Location 22888 KASSON

RP/DBA ALEGRE TRUCKING

TRACY, CA 95376

RP Address PO BOX 1508

Cross Street

LODI, CA 95241

Billing Address PO BOX 1508

Phone

Home Phone

Work Phone

District 005 - ORNELLAS, LEROY

Location Code 99 - UNINCORPORATED AREA

APN 23906019

Date Abated

2/17/09

Inspector

5042

Send Referral to

Referral Letter Sent by

Referral Address

Date:

Complaint Status Code: 02

Circle appropriate Status Code

01 - FIELD ABATED

02 - OFFICE ABATED

03 - NAI SENT

04 - NOTICE TO ABATE ISSUED

05 - ENFORCEMENT ACTION INITIATED

06 - EHD PERMIT FACILITY see Linked PROGRAM FACILITY FILE

07 - REFERRED TO OTHER AGENCY

08 - UNABLE TO VERIFY

09 - FOODBORNE ILLNESS

10 - SUBSTANDARD PROPERTY SEE HOUSING ABATEMENT FILE

11 - Multiple Complaints - SEE ACTIVE CASE #

12 - ENFORCEMENT CASE Transferred to LIQUID WASTE FILE

13 - ENFORCEMENT CASE - Transferred to SOLID WASTE FILE

14 - ENFORCEMENT CASE Transferred to ER FILE

15 - ACTIVE HOUSING CASE NEW COMPLAINT see ACTIVE CASE #

16 - LETTER SENT TO TENANT

17 - 15 DAY LETTER SENT

18 - ENFORCEMENT CASE Transferred to VECTOR CONTROL FILE

19 - ENFORCEMENT CASE - Transferred to WELL PROGRAM FILE

20 - ENFORCEMENT CASE - Transferred to UIC PROGRAM FILE

28 - FOODBORNE ILLNESS - Unconfirmed / No Major Violations

29 - FOODBORNE ILLNESS - Major Violations Identified

30 - 15 Day Letter Sent - Confirmed Complaint

31 - 15 Day Letter Sent - Alleged Complaint

50 - LEAD HAZ EVALUATION REQUIRED (1)

51 - LEAD HAZ WORK PLAN SUBMITTED (2)



SAN JOAQUIN COUNTY

ENVIRONMENTAL HEALTH DEPARTMENT

600 E Main Street Stockton • CA 95202

(209) 468-3420 • Fax: (209) 464-0138 • Web: www.sjgov.org/ehd

EMERGENCY RESPONSE RECORD

DATE:	7/25/08	SHORT TERM#	CO00 28745
PREMISE ADDRESS:	approx 22888 Kesson road	CITY:	Tracy
DBA:			
PREMISE OWNER:		PHONE:	
OWNER'S ADDRESS:		CITY:	
FACILITY CONTACT		PHONE:	

RESPONSIBLE PARTY (RP) DBA:	Frank C Alegre Trucking		
RP NAME:		PHONE:	
RP ADDRESS:	5100 W. HWY 12 Lodi CA 95242	CITY:	Lodi
RP CONTACT:	HENRY POTOZ	PHONE:	(209) 340-4751

NATURE OF COMPLAINT (explosion, spill, leak, fire, or abandoned/dumped material)

Tractor Trailer rolled into irrigation ditch. leaked approx 15-20 gallons diesel fuel onto asphalt @ VPP and into irrigation ditch

TIME RECEIVED:	10:00 am	TIME ARRIVAL:	OF	10:30 am	TIME OF DEPARTURE:	
----------------	----------	---------------	----	----------	--------------------	--

PERSONS AT SCENE

NAME	AGENCY	PHONE	TOA	TOD
Fernando	Alegre		07-Scene	
DM	"		07-Scene	
Henry Potoz	Environment Environmental	(510) 710-9263	9:15 pm	

IDENTIFICATION OF MATERIAL (CHEMICAL INVOLVED)

SUBSTANCE FORM	<input type="checkbox"/> SOLID	<input type="checkbox"/> POWDER	<input type="checkbox"/> GAS	<input checked="" type="checkbox"/> LIQUID	<input type="checkbox"/> GRANULE
----------------	--------------------------------	---------------------------------	------------------------------	--	----------------------------------

REFERRALS TO:		DATE MAILED:	
DATE COMPLETED....PROP 65:	7/25/08	UAR:	

PERSONS EXPOSED and/or INJURED

NAME	ADDRESS	PHONE
UNKNOWN		

"PERSONAL TOXIC SUBSTANCE EXPOSURE RECORD" COMPLETED?	YES	NO
---	-----	----

E. R. BINDER COPIES:

<input checked="" type="checkbox"/> SHORT-TERM ON TOP	<input checked="" type="checkbox"/> NARRATIVE	<input checked="" type="checkbox"/> ANALYTICAL DATA	<input checked="" type="checkbox"/> PROP 65 / UAR
<input checked="" type="checkbox"/> EXPOSURE RECORD	<input checked="" type="checkbox"/> MANIFEST	<input checked="" type="checkbox"/> CLEAN UP REPORT	<input checked="" type="checkbox"/> OTHER AGENCY REPORTS
<input checked="" type="checkbox"/> REFERRALS	<input checked="" type="checkbox"/> MAP	<input checked="" type="checkbox"/> FILE CREATED	



SAN JOAQUIN COUNTY

ENVIRONMENTAL HEALTH DEPARTMENT

600 E Main Street Stockton CA 95202

(209) 468-3420 Fax: (209) 464-0138 Web: www.sjgov.org/ehd

11th St

ER INCIDENT MAP (Include cross streets, structures, waterways, wells, sewer and water lines, septic systems, storm drains, spill area, drums, overturned vehicles, nearby businesses or residences, wind direction, etc., as appropriate.)

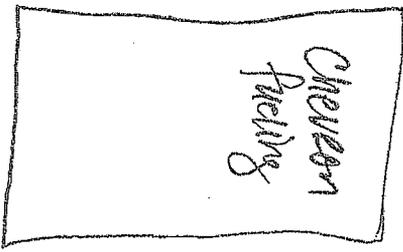


Kasson Rd

irrigation

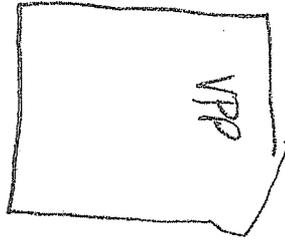
corn

dirt road



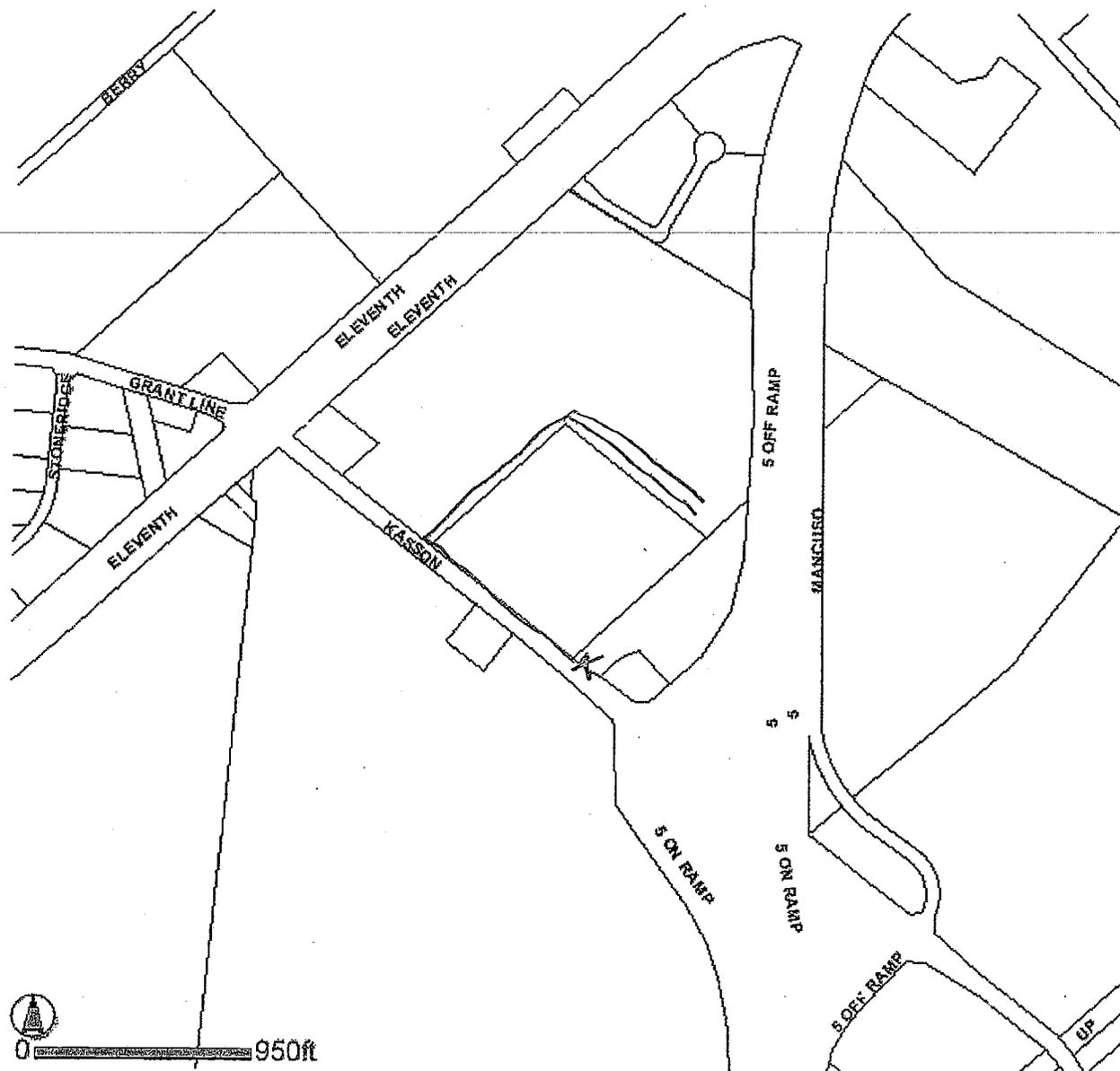
corn

irrigation



⊗ = overturned tractor/trailer w/ irrigation ditch

REHS FILING REPORT:		DATE:	7/24/08
---------------------	--	-------	---------





SAN JOAQUIN COUNTY

ENVIRONMENTAL HEALTH DEPARTMENT

600 E Main Street Stockton CA 95202

(209) 468-3420 Fax: (209) 464-0138 Web: www.sjgov.org/ehd

EMERGENCY RESPONSE INVESTIGATION REPORT (INCLUDE CHRONOLOGICAL HISTORY, RECOMMENDATIONS, CLEANUP and FINAL DISPOSITION):

Date	Time and Comments	Staff Name
<p>7/24/06</p>	<p>Received phone call from R. Lopez, OES. He stated OES had responded to a overturned tractor trailer this morning where approx 15-20 gallons of diesel went into irrigation ditch. He stated cleanup is occurring right now. Responsible party = Alegre trucking. Contacted Henry Ester, Driver Safety & Compliance Supervisor at Alegre trucking. Asked for info re: spill. He stated Environmental Health had already been notified & had cleared scene. I explained I was w/ EHR & had not been notified need more info. He stated it was small spill & employees were on scene cleaning up area. I asked if all of the employees who were cleaning up spill had hazardous waste spill cleanup training per Title 8 requirements he said yes. I stated I needed documentation. He said ok, will get it for me.</p> <p>I arrived on scene & 2 employees were there Fernando & Don. Asked both employees if they had been trained to cleanup hazardous waste spills. They both said yes. Booms had been put in place & absorbent pads had been placed on water. Spoke w/ farmer who leases the land (corn crop is his) he stated pump had been turned off so the water in the ditches would not be going anywhere.</p> <p>Henry arrived on scene. He stated he had spoke w/ F&G, they said they looked at an aerial map of this irrigation ditch is "miles & miles from the San Joaquin River", & they would not be responding.</p> <p>Henry told me when Mark Rhee, OES, was on scene he stated the diesel fuel would just evaporate & not cause any problems. I explained to Henry</p>	<p>West</p>



SAN JOAQUIN COUNTY

ENVIRONMENTAL HEALTH DEPARTMENT

600 E Main Street Stockton CA 95202

(209) 468-3420 Fax: (209) 464-0138 Web: www.sjgov.org/ehd

EMERGENCY RESPONSE INVESTIGATION REPORT (INCLUDE CHRONOLOGICAL HISTORY, RECOMMENDATIONS, CLEANUP and FINAL DISPOSITION).

Date	Time and Comments	Staff Name
7/24/06	<p>diesel is not going to "evaporate". Cleanup hatted in water - need more absorbent pads. Asked Henry about driveway @ VPP. I noticed there was some absorbent pad around the area where the truck overturned but it appeared there was track marks from where the tractor trailer was moved. He said he wasn't sure how trailer was pulled out but it appeared to be from their trailer. He would find out. Yes, the spill spillage was from there their truck. Had employees clean asphalt w/ absorbent.</p> <p>I left scene & came back Henry was gone. Spoke w/ employee Fernando who felt he had proper training & also clean up. He stated he watched a 30 minute</p> <p>Asked Henry if his company had a EPA ID#. He said yes. I said I needed to know the #. He will get it for me.</p> <p>Asked him if his company was a licensed hazardous waste hauler. He said yes - someone comes & takes their HW. I asked what he planned on doing w/ the waste generated at this site. He said he will contact HW hauler to pick up. I asked where he was going to store until it is picked up? He said will secure on farm land until can be picked up tomorrow.</p> <p>I left the scene & when I returned Henry was gone. Spoke w/ employee Fernando, who felt he did not have enough training for this kind of cleanup. He stated he watched 30 minute video for clean up in the shop. I called Henry and asked once again about his employees training. He stated he</p>	Jest



SAN JOAQUIN COUNTY

ENVIRONMENTAL HEALTH DEPARTMENT

600 E Main Street Stockton CA 95202

(209) 468-3420 Fax: (209) 464-0138 Web: www.sjgov.org/ehd

EMERGENCY RESPONSE INVESTIGATION REPORT (INCLUDE CHRONOLOGICAL HISTORY, RECOMMENDATIONS, CLEANUP and FINAL DISPOSITION).

Date	Time and Comments	Staff Name
1:03 pm	had called the shop & was told by their manager that the employees are trained. I asked him trained in what? He stated trained to handle the type of cleanup we are dealing with. I asked "trained specifically to handle h/w cleanup in water per Title 8?" He stated "uh, I don't know" I explained I would need written documentation of training. He said he would call me back w/ that information.	MST
1:17 pm	Called back to say Evergreen Oil Inc was on their way to do cleanup. They would be arriving in approximately 2 hours.	
2:15 pm	Spoke w/ Shawn Shears, Evergreen he is on his way out.	
3:30 pm	Shawn onsite. He is proposing to remove all water from irrigation ditch. Could be 4 trucks at approximately 5300 gallons of waste generated.	
5:30 pm	1 Truck arrived on scene, removed 5300 gallons of water from the irrigation ditch. Evergreen will arrive on scene tomorrow & continue cleanup. Evergreen removed 2 drums (55 gallon) of absorbent pads, dirt, etc.	
7:15 AM	Arrived on scene. Evergreen plans on having 2 trucks rotate to remove liquid. All day cleanup.	
7:00 am	Removed approx 15,900 gallons of irrigation water & 5 drums (55 gallon) of debris, absorbent pads, dirt. Plan to come back on Monday to check	
4:30 pm	ditch. May have to remove more water if there is present. Fuller from Evergreen will meet someone from our office here on Monday.	MST

INVESTIGATION REPORT

Detail all progress report (s) chronologically. List dates, times, types of notices. Describe conditions and actions taken. Attach all pertinent paperwork to this report.

Date: 7-28-08
 Inspector: 1422

Inspector on site with Ruben Martinez of Evergreens Oil, Inc. Ruben Martinez, Senior Project Manager & I noticed (a screen on the irrigation water at 11 AM) Ruben arranged for another 5,500 gal tank to be hauled to collect the remaining fuel. Paul Johnson of Frank Alegre Trucking also came on site to sign manifest # 003783173 JTK for the 5,090 gal. of contaminated irrigation water. Both Ruben & Paul have been informed to send copies of the manifest to JTC EHD. 27888 S. Kasson Rd. Un-incorporated Tracy owned by Chevron USA Inc. APN# 23906019

Date: 7-29-08
 Inspector: 1422

Photos printed & added to narrative.

Date: 2/17/09
 Inspector: 5642

printed out TSDF manifest copies

Date: _____
 Inspector: _____

Date: _____
 Inspector: _____



SAN JOAQUIN COUNTY
ENVIRONMENTAL HEALTH DEPARTMENT
 600 East Main Street Stockton • CA 95202-3029
 (209) 468-3420 • Fax: (209) 464-0138 • Web: www.sjgov.org/ehd

**RECEIVED
 FAXED
 COPY**

mt

NOTIFICATION OF HAZARDOUS WASTE DISCHARGE

A. EMERGENCY LEVEL I II III EHD LOG# 08-089

B. SOURCE OF INFORMATION

NAME:	Roert Lopez	PHONE:	
COMPANY	SJC OES	CITY:	Stockton
ADDRESS:			
DESIGNATED EMPLOYEE NAME:		PHONE:	
REPORTING AGENCY NAME:			
ADDRESS:			

C. LOCATION AND DATE OF DISCHARGE

LOCATION: <small>Best Physical Description</small>	22888 Kasson Rd	CITY	Tracy	<input type="checkbox"/> Incorporated
				<input checked="" type="checkbox"/> Unincorporated
DATE OF DISCHARGE:	July 24, 2008			
DATE NOTIFIED:	July 24, 2008	TIME:	10:00am	

D. RESPONSIBLE PERSON/BUSINESS

NAME OF BUSINESS:	Alegre Trucking		
CONTACT PERSON:	Henry Rotor	PHONE:	(209) 340-4751
PHYSICAL ADDRESS:			
MAILING ADDRESS:	PO Box 1508		

E. DESCRIPTION

TYPE OF DISCHARGE:	Spill
VOLUME:	Approx 15 gallons
CHEMICALS:	Diesel fuel
CIRCUMSTANCES:	Semi Truck in irrigation ditch, released fuel from saddle tank

F. ACTION TAKEN

Evergreen Environmental on scene to perform clean up
--

SITE DISPOSITION

Clean up ongoing



GOVERNOR'S OFFICE OF EMERGENCY SERVICES

Hazardous Materials Spill Report

RECEIVED
EXEMPT
COPY

DATE: 07/24/2008 TIME: 0953	RECEIVED BY: OES - Kenr Sneathen OSPR -	CONTROL#: OES 08-S395 NRC -
--	--	--

1.a. PERSON NOTIFYING GOVERNOR'S OES:

1. NAME: Henry Rotor	2. AGENCY: Frank C Alegre	3. PHONE#: 209-340-4751	4. Ext:	5. PAG/CELL:
--------------------------------	-------------------------------------	-----------------------------------	----------------	---------------------

1.b. PERSON REPORTING SPILL (if different from above):

1. NAME:	2. AGENCY:	3. PHONE#:	4. Ext:	5. PAG/CELL:
-----------------	-------------------	-------------------	----------------	---------------------

2. SUBSTANCE TYPE:

2. a. SUBSTANCE:	b. QTY: >=<	Amount	Measure	c. TYPE:	d. OTHER:
1. Diesel fuel	=	15-20	Gal(s)	PETROLEUM	
2.	=				
3.	=				

e. DESCRIPTION: RP States: A semi truck took a turn to wide and went into an irrigation ditch. The release was from the saddle tanks on the truck. The truck was carrying rock, non hazardous cargo.

f. CONTAINED: Yes	g. WATER INVOLVED: Yes	h. WATERWAY: irrigation ditch - unknown where it goes	i. DRINKING WATER IMPACTED: No
-----------------------------	----------------------------------	---	--

3. a. INCIDENT LOCATION: fuel station on Kason Road at I5, NB

b. CITY: Tracy	c. COUNTY: San Joaquin County	d. ZIP:
--------------------------	---	----------------

4. INCIDENT DESCRIPTION:

a. DATE: 07/24/2008	b. TIME (Military): 0435	c. SITE: Road
d. INJURIES#: 0	e. FATALS #: 0	f. EVACS #: 0
g. CLEANUP BY: Reporting Party		

Same as #1. "PERSON NOTIFYING OES"

5. SUSPECTED RESPONSIBLE PARTY:

a. NAME: Henry Rotor	b. AGENCY: Frank C Alegre	c. PHONE#: 209-340-4751	d. EXT.:
e. MAIL ADDRESS: P.O. Box 1508	f. CITY: Lodi	g. STATE: CA	h. ZIP: 95241

6. NOTIFICATION INFORMATION:

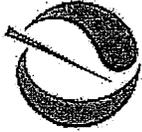
a. ON SCENE: CHP, Other	b. OTHER ON SCENE: San Joaquin Environmental	c. OTHER NOTIFIED:
-----------------------------------	--	---------------------------

d. ADMIN. AGENCY: San Joaquin County Emergency Services **e. SEC. AGENCY:**

f. NOTIFICATION LIST: DOG Unit: RWQCB Unit: SB

<input checked="" type="checkbox"/> AA/CUPA	<input checked="" type="checkbox"/> USFWS	<input checked="" type="checkbox"/> DHS-D.O.	<input type="checkbox"/> FOOD & AG	<input type="checkbox"/> OSHA	<input checked="" type="checkbox"/> USCG
<input checked="" type="checkbox"/> DFG-OSPR	<input type="checkbox"/> AIR RESOURCES BD	<input type="checkbox"/> DOG	<input checked="" type="checkbox"/> LANDS	<input checked="" type="checkbox"/> PARKS & REC	<input type="checkbox"/> USDOJ
<input checked="" type="checkbox"/> DTSC	<input type="checkbox"/> CALTRANS	<input type="checkbox"/> BB PARKS	<input type="checkbox"/> OES HAZMAT UNIT	<input type="checkbox"/> PUC	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> RWQCB	<input type="checkbox"/> CDF	<input type="checkbox"/> EMSA	<input type="checkbox"/> OES PLANS UNIT	<input type="checkbox"/> SFM	
<input checked="" type="checkbox"/> US EPA	<input checked="" type="checkbox"/> COASTAL COM	<input type="checkbox"/> FEMA	<input type="checkbox"/> OES REG	<input type="checkbox"/> USMMS	

No further EMD activity



Linda S. Adams
Acting Secretary for
Environmental Protection

Department of Toxic Substances Control

Leonard Robinson, Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

Manifest Search Results

Manifest : 003940553JJK

Version # : 1

Generator	Shipment Date	Receipt Date	Transporter 1	Transporter 2	TSDf	Alt -TSDf	Copy	Paired/ Matched
<u>CAC002632962</u>	20080725	20080728	<u>CAD982413262</u>			<u>CAD98088741B</u>	D	N / N

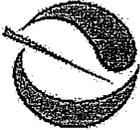
Waste Stream Information:

State Waste	RCRA	Method	Tons	Containers	Type	Quantity	Unit
223		H141	0.5000	5	DM	1000.0000	P

Continuation
Sheet No.

No Data Found

The Department of Toxics Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.



Linda S. Adams
Acting Secretary for
Environmental Protection

Department of Toxic Substances Control

Leonard Robinson, Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

Manifest Search Results

Manifest : 003307636JJK

Version # : 1

Generator	Shipment Date	Receipt Date	Transporter 1	Transporter 2	TSDF	Alt -TSDF	Copy	Paired/ Matched
<u>CAC002632962</u>	20080725	20080728	<u>CAD982413262</u>			<u>CAD980887418</u>	D	N / N

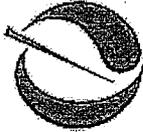
Waste Stream Information:

State Waste	RCRA	Method	Tons	Containers	Type	Quantity	Unit
221		H135	20,1400	1	TT	5300.0000	G

Continuation
Sheet No.

No Data Found

The Department of Toxics Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.



Linda S. Adams
Acting Secretary for
Environmental Protection

Department of Toxic Substances Control

Leonard Robinson, Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

Manifest Search Results

Manifest : 003783173JJK Version # : 1

Generator	Shipment Date	Receipt Date	Transporter 1	Transporter 2	TSDF	Alt -TSDF	Copy	Paired/ Matched
<u>CAC002632962</u>	20080728	20080728	<u>CAD982413262</u>		<u>CAD980887418</u>		D	N / N

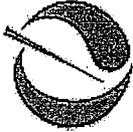
Waste Stream Information:

State Waste	RCRA	Method	Tons	Containers	Type	Quantity	Unit
223		H141	21.2253	1	TT	5090.0000	G

Continuation
Sheet No.

No Data Found

The Department of Toxic Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTIS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.



Linda S. Adams
Acting Secretary for
Environmental Protection

Department of Toxic Substances Control

Leonard Robinson, Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

EPA ID PROFILE

ID Number: CAC002632962 Name: FRANK C ALLEGRA TRUCKING INC
Status: INACTIVE Inactive Date: 01/21/2009 Record Entered: 07/24/2008 Last Updated: 02/04/2009
County: SAN JOAQUIN NAICS: SIC:

	Name	Address	City	State	Zip Code	Phone
Location	FRANK C ALLEGRA TRUCKING INC	3566 W 11TH ST	TRACY	CA	953049516	
Mailing		PO BOX 1508	LODI	CA	952411508	
Owner	FRANK C ALLEGRA TRUCKING INC	PO BOX 1508	LODI	CA	952411508	2093404751
Operator/ Contact	HENRY ROTOR	PO BOX 1508	LODI	CA	952411508	2093404751

Based ONLY upon ID Number CAC002632962

Calif. Manifests ?	Non Calif. Manifests ?	Transporter Registration ?
YES	NO	NO

California and Non California Manifest Tonnage Total and Waste Code by Year Matrix by Entity Type (if available) are on the next page

The Department of Toxic Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.

Calif. Manifest Counts and Total Tonnage

Top line represents Manifest Count and Bottom line represents Total Tonnage

	GENERATOR
2008	7 104.1293

Non California Manifest Total Tonnage

**Waste Code By Year By Entity Matrix Report
(based on California Manifests only)**

Calif.	<u>Generator</u>	<u>Transporter 1</u>	<u>Transporter 2</u>	<u>TSDF</u>	<u>Alt. TSDF</u>
RCRA	<u>Generator</u>	<u>Transporter 1</u>	<u>Transporter 2</u>	<u>TSDF</u>	<u>Alt. TSDF</u>



Linda S. Adams
Acting Secretary for
Environmental Protection

Department of Toxic Substances Control

Leonard Robinson, Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

EPA ID PROFILE

ID Number: CAD982413262 Name : EVERGREEN ENVIRONMENTAL SERVICES
 Status: ACTIVE Inactive Date: Record Entered: 06/17/1988 Last Updated: 10/01/2010
 County: ALAMEDA NAICS: 324191 SIC: 2992

	Name	Address	City	State	Zip Code	Phone
Location	EVERGREEN ENVIRONMENTAL SERVICES	6880 SMITH AVE	NEWARK	CA	945600000	
Mailing		6880 SMITH AVE	NEWARK	CA	945600000	
Owner	EVERGREEN HOLDINGS INC	2415 CAMPUS DR STE 225	IRVINE	CA	92612	9497577770
Operator/ Contact	STEPHEN DOUGLAS/COMPLIANCE MGR	6880 SMITH AVE	NEWARK	CA	945600000	5107954400

Based ONLY upon ID Number CAD982413262

Calif. Manifests ?	Non Calif. Manifests ?	Transporter Registration ?
YES	YES	ACTIVE

California and Non California Manifest Tonnage Total and Waste Code by Year Matrix by Entity Type (if available) are on the next page

The Department of Toxic Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.



Linda S. Adams
Acting Secretary for
Environmental Protection

Department of Toxic Substances Control

Leonard Robinson, Acting Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

EPA ID PROFILE

ID Number: CAD980887418 Name : EVERGREEN OIL INC
Status: ACTIVE Inactive Date: Record Entered: 04/10/1987 Last Updated: 10/01/2010
County: ALAMEDA NAICS: 324191 SIC: 2992

	Name	Address	City	State	Zip Code	Phone
Location	EVERGREEN OIL INC	6880 SMITH AVE	NEWARK	CA	945600000	
Mailing		6880 SMITH AVE	NEWARK	CA	945604224	
Owner	EVERGREEN HOLDINGS INC	2415 CAMPUS DR STE 225	IRVINE	CA	92612	9497577770
Operator/ Contact	STEPHEN DOUGLAS/COMPLIANCE MGR	6880 SMITH AVE	NEWARK	CA	945604224	5107954400

Based ONLY upon ID Number: CAD980887418

Calif. Manifests ?	Non Calif. Manifests ?	Transporter Registration ?
YES	YES	ACTIVE

California and Non California Manifest Tonnage Total and Waste Code by Year Matrix by Entity Type (if available) are on the next page

The Department of Toxics Substances Control (DTSC) takes every precaution to ensure the accuracy of data in the Hazardous Waste Tracking System (HWTS). However, because of the large number of manifests handled, inaccuracies in the submitted data, limitations of the manifest system and the technical limitations of the database, DTSC cannot guarantee that the data accurately reflect what was actually transported or produced.

Report Generation Date: 03/22/2011

EXHIBIT 7

Map Output

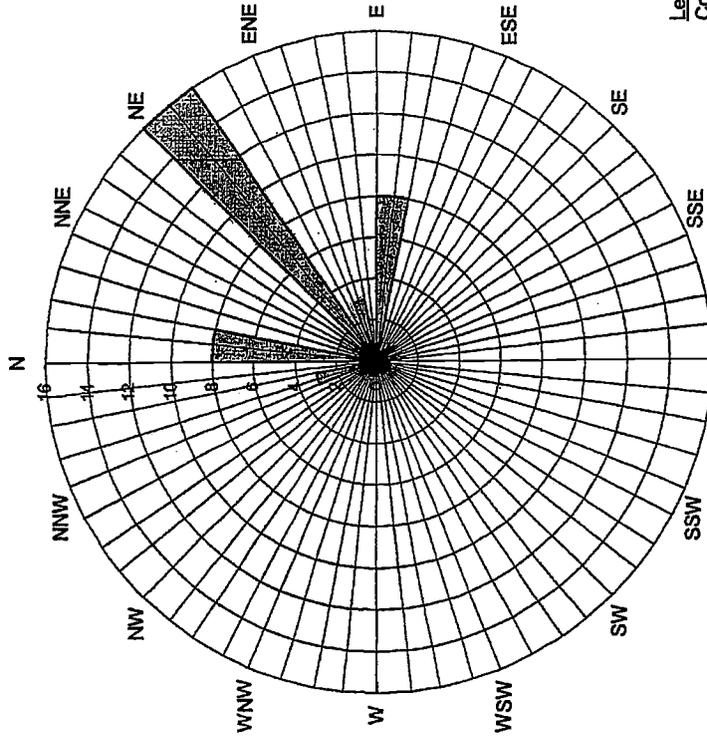
The map viewer interface includes several key components:

- Legend:** Located at the top left, it contains two sections: "LAYER" with checkboxes for "Base", "Parcel", "City", "County", "District", "Water", "Road", "Rail", "Power", "Gas", "Sewer", "Flood", "Fire", "Hazard", "Other", and "3D"; and "Parcel Details" with checkboxes for "Address", "APN", "Area", "Perimeter", "Volume", "Elevation", "Zoning", "District", "County", "City", "State", "Country", "Parcel Type", "Parcel Status", "Parcel Use", "Parcel Value", "Parcel Tax", "Parcel Fee", "Parcel Charge", "Parcel Penalty", "Parcel Fine", "Parcel Fee", "Parcel Charge", "Parcel Penalty", "Parcel Fine".
- Map Area:** The central part of the interface displays a map with a large, irregularly shaped parcel shaded in a dark gray, textured pattern. The parcel is situated within a larger geographic context, with other parcels and features visible as thin lines.
- Scale and Orientation:** A scale bar is located at the bottom left, and a north arrow is positioned at the bottom right.
- Metadata:** At the bottom right, there is a section titled "San Joaquin County District Viewer" with the following text: "San Joaquin County Geographic Information System", "1115 La Grange Avenue, Stockton, California 95209", and "Copyright © 2009 San Joaquin County Geographic Information System".
- Logos:** The official seal of San Joaquin County is located in the bottom right corner.

EXHIBIT 8

Figure 8
Groundwater Flow Direction Rose Diagram

Chevron Bulk Fuel Terminal 1001621
 22888 Kasson Road
 Banta, California



Legend
 Concentric Circles represent
 Quarterly Monitoring Events
 First Quarter 1997 through
 Third Quarter 2005
 (35 Data Points Shown)

Note:
 Groundwater gradient was
 variable Fourth Quarter 2004
 through Third Quarter 2005

Groundwater Flow Direction

CHEVRON FUEL TERMINAL 1001621
 22888 SOUTH KASSON ROAD, BANTA, CALIFORNIA
 CONCEPTUAL SITE MODEL

**GROUNDWATER FLOW DIRECTION
 ROSE DIAGRAM**

BBL
 BRADSHAW, BUCKLE & LEE, INC.
 GEOPHYSICAL, ENVIRONMENTAL, ENGINEERING

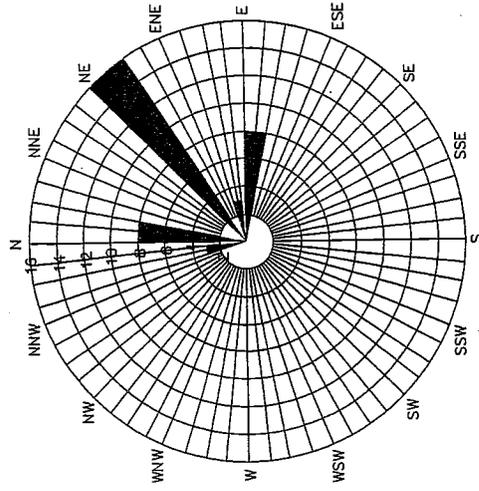
FIGURE
8

MAP PROVIDED BY SEOR. FIGURE ENTITLED "GROUND WATER
 FLOW DIRECTION."

REVISED
 11/20/05
 10/20/05 10:55 AM
 4435507/10/20/05

EXHIBIT 9

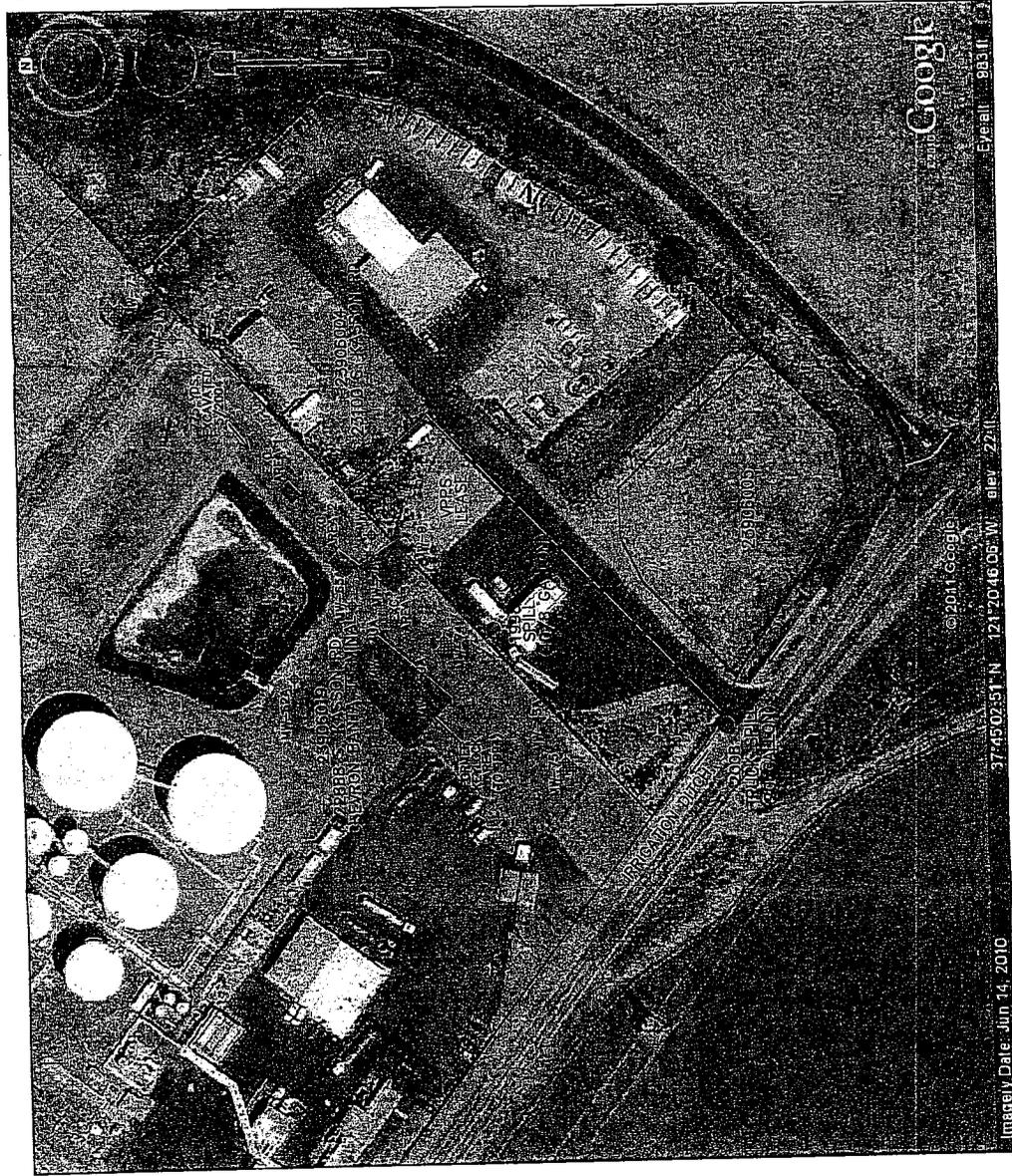
GROUNDWATER FLOW DIRECTION ROSE DIAGRAM
 CHEVRON BULK FUEL TERMINAL 1001621
 22888 KASSON ROAD
 BANTA, CA



CONCENTRIC CIRCLES REPRESENT
 QUARTERLY MONITORING EVENTS
 FIRST QUARTER 1997 THROUGH
 THIRD QUARTER 2005
 (35 DATA POINTS SHOWN)

LEGEND:

- PROPERTY LINE
- - - LEASE LINE
- ⊕ MONITORING WELL
- ⊗ DESTROYED WELL
- ✓ DIESEL INCIDENTS/SOURCES



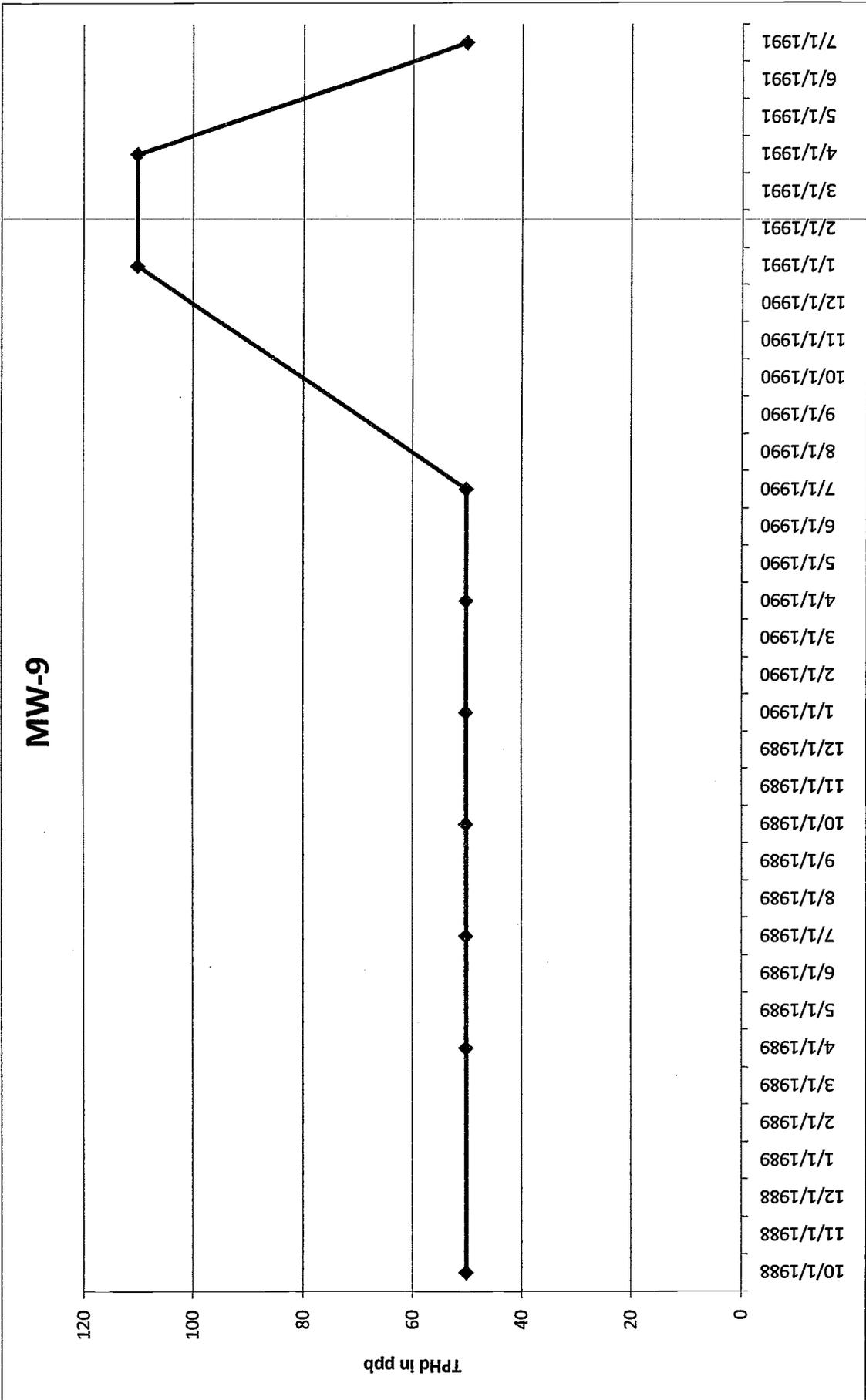
FIGURE

SITE PLAN
 VALLEY PACIFIC PETROLEUM SERVICES
 CARDLOCK FACILITY
 23100 S. KASSON RD
 BANTA, CALIFORNIA

GROUND ZERO
 ANALYSIS, INC.

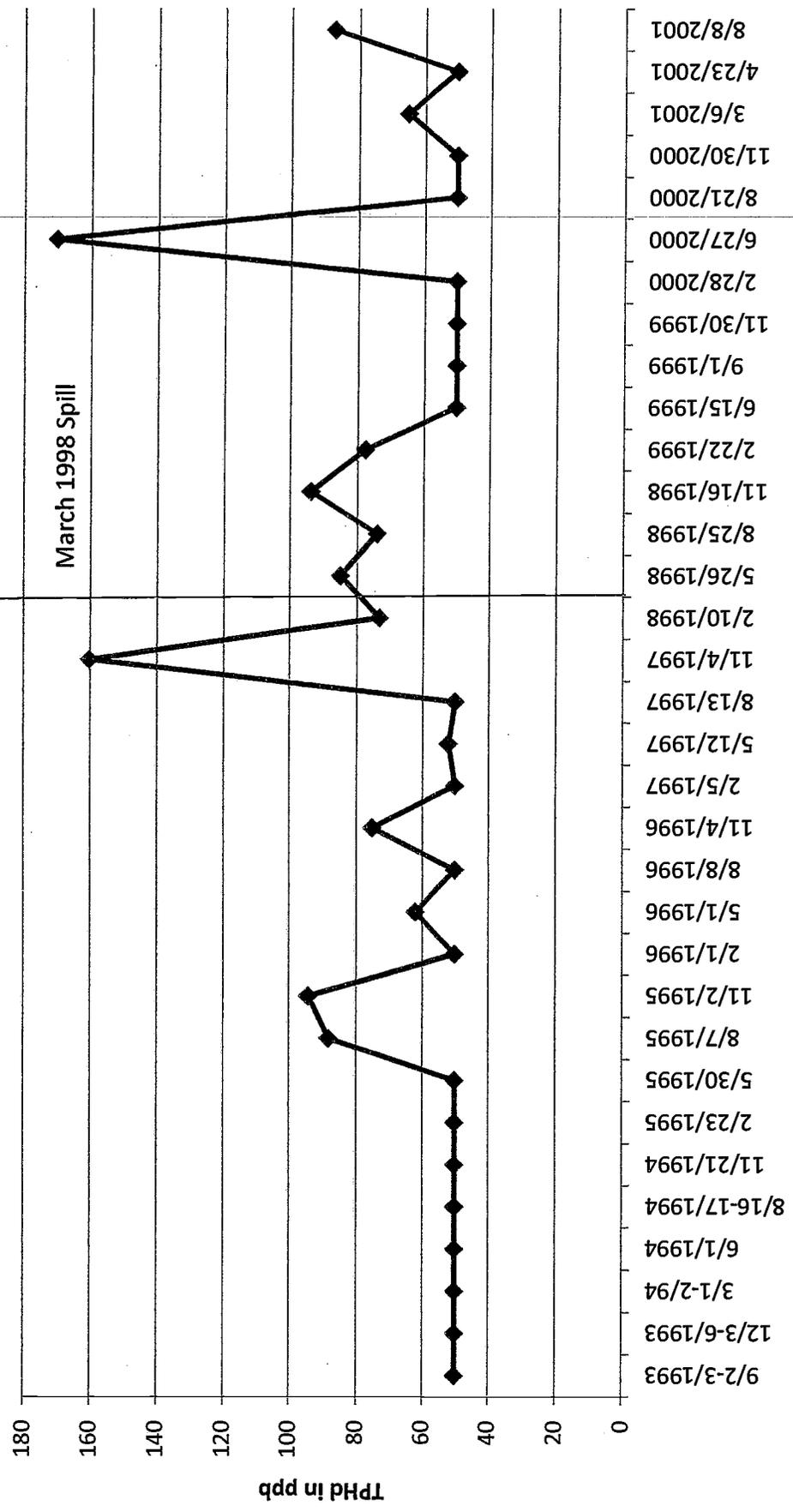
FN:0311/847s2

EXHIBIT 10



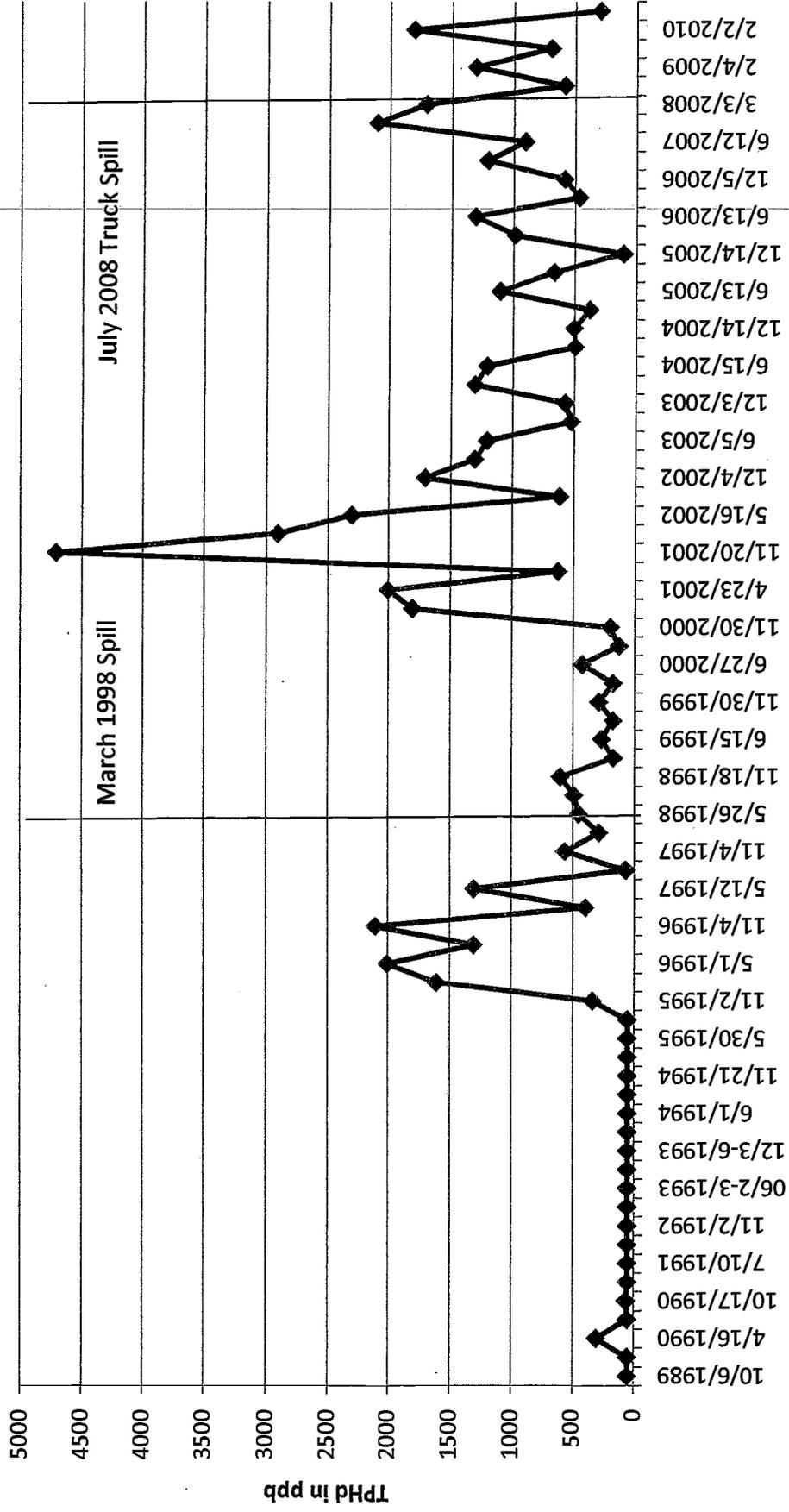
Well	Date	TPH-DRO
MW-9	10/13/1988	50
	4/14/1989	50
	7/18/1989	50
	10/6/1989	50
	1/17/1990	50
	4/16/1990	50
	7/18/1990	50
	1/14/1991	110
	4/10/1991	110
	7/10/1991	50

MW-20



Well	Date	TPH-DRO
MW-20	9/2-3/1993	50
	12/3-6/1993	50
	3/1-2/94	50
	6/1/1994	50
	8/16-17/1994	50
	11/21/1994	50
	2/23/1995	50
	5/30/1995	50
	8/7/1995	88
	11/2/1995	94
	2/1/1996	50
	5/1/1996	62
	8/8/1996	50
	11/4/1996	75
	2/5/1997	50
	5/12/1997	52
	8/13/1997	50
	11/4/1997	160
	2/10/1998	73
	5/26/1998	84.7
	8/25/1998	73.8
	11/16/1998	93.6
	2/22/1999	77.4
	6/15/1999	50
	9/1/1999	50
	11/30/1999	50
	2/28/2000	50
	6/27/2000	170
	8/21/2000	50
	11/30/2000	50
	3/6/2001	65
	4/23/2001	50
8/8/2001	87	

MW-34UA

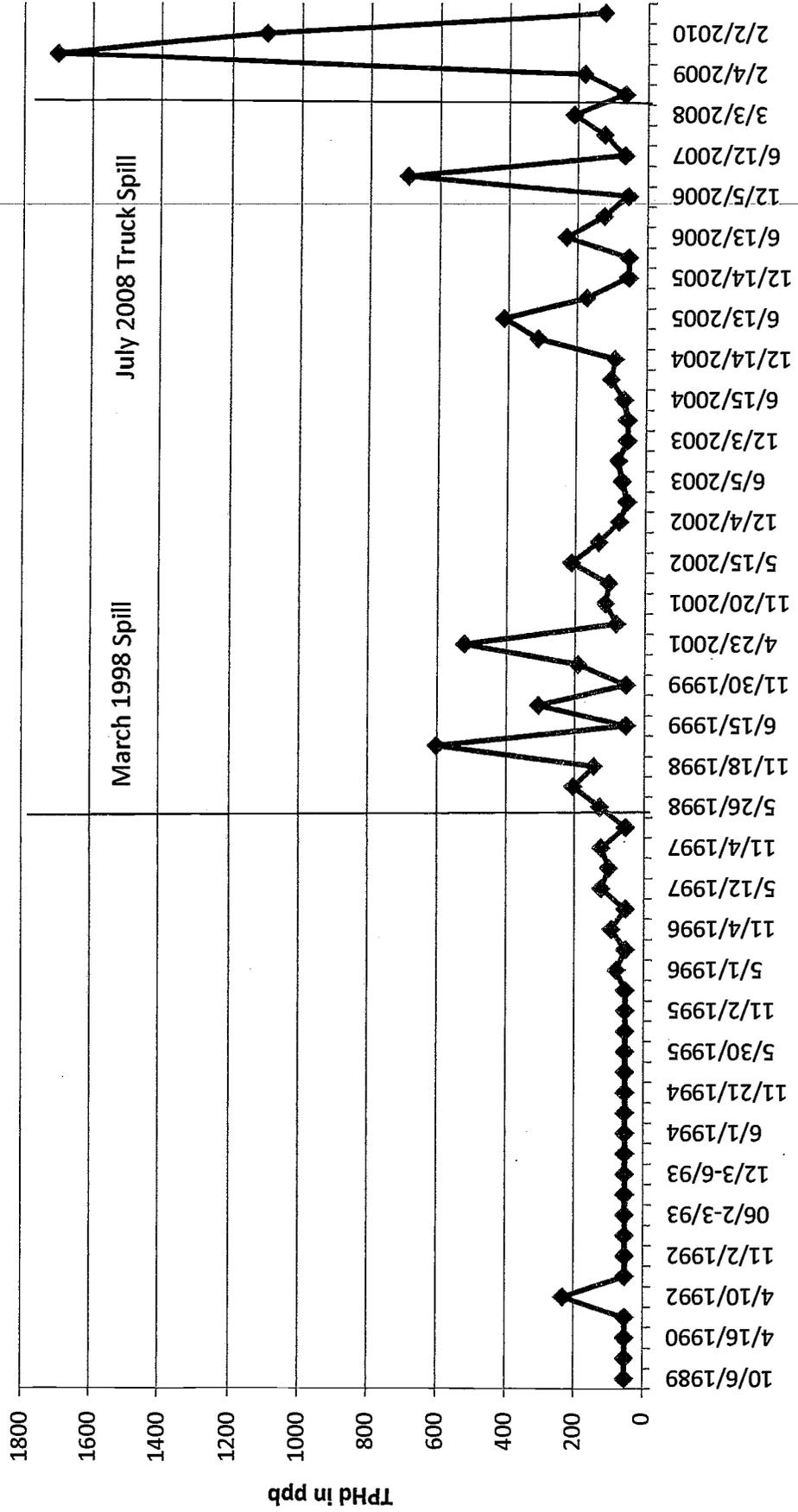


Well	Date	TPH-DRO
MW-34UA (T-1)	10/6/1989	50
	1/17/1990	50
	4/16/1990	300
	7/18/1990	50
	10/17/1990	60
	4/10/1991	50
	7/10/1991	50
	8/12/1992	50
	11/2/1992	50
	2/26/1993	50
	06/2-3/1993	50
	09/2-3/1993	50
	12/3-6/1993	50
	3/1-2/94	50
	6/1/1994	50
	8/16-17/1994	50
	11/21/1994	50
	2/23/1995	50
	5/30/1995	50
	8/7/1995	50
	11/2/1995	330
	2/1/1996	1600
	5/1/1996	2000
	8/8/1996	1300
	11/4/1996	2100
	2/5/1997	390
	5/12/1997	1300
	8/13/1997	66
	11/4/1997	560
	2/11/1998	280
	5/26/1998	448
	8/26/1998	487
	11/18/1998	598
2/22/1999	164	
6/15/1999	261	
9/1/1999	167	
11/30/1999	283	
2/28/2000	167	
6/27/2000	420	
8/21/2000	120	
11/30/2000	190	
3/6/2001	1800	
4/23/2001	2000	
8/9/2001	620	
11/20/2001	4700	
2/22/2002	2900	

Date	TPH-DRO
5/16/2002	2300
8/27/2002	610
12/4/2002	1700
3/5/2003	1300
6/5/2003	1200
9/4/2003	520
12/3/2003	570
3/3/2004	1300
6/15/2004	1200
9/14/2004	490
12/14/2004	500
3/15/2005	370
6/13/2005	1100
9/12/2005	660
12/14/2005	100
3/13/2006	980
6/13/2006	1300
9/11/2006	460
12/5/2006	580
3/6/2007	1200
6/12/2007	900
9/10/2007	2100
3/3/2008	1700
9/2/2008	580
2/4/2009	1300
8/4/2009	690
2/2/2010	1800
8/17/2010	290

} A.V. = 1020

MW35-UA

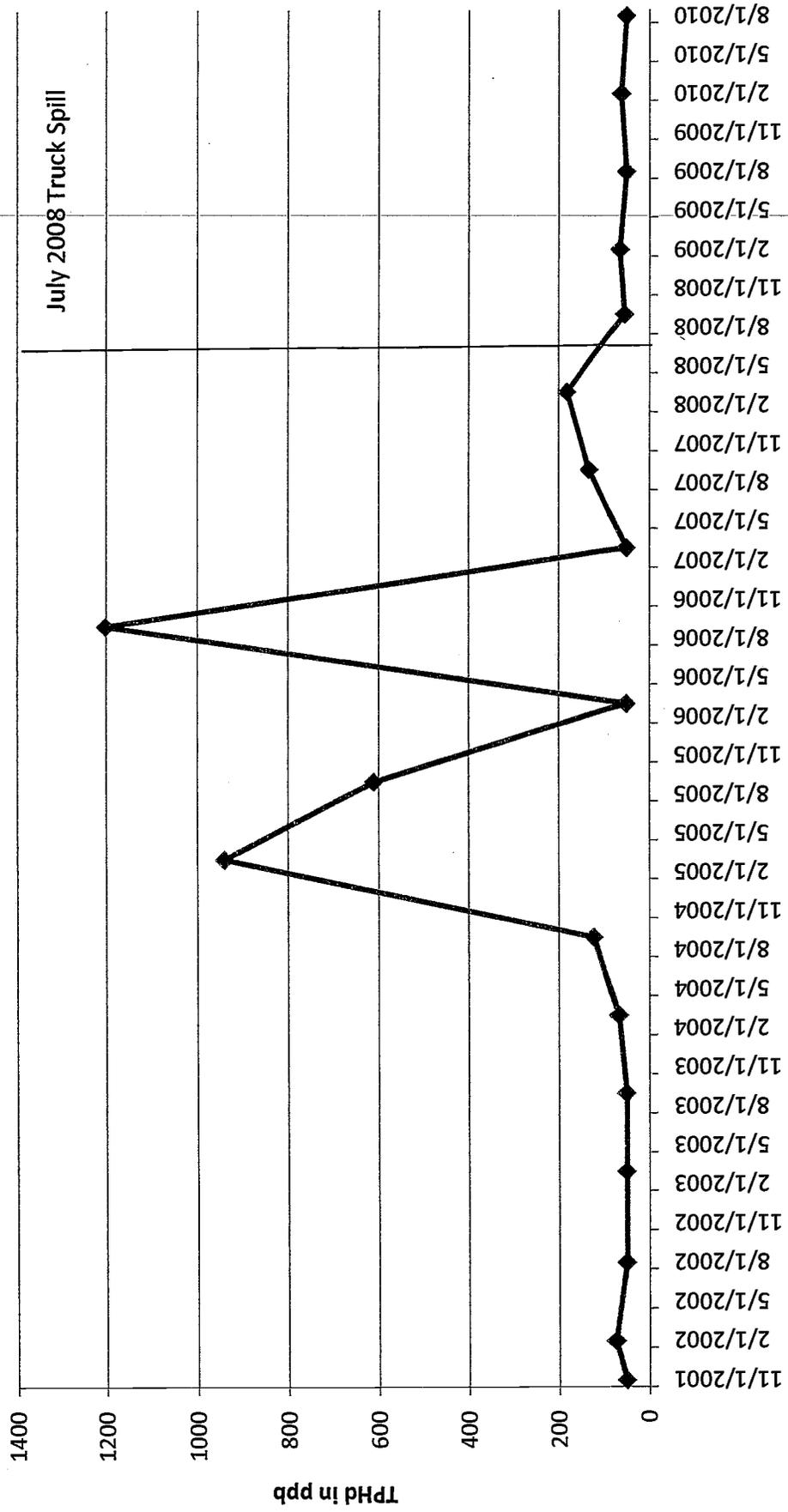


Well	Date	TPH-DRO
MW-35UA (T-3)	10/6/1989	50
	1/17/1990	50
	4/16/1990	50
	7/18/1990	50
	4/10/1992	230
	7/10/1991	50
	11/2/1992	50
	2/26/1993	50
	06/2-3/93	50
	9/2-3/93	50
	12/3-6/93	50
	3/1-2/94	50
	6/1/1994	50
	8/16-17/94	50
	11/21/1994	50
	2/23/1995	50
	5/30/1995	50
	8/7/1995	50
	11/2/1995	50
	2/1/1996	50
	5/1/1996	75
	8/8/1996	50
	11/4/1996	90
	2/5/1997	50
	5/12/1997	120
	8/13/1997	98
	11/4/1997	120
	2/11/1998	50
	5/26/1998	124
	8/26/1998	203
	11/18/1998	142
	2/22/1999	600
	6/15/1999	50
9/1/1999	303	
11/30/1999	50	
3/6/2001	190	
4/23/2001	520	
8/8/2001	78	
11/20/2001	110	
2/22/2002	100	
5/15/2002	210	
8/27/2002	130	
12/4/2002	71	
3/5/2003	50	
6/5/2003	64	
9/4/2003	75	

Date	TPH-DRO
12/3/2003	50
3/4/2004	50
6/15/2004	60
9/14/2004	97
12/14/2004	86
3/15/2004	310
6/13/2005	410
9/12/2005	170
12/14/2005	50
3/13/2006	50
6/13/2006	230
9/11/2006	120
12/5/2006	52
3/6/2007	690
6/12/2007	62
9/10/2007	120
3/3/2008	210
9/2/2008	61
2/4/2009	180
8/4/2009	1700
2/2/2010	1100
8/17/2010	120

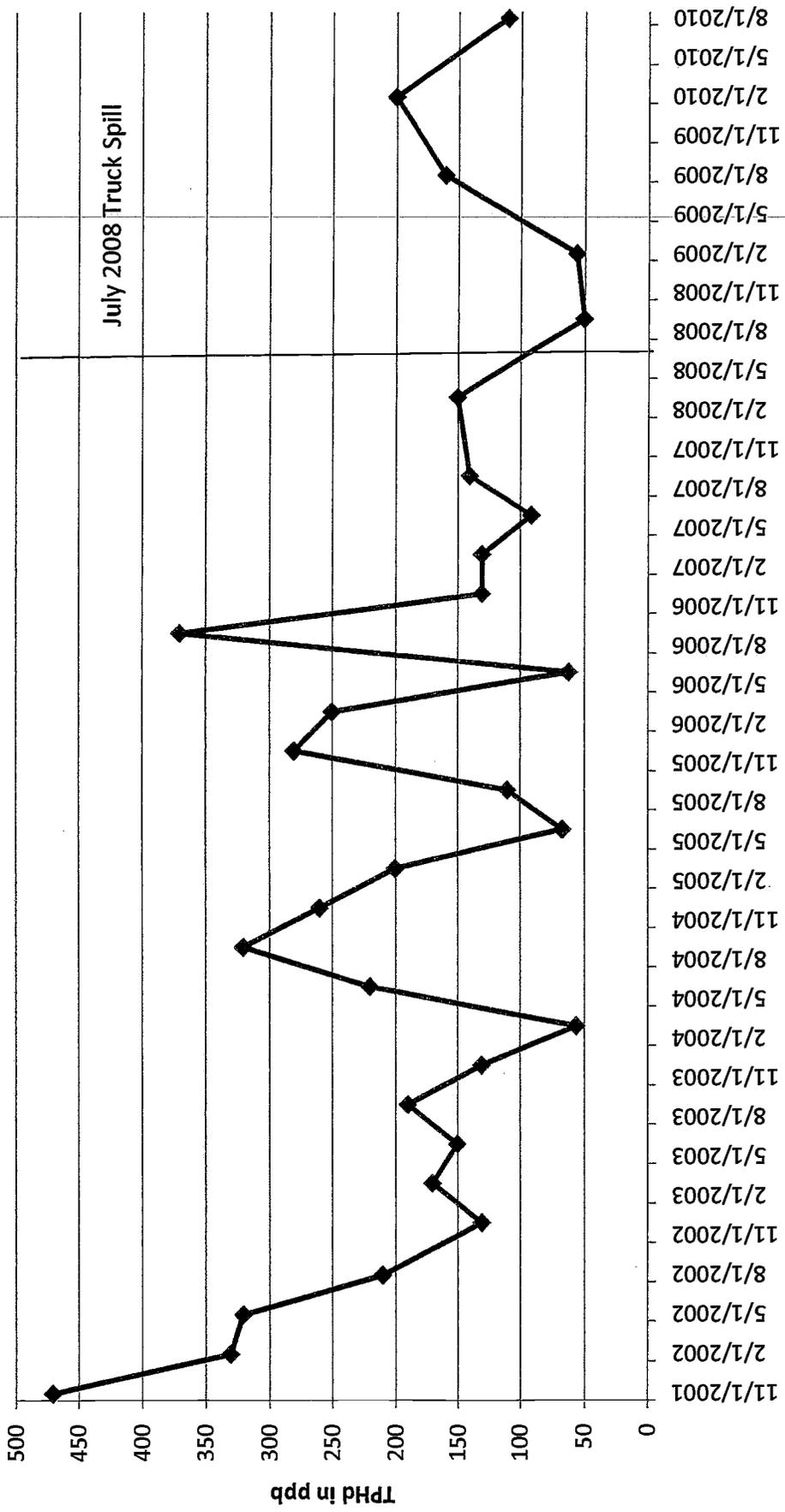
} AV = TTS

MW-43A



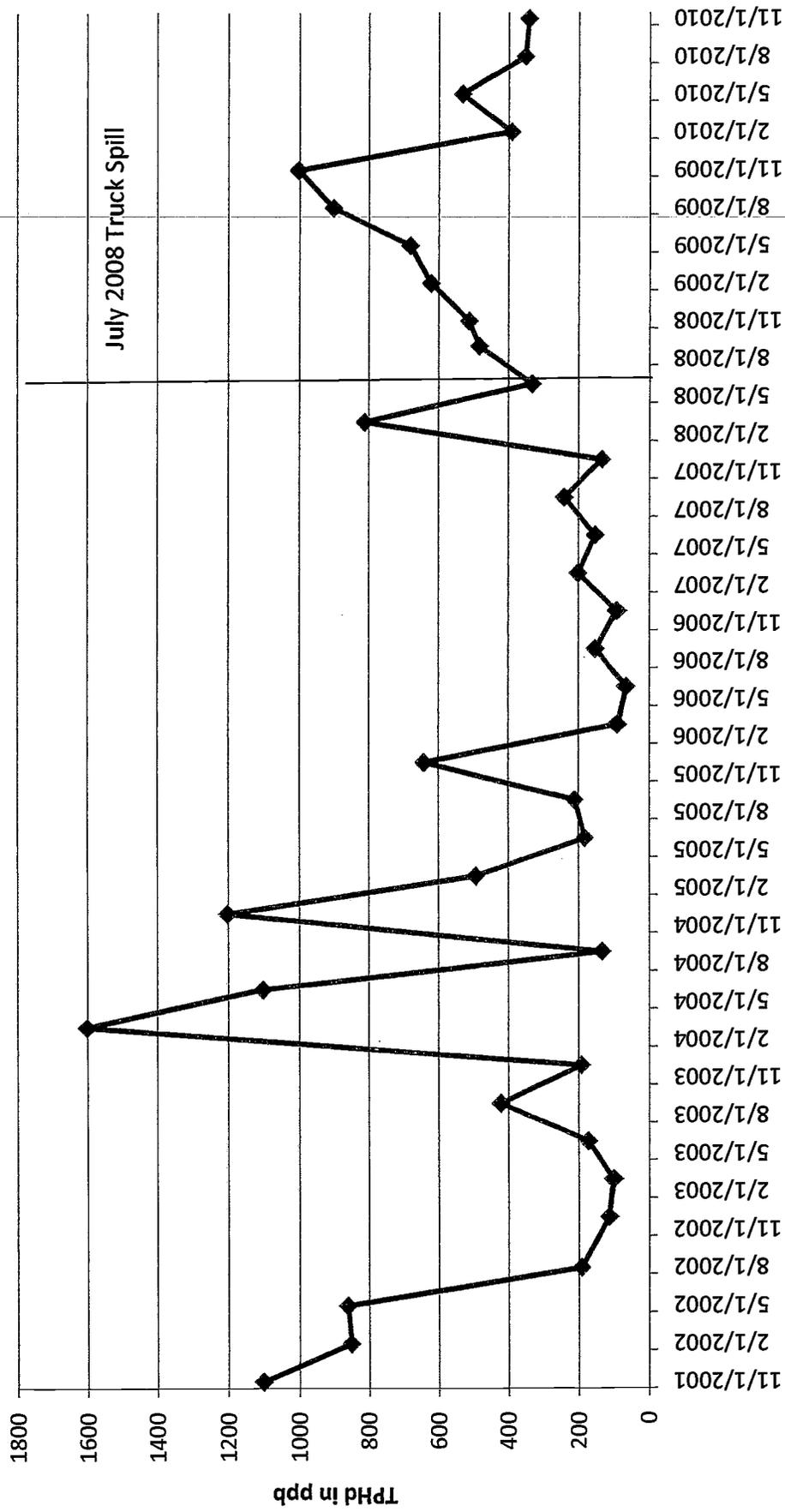
Well	Date	TPH-DRO
MW-43A	11/20/2001	50
	2/21/2002	73
	8/27/2002	50
	3/5/2003	50
	9/4/2003	50
	3/3/2004	66
	9/14/2004	120
	3/15/2005	940
	9/12/2005	610
	3/13/2006	50
	9/11/2006	1200
	3/6/2007	50
	9/10/2007	130
	3/3/2008	180
	9/2/2008	54
	2/4/2009	64
	8/4/2009	50
	2/2/2010	61
	8/17/2010	50

MW-46A



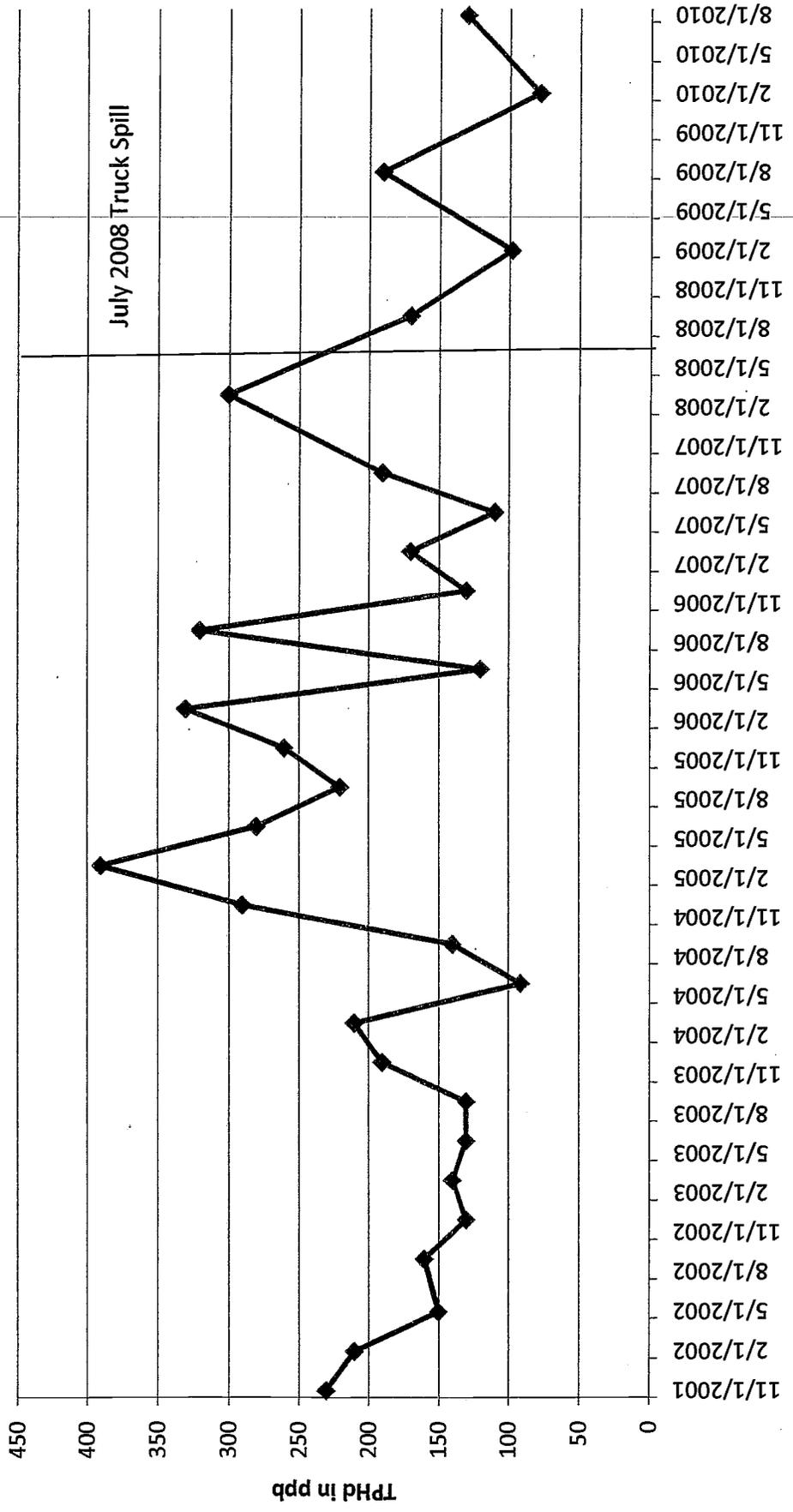
Well	Date	TPH-DRO
MW-46A	11/20/2001	470
	2/22/2002	330
	5/16/2002	320
	8/27/2002	210
	12/4/2002	130
	3/5/2003	170
	6/5/2003	150
	9/4/2003	190
	12/3/2003	130
	3/2/2004	56
	6/15/2004	220
	9/14/2004	320
	12/14/2004	260
	3/15/2005	200
	6/13/2005	67
	9/12/2005	110
	12/14/2005	280
	3/13/2006	250
	6/13/2006	62
	9/11/2006	370
	12/5/2006	130
	3/6/2007	130
	6/12/2007	91
	9/10/2007	140
	3/3/2008	150
	9/2/2008	50
	2/4/2009	56
	8/4/2009	160
2/2/2010	200	
8/17/2010	110	

MW-51A



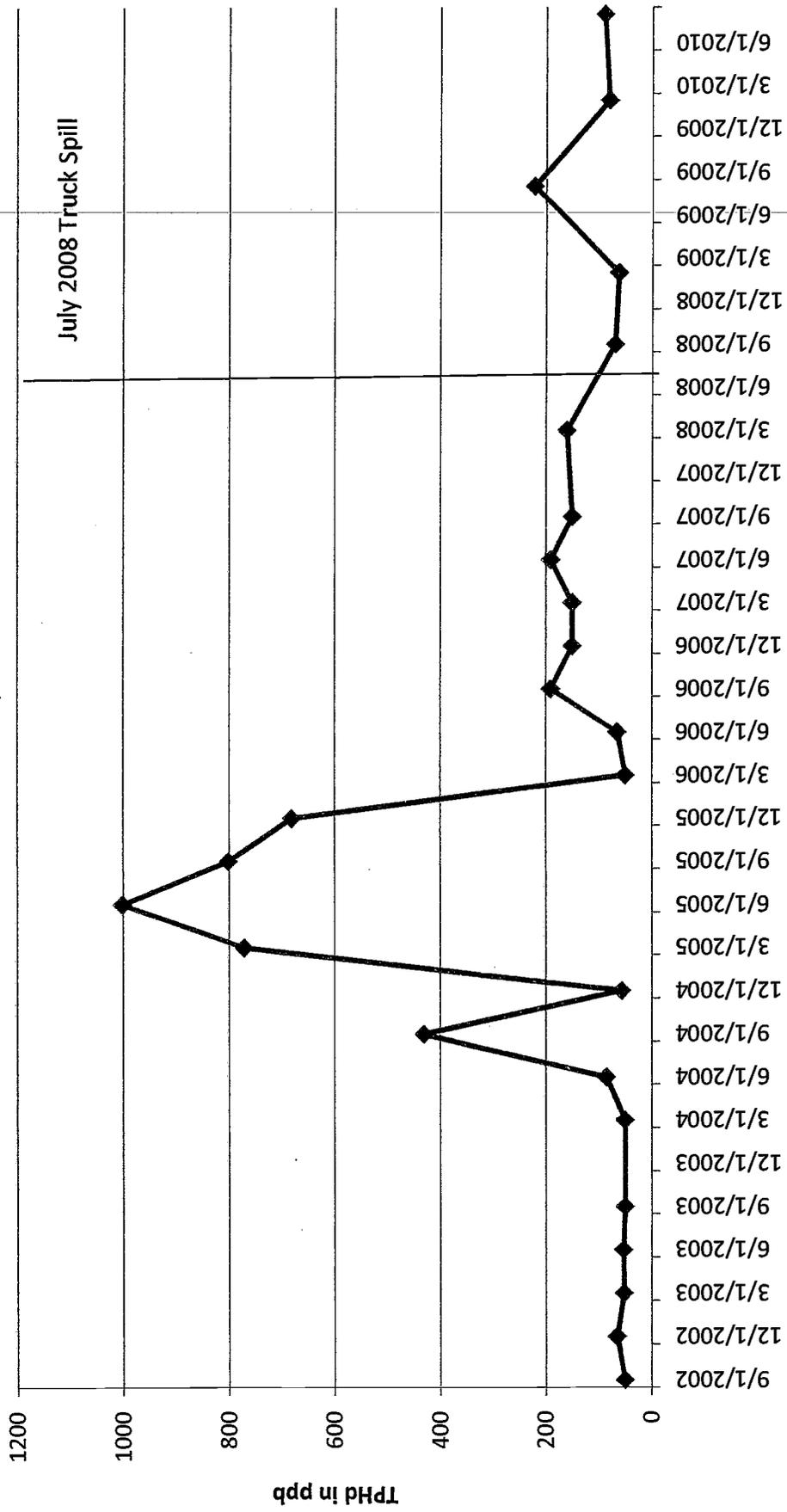
Well	Date	TPH-DRO
MW-51A	11/20/2001	1100
	2/22/2002	850
	5/16/2002	860
	8/27/2002	190
	12/4/2002	110
	3/5/2003	98
	6/5/2003	170
	9/4/2003	420
	12/2/2003	190
	3/2/2004	1600
	6/15/2004	1100
	9/14/2004	130
	12/14/2004	1200
	3/15/2005	490
	6/13/2005	180
	9/12/2005	210
	12/14/2005	640
	3/13/2006	88
	6/13/2006	64
	9/11/2006	150
	12/5/2006	89
	3/6/2007	200
	6/12/2007	150
	9/10/2007	240
	12/10/2007	130
	3/3/2008	810
	6/9/2008	330
	9/2/2008	480
	11/5/2008	510
	2/4/2009	620
	5/5/2009	680
	8/4/2009	900
	11/3/2009	1000
2/2/2010	390	
5/11/2010	530	
8/17/2010	350	
11/16/2010	340	

MW-52A



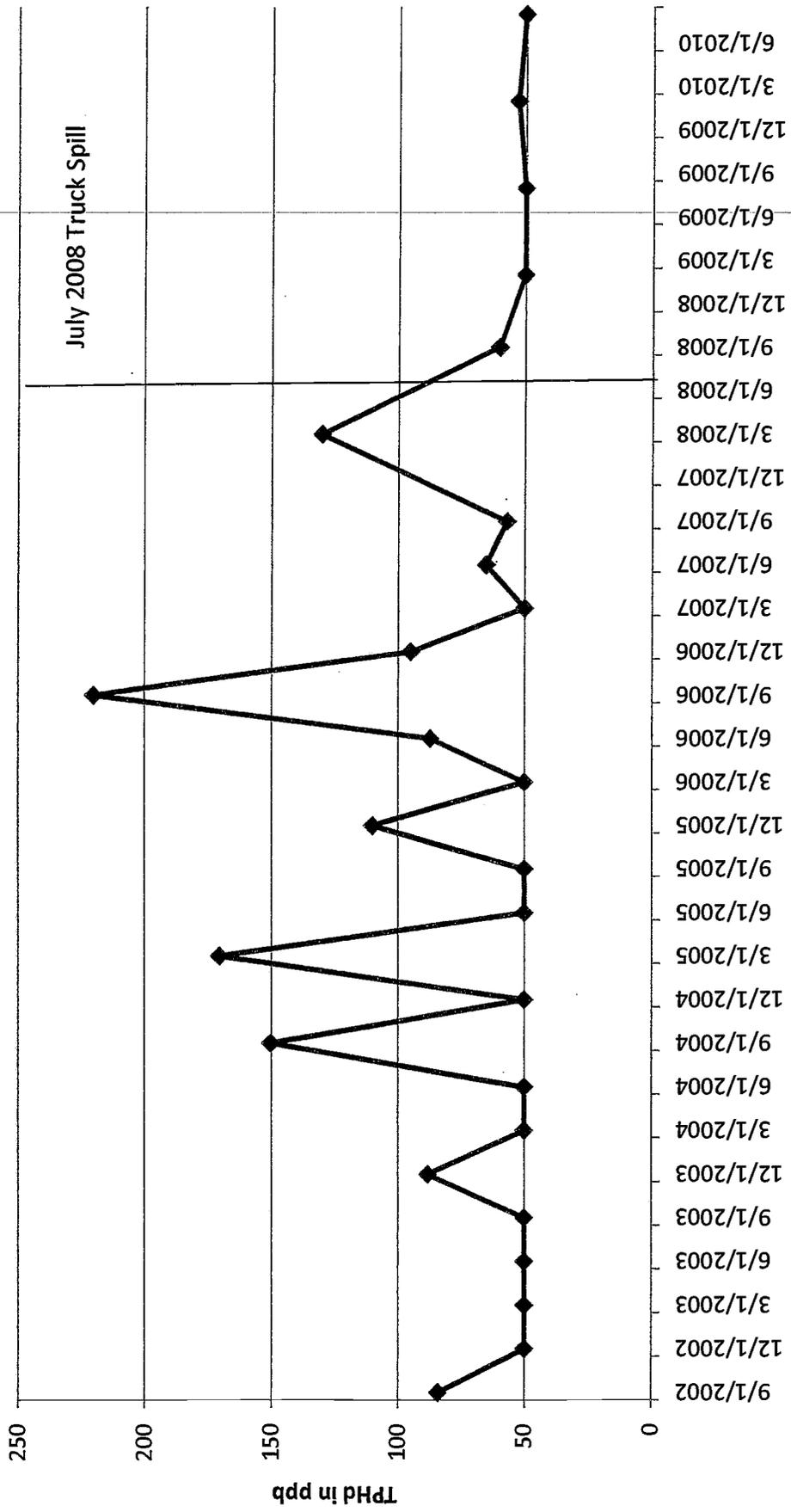
Well	Date	TPH-DRO
MW-52A	11/20/2001	230
	2/21/2002	210
	5/15/2002	150
	9/19/2002	160
	12/4/2002	130
	3/5/2003	140
	6/4/2003	130
	9/3/2003	130
	12/2/2003	190
	3/2/2004	210
	6/15/2004	91
	9/14/2004	140
	12/14/2004	290
	3/15/2005	390
	6/13/2005	280
	9/12/2005	220
	12/14/2005	260
	3/14/2006	330
	6/13/2006	120
	9/11/2006	320
	12/5/2006	130
	3/6/2007	170
	6/12/2007	110
	9/10/2007	190
	3/3/2008	300
	9/2/2008	170
	2/4/2009	98
	8/4/2009	190
	2/2/2010	78
	8/17/2010	130

MW-54A



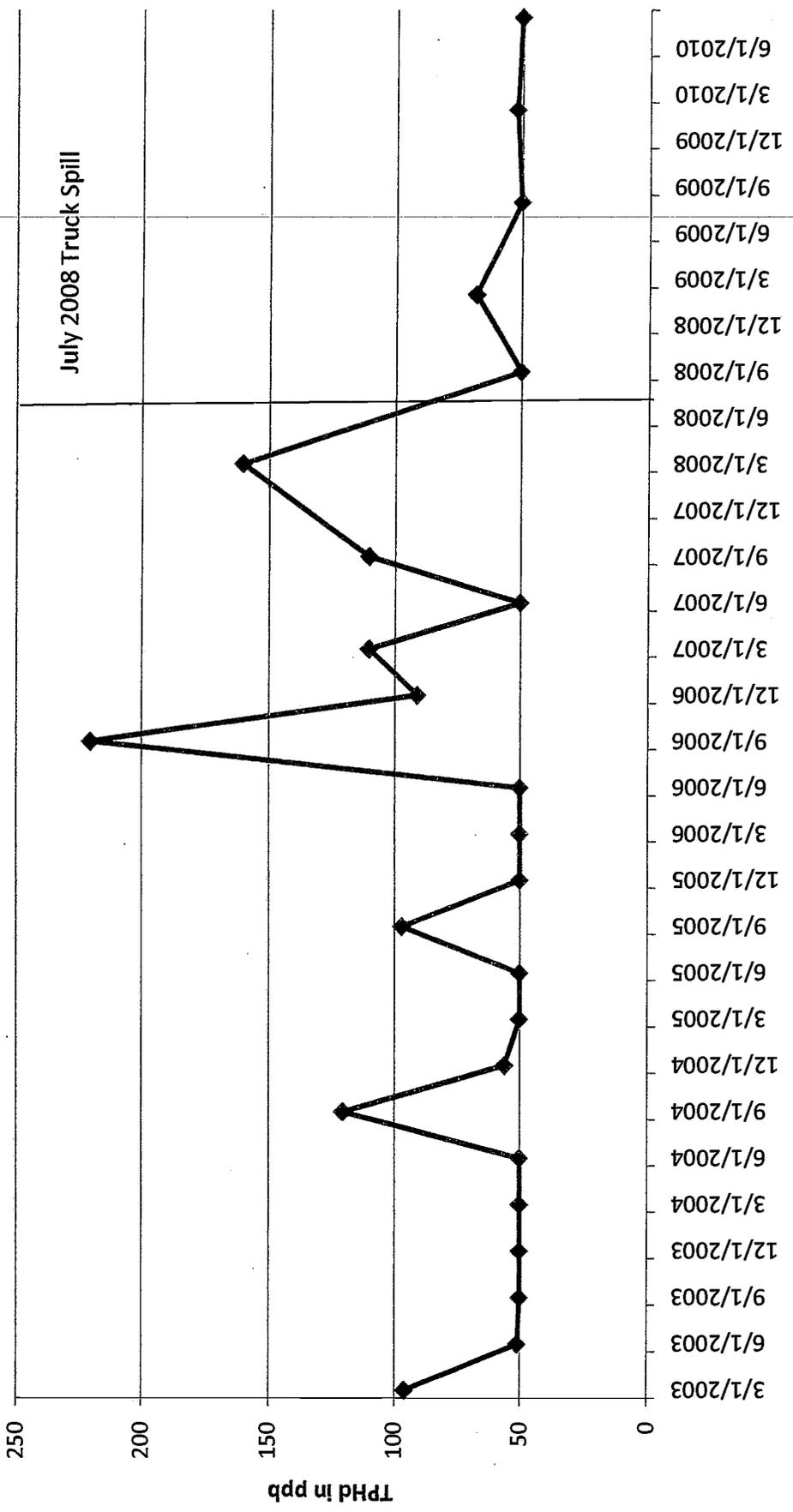
Well	Date	TPH-DRO
MW-54A	9/18/2002	50
	12/4/2002	65
	3/5/2003	52
	6/4/2003	53
	9/3/2003	50
	3/2/2004	50
	6/15/2004	85
	9/14/2004	430
	12/14/2004	56
	3/15/2005	770
	6/13/2005	1000
	9/12/2005	800
	12/14/2005	680
	3/14/2006	50
	6/13/2006	65
	9/11/2006	190
	12/5/2006	150
	3/6/2007	150
	6/12/2007	190
	9/10/2007	150
	3/3/2008	160
	9/2/2008	69
	2/4/2009	62
8/4/2009	220	
2/2/2010	80	
8/17/2010	89	

MW-55A



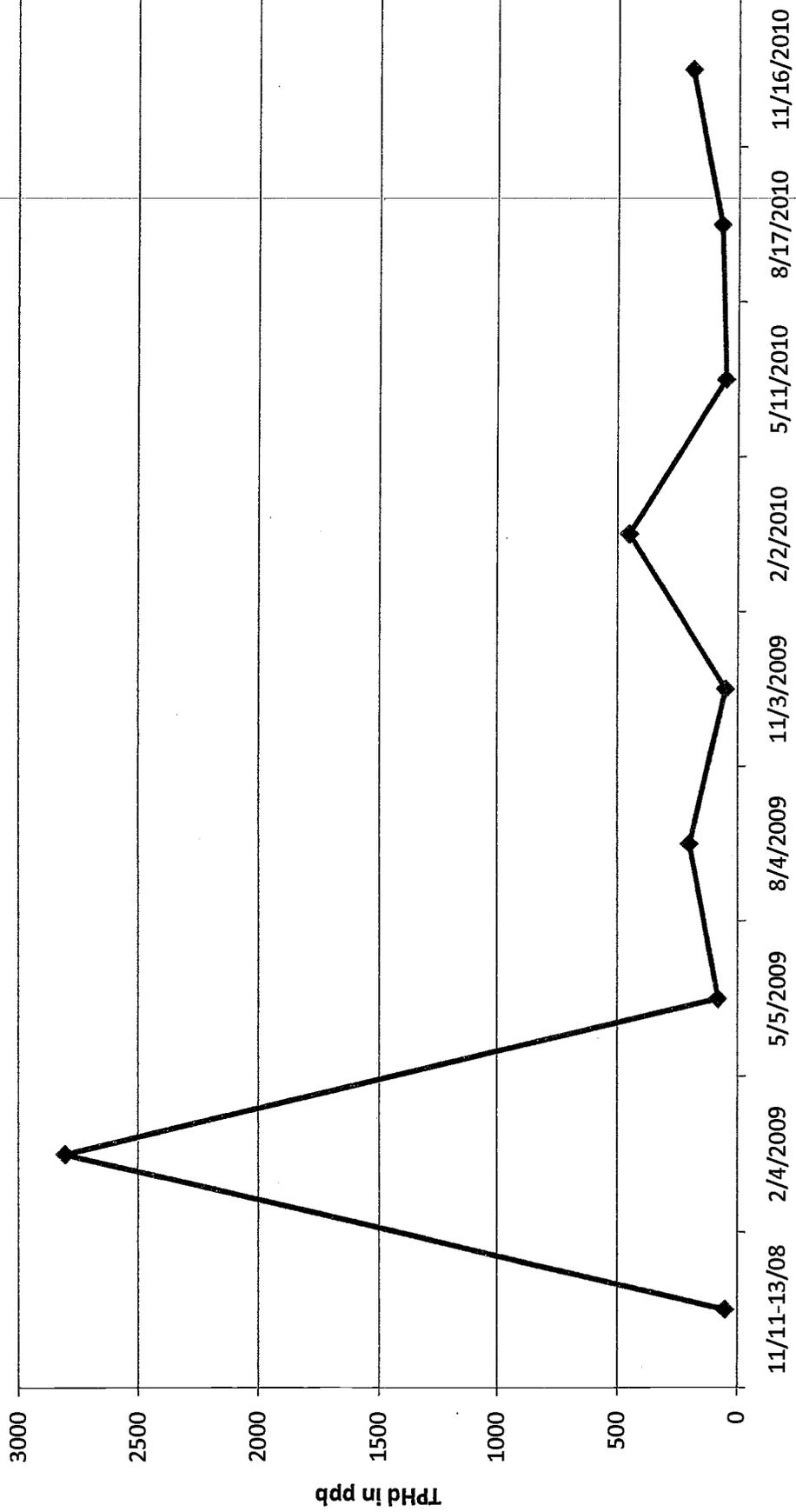
Well	Date	TPH-DRO
MW-55A	9/18/2002	84
	12/4/2002	50
	3/5/2003	50
	6/4/2003	50
	9/3/2003	50
	12/3/2003	88
	3/2/2004	50
	6/15/2004	50
	9/14/2004	150
	12/14/2004	50
	3/15/2005	170
	6/13/2005	50
	9/12/2005	50
	12/14/2005	110
	3/14/2006	50
	6/13/2006	87
	9/11/2006	220
	12/5/2006	95
	3/6/2007	50
	6/12/2007	65
	9/10/2007	57
	3/3/2008	130
	9/2/2008	60
	2/4/2009	50
	8/4/2009	50
	2/2/2010	53
	8/17/2010	50

MW-63A



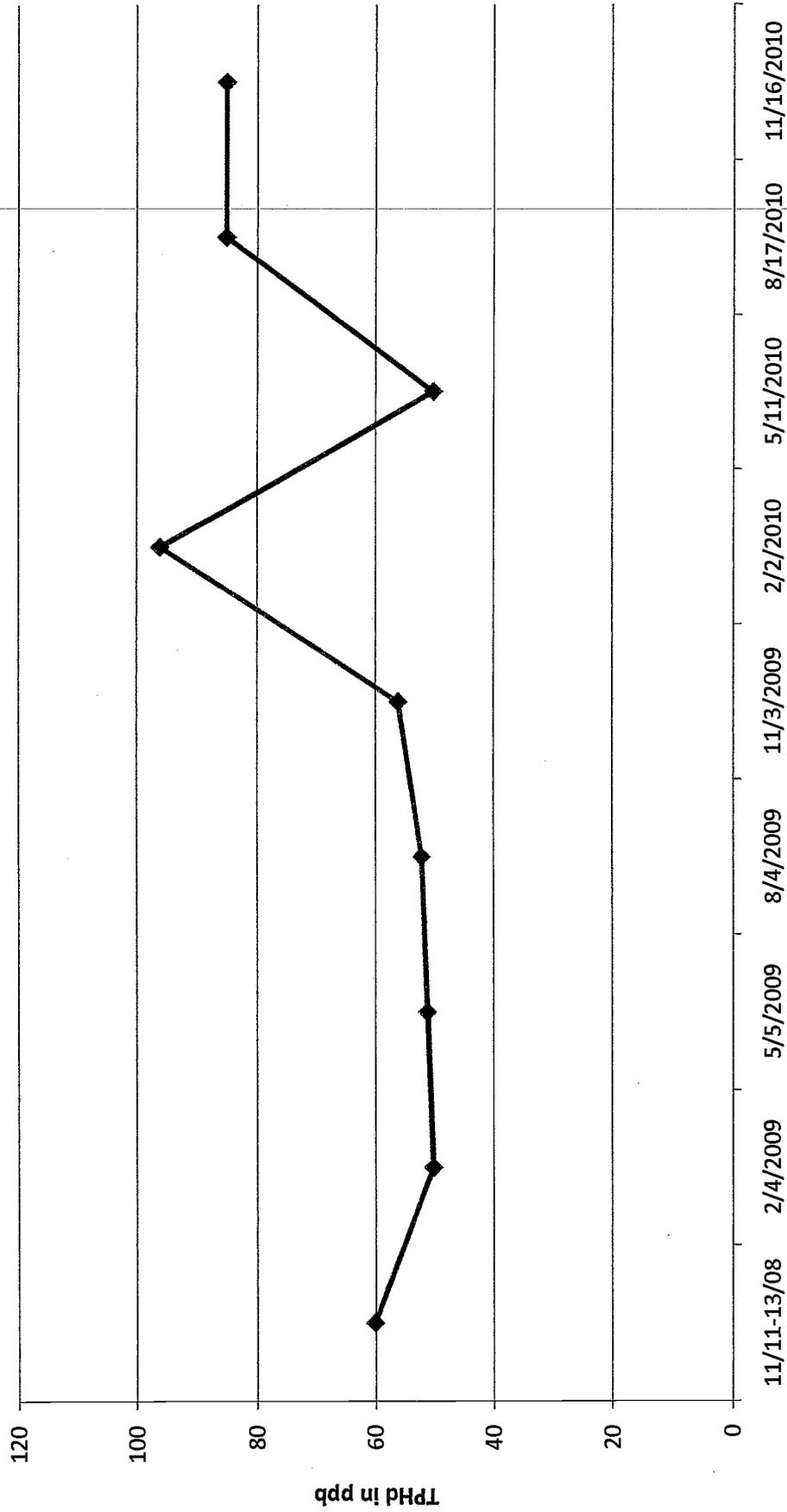
Well	Date	TPH-DRO
MW-63A	3/5/2003	96
	6/4/2003	51
	9/4/2003	50
	12/3/2003	50
	3/3/2004	50
	6/15/2004	50
	9/14/2004	120
	12/14/2004	56
	3/15/2005	50
	6/13/2005	50
	9/12/2005	97
	12/14/2005	50
	3/13/2006	50
	6/13/2006	50
	9/11/2006	220
	12/5/2006	91
	3/6/2007	110
	6/12/2007	50
	9/10/2007	110
	3/3/2008	160
	9/2/2008	50
	2/4/2009	68
	8/4/2009	50
2/2/2010	52	
8/17/2010	50	

MW-73UA



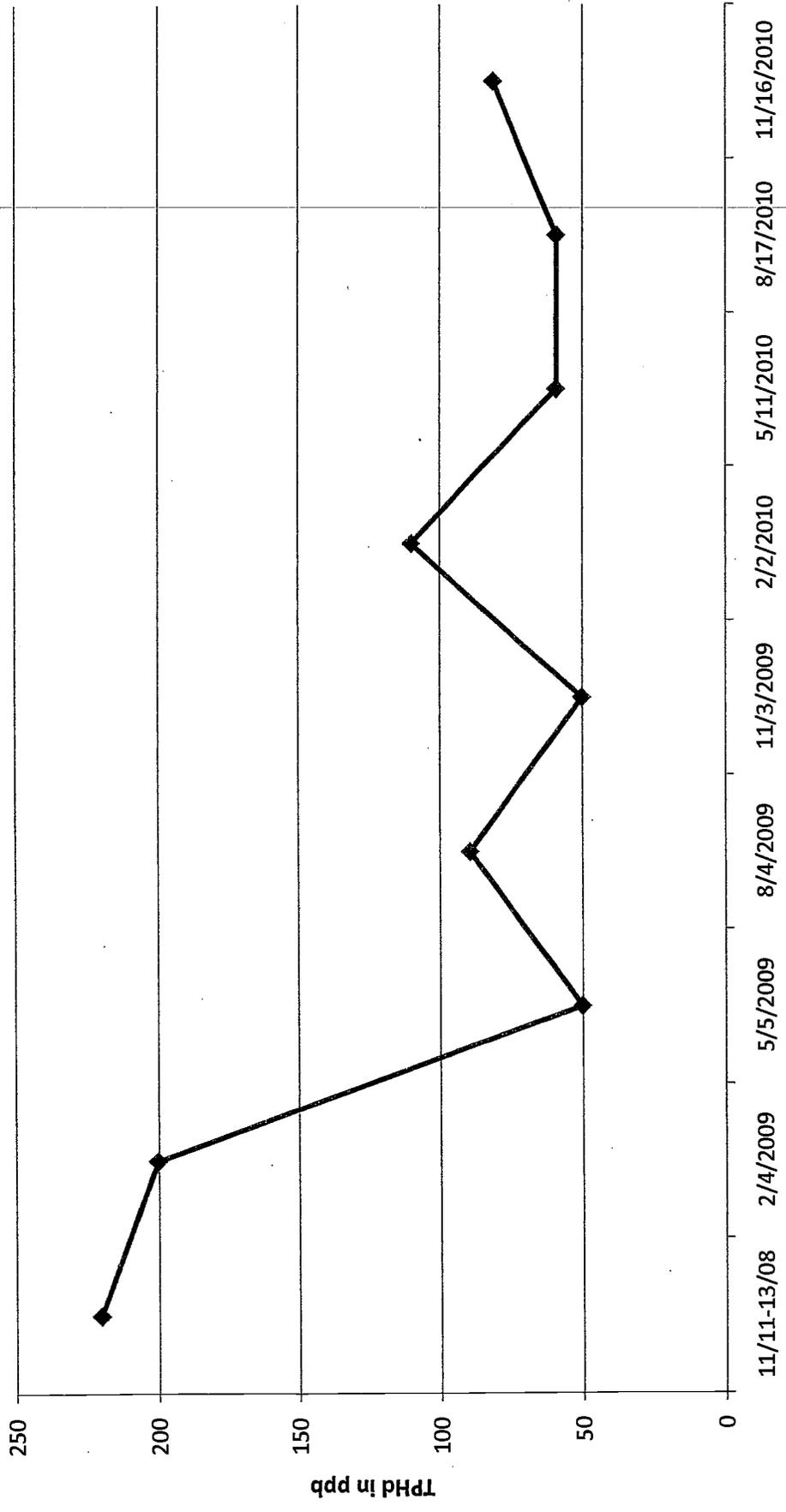
Well	Date	TPH-DRO
MW-73UA	11/11-13/08	50
	2/4/2009	2800
	5/5/2009	80
	8/4/2009	200
	11/3/2009	50
	2/2/2010	450
	5/11/2010	50
	8/17/2010	68
	11/16/2010	190

MW-73A



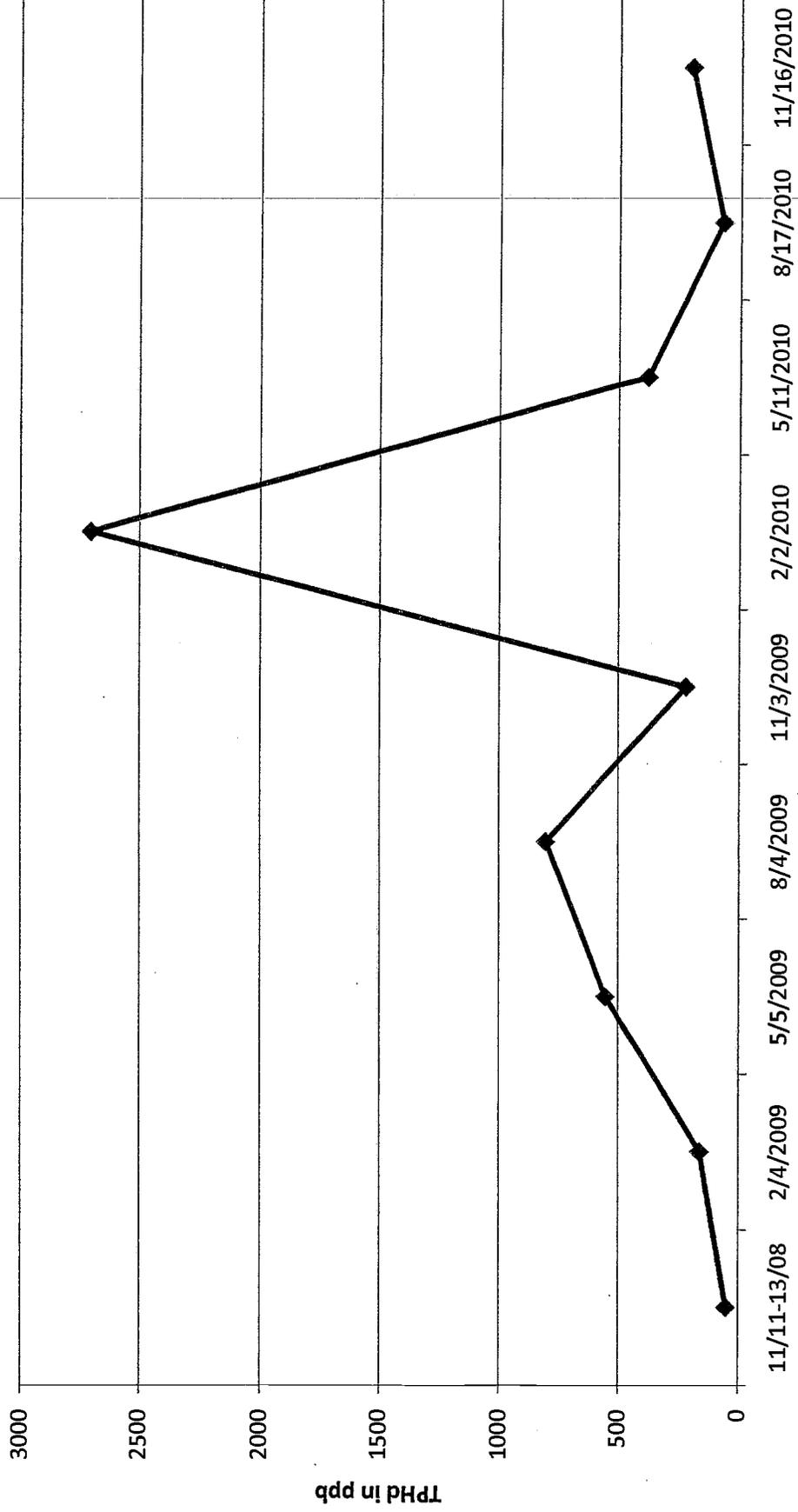
Well	Date	TPH-DRO
MW-73A	11/11-13/08	60
	2/4/2009	50
	5/5/2009	51
	8/4/2009	52
	11/3/2009	56
	2/2/2010	96
	5/11/2010	50
	8/17/2010	85
	11/16/2010	85

MW-73B



Well	Date	TPH-DRO
MW-73B	11/11-13/08	220
	2/4/2009	200
	5/5/2009	50
	8/4/2009	89
	11/3/2009	50
	2/2/2010	110
	5/11/2010	59
	8/17/2010	59
	11/16/2010	81

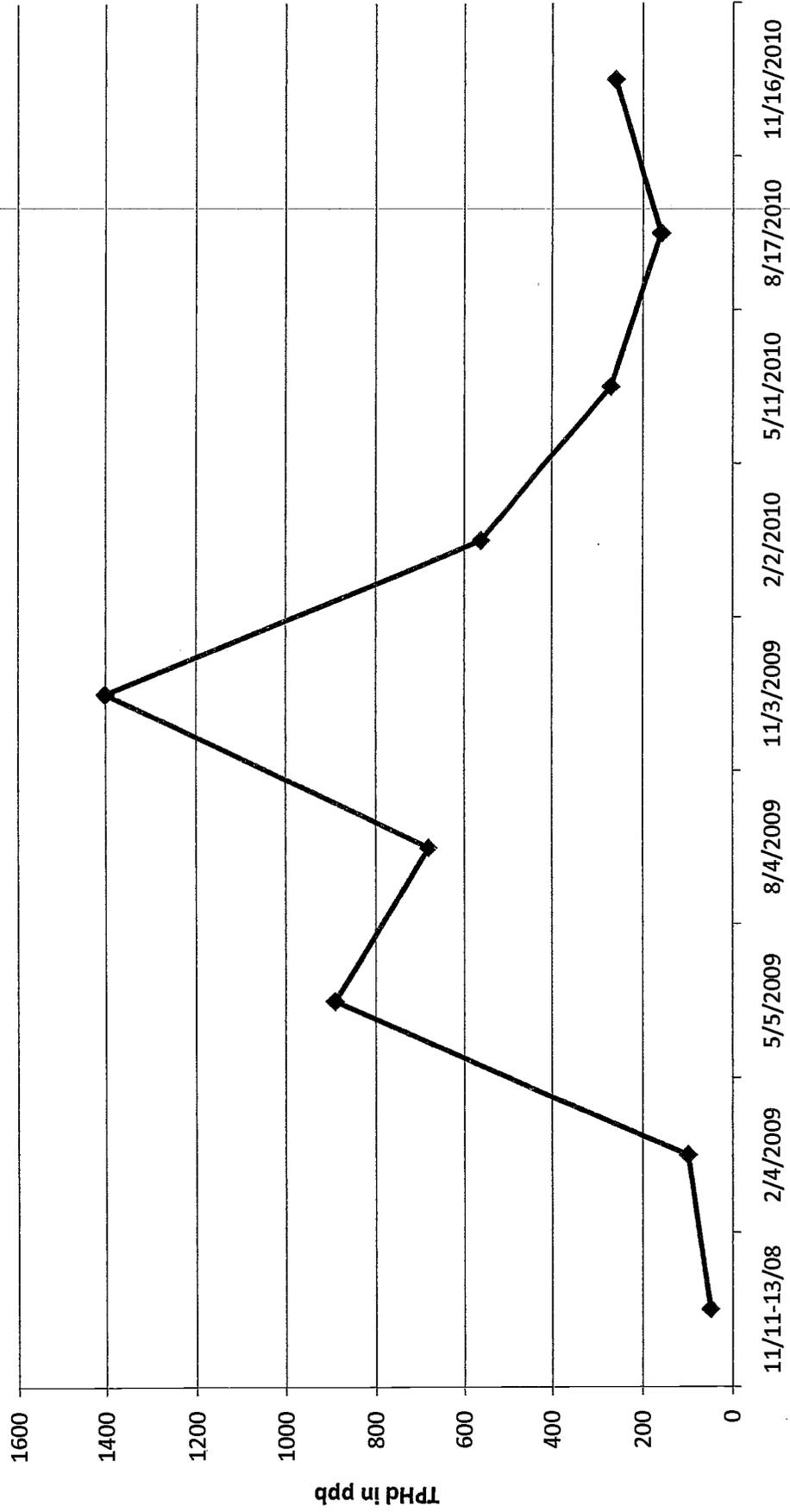
MW-74UA



Well	Date	TPH-DRO
MW-74UA	11/11-13/08	50
	2/4/2009	160
	5/5/2009	550
	8/4/2009	800
	11/3/2009	220
	2/2/2010	2700
	5/11/2010	380
	8/17/2010	69
	11/16/2010	200

} AV = 635

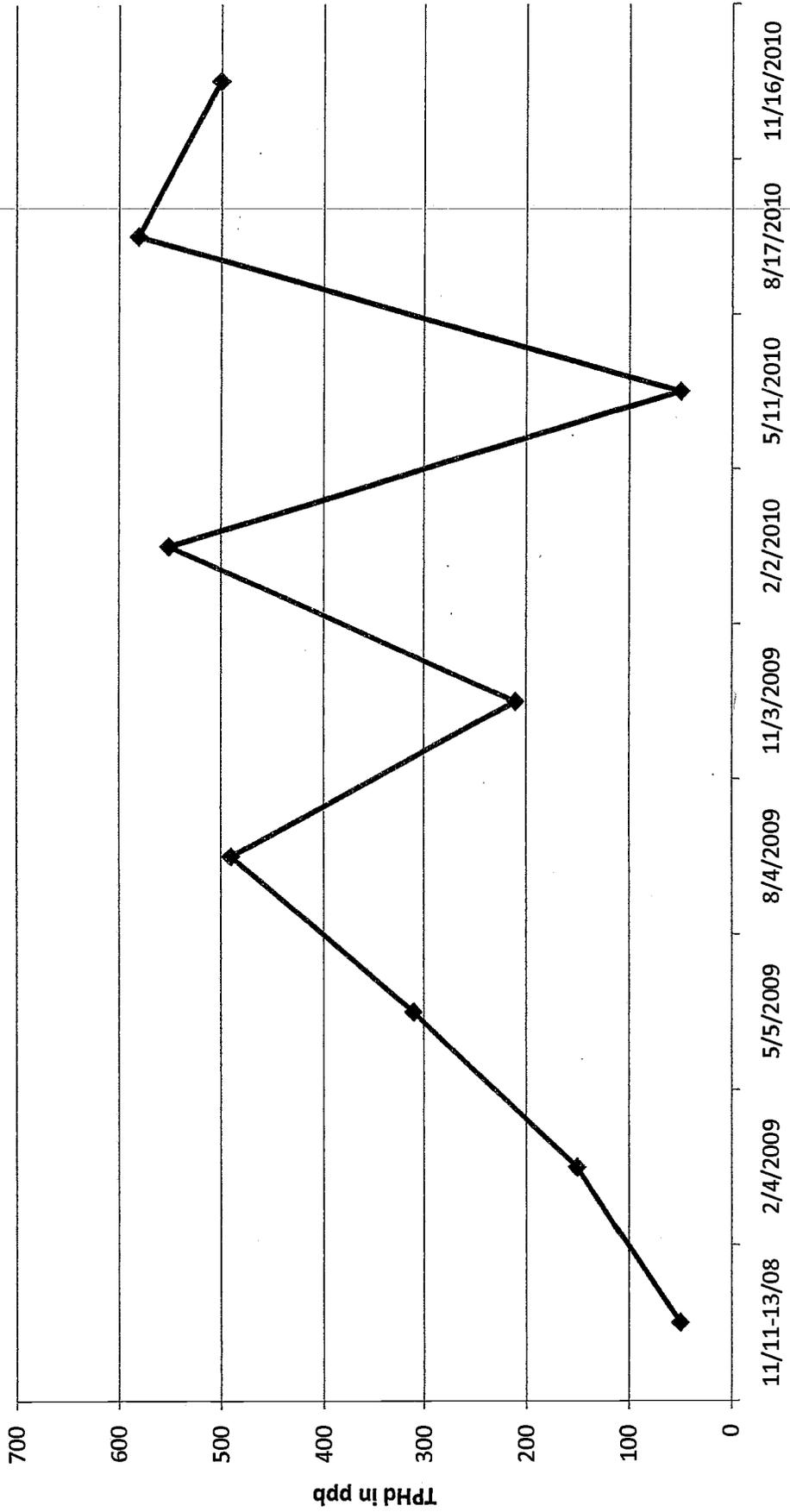
MW-74A



Well	Date	TPH-DRO
MW-74A	11/11-13/08	50
	2/4/2009	100
	5/5/2009	890
	8/4/2009	680
	11/3/2009	1400
	2/2/2010	560
	5/11/2010	270
	8/17/2010	160
	11/16/2010	260

} AV = 540

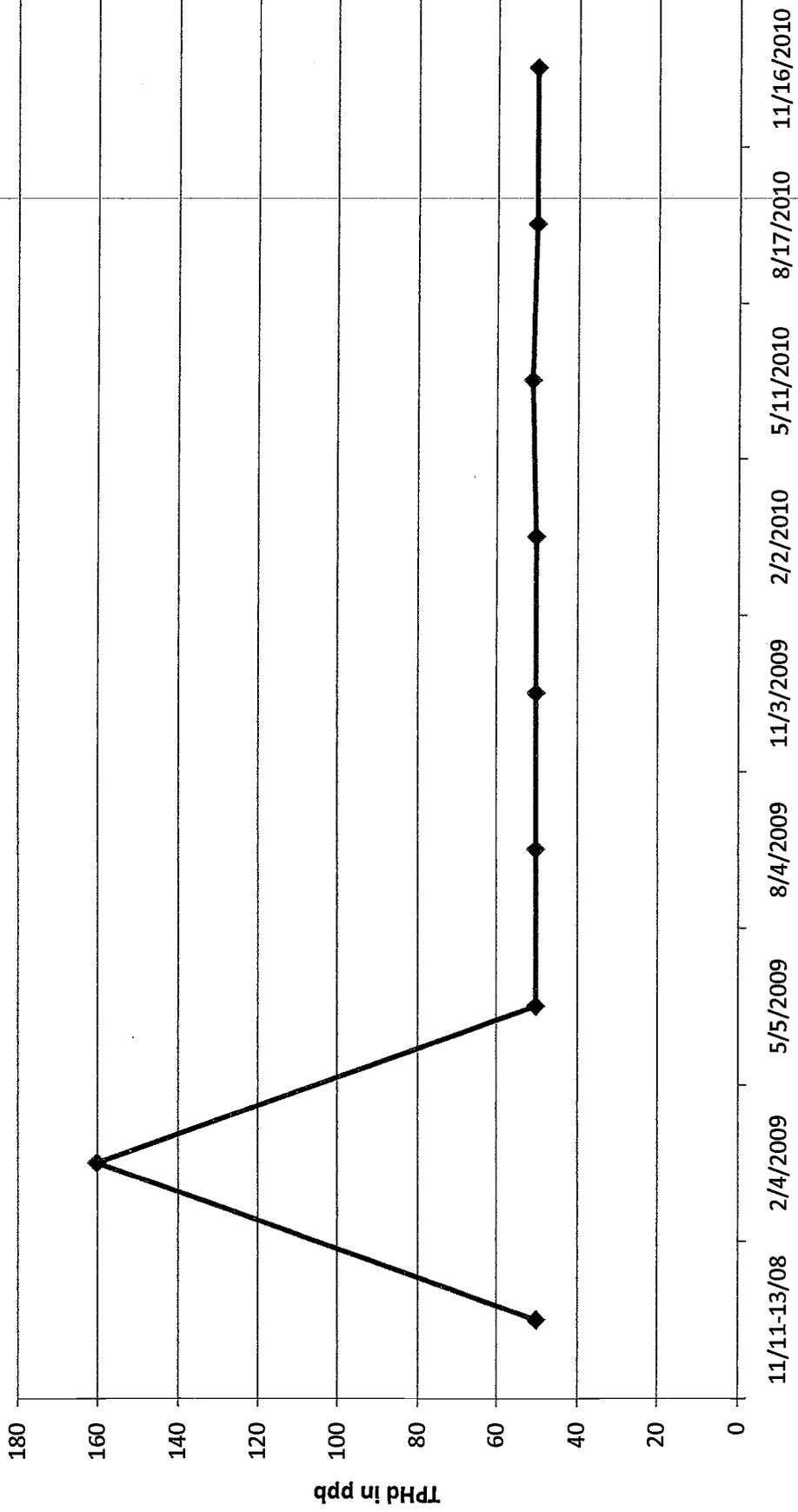
MW-74B



Well	Date	TPH-DRO
MW-74B	11/11-13/08	50
	2/4/2009	150
	5/5/2009	310
	8/4/2009	490
	11/3/2009	210
	2/2/2010	550
	5/11/2010	50
	8/17/2010	580
	11/16/2010	500

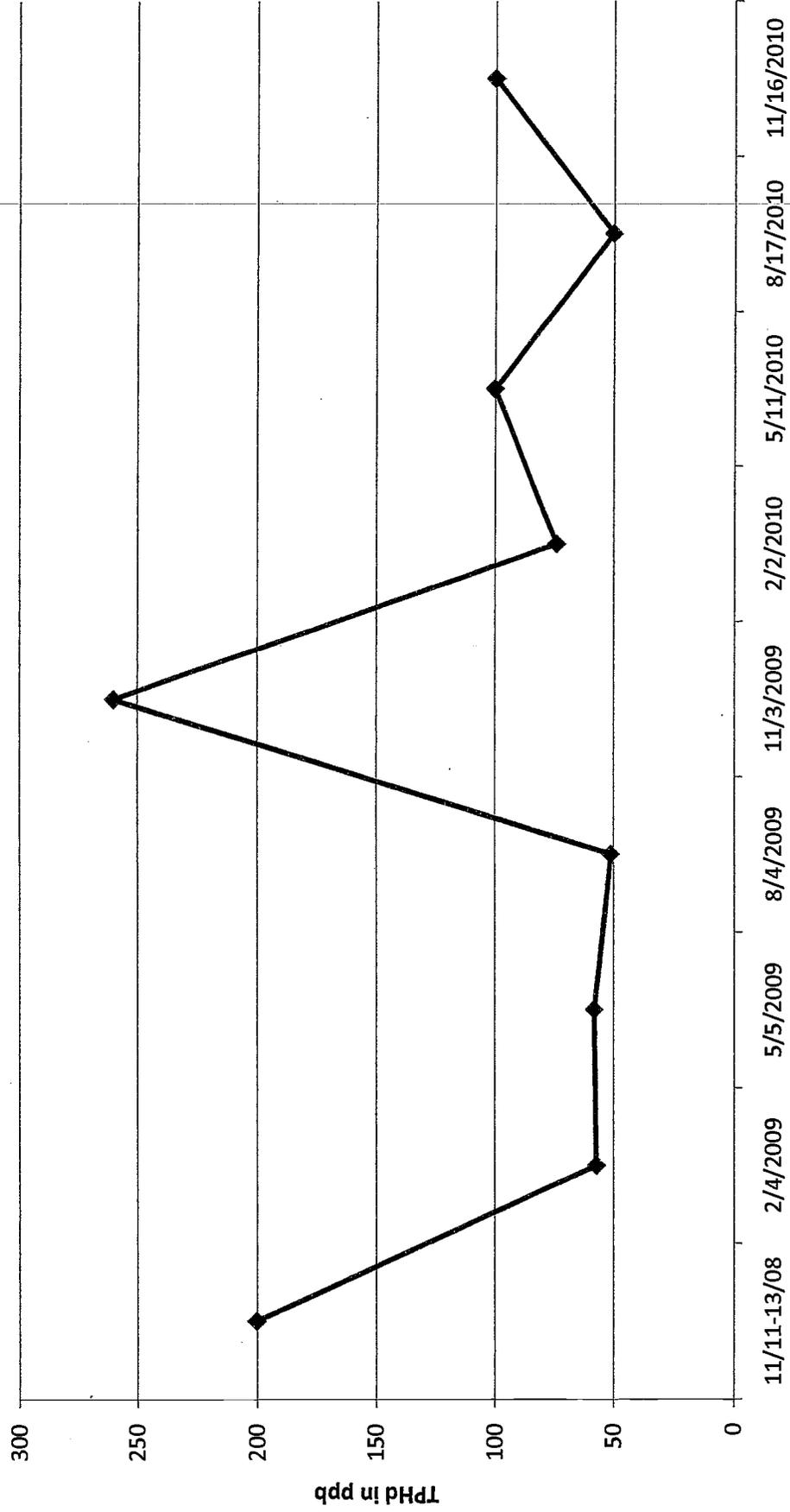
} AV = 355

MW-75UA



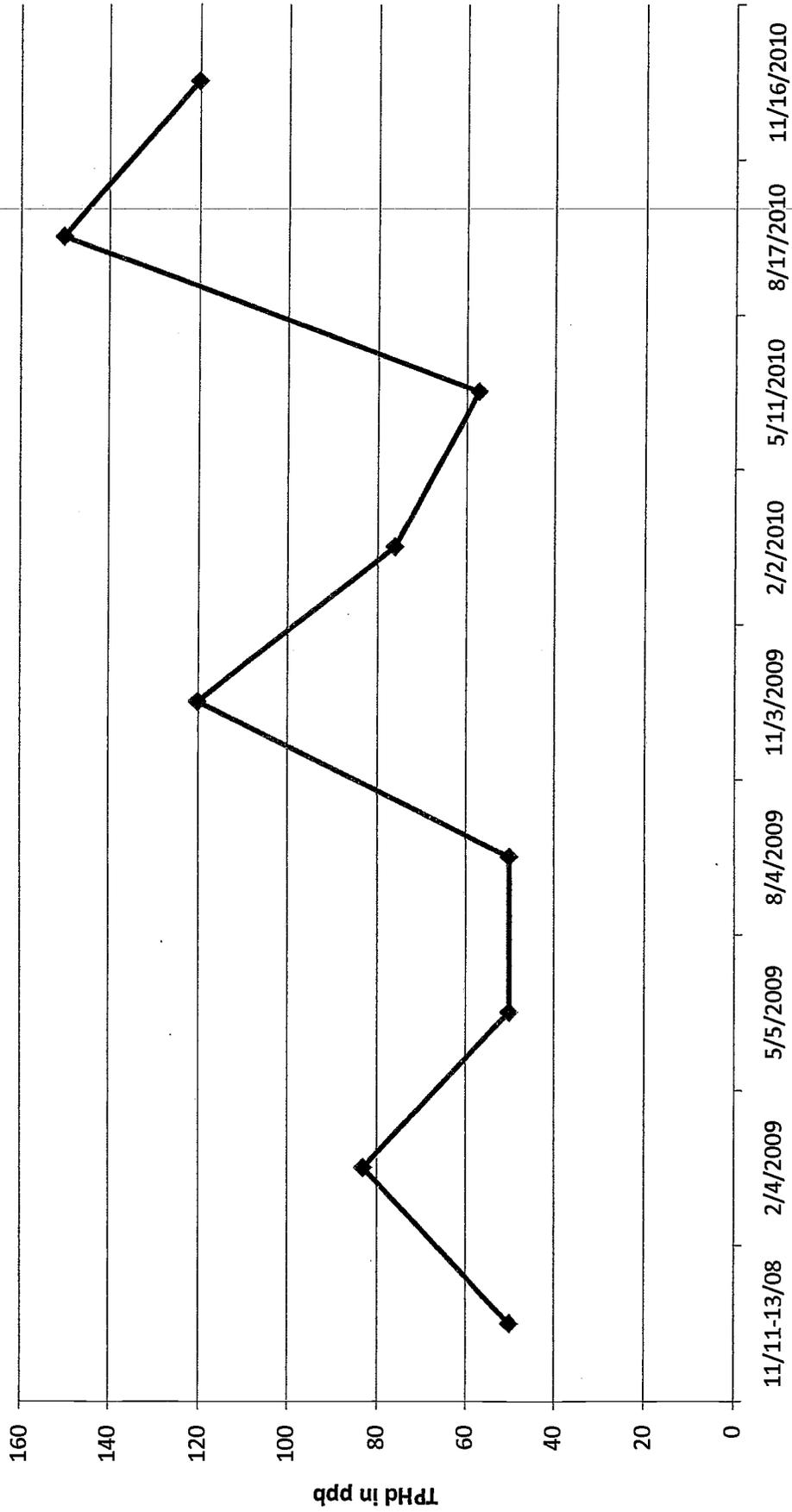
Well	Date	TPH-DRO
MW-75UA	11/11-13/08	50
	2/4/2009	160
	5/5/2009	50
	8/4/2009	50
	11/3/2009	50
	2/2/2010	50
	5/11/2010	51
	8/17/2010	50
	11/16/2010	50

MW-75A



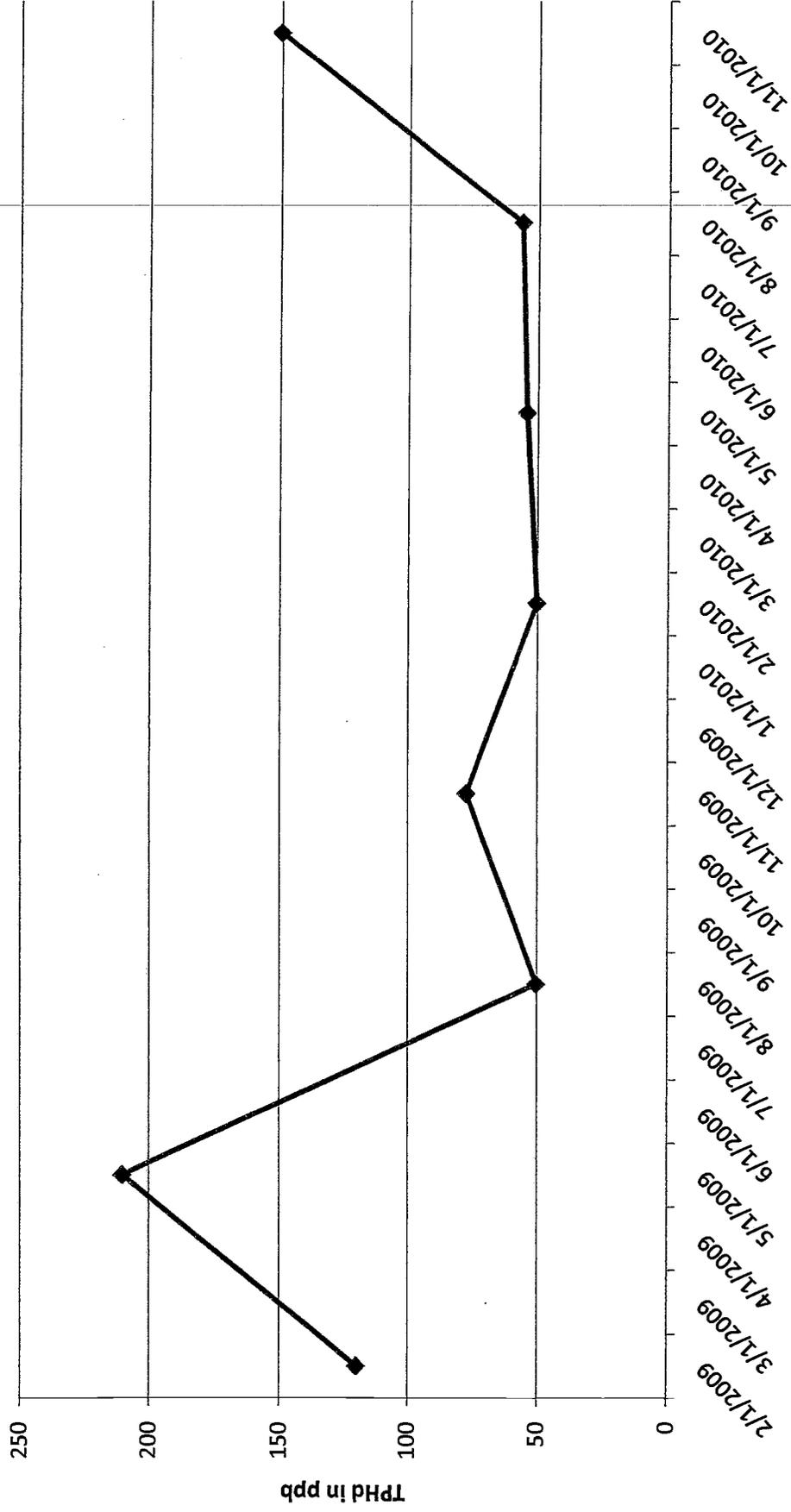
Well	Date	TPH-DRO
MW-75A	11/11-13/08	200
	2/4/2009	57
	5/5/2009	58
	8/4/2009	51
	11/3/2009	260
	2/2/2010	74
	5/11/2010	100
8/17/2010	50	
	11/16/2010	100

MW-75B



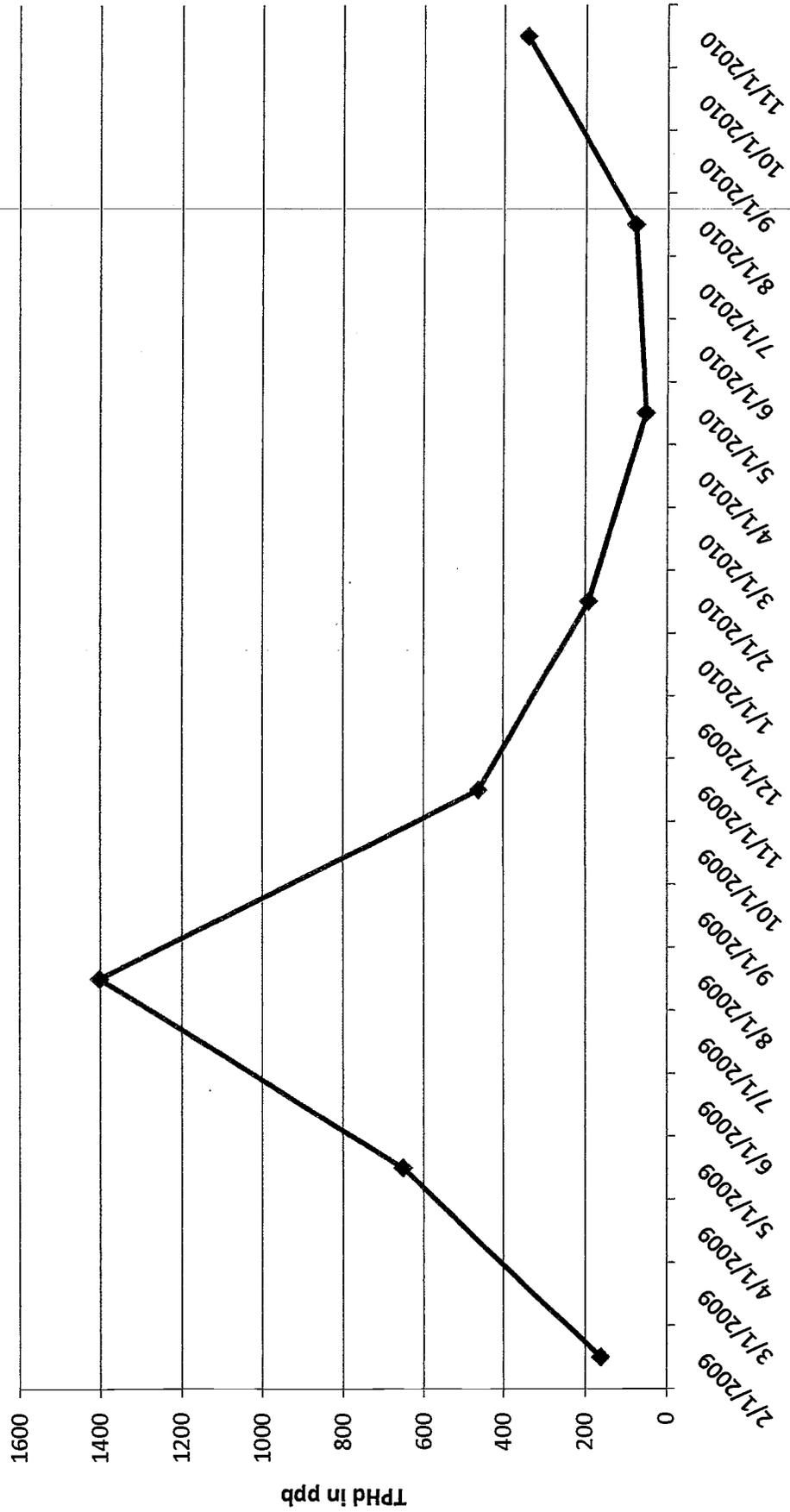
Well	Date	TPH-DRO
MW-75B	11/11-13/08	50
	2/4/2009	83
	5/5/2009	50
	8/4/2009	50
	11/3/2009	120
	2/2/2010	76
	5/11/2010	57
	8/17/2010	150
	11/16/2010	120

MW-76UA



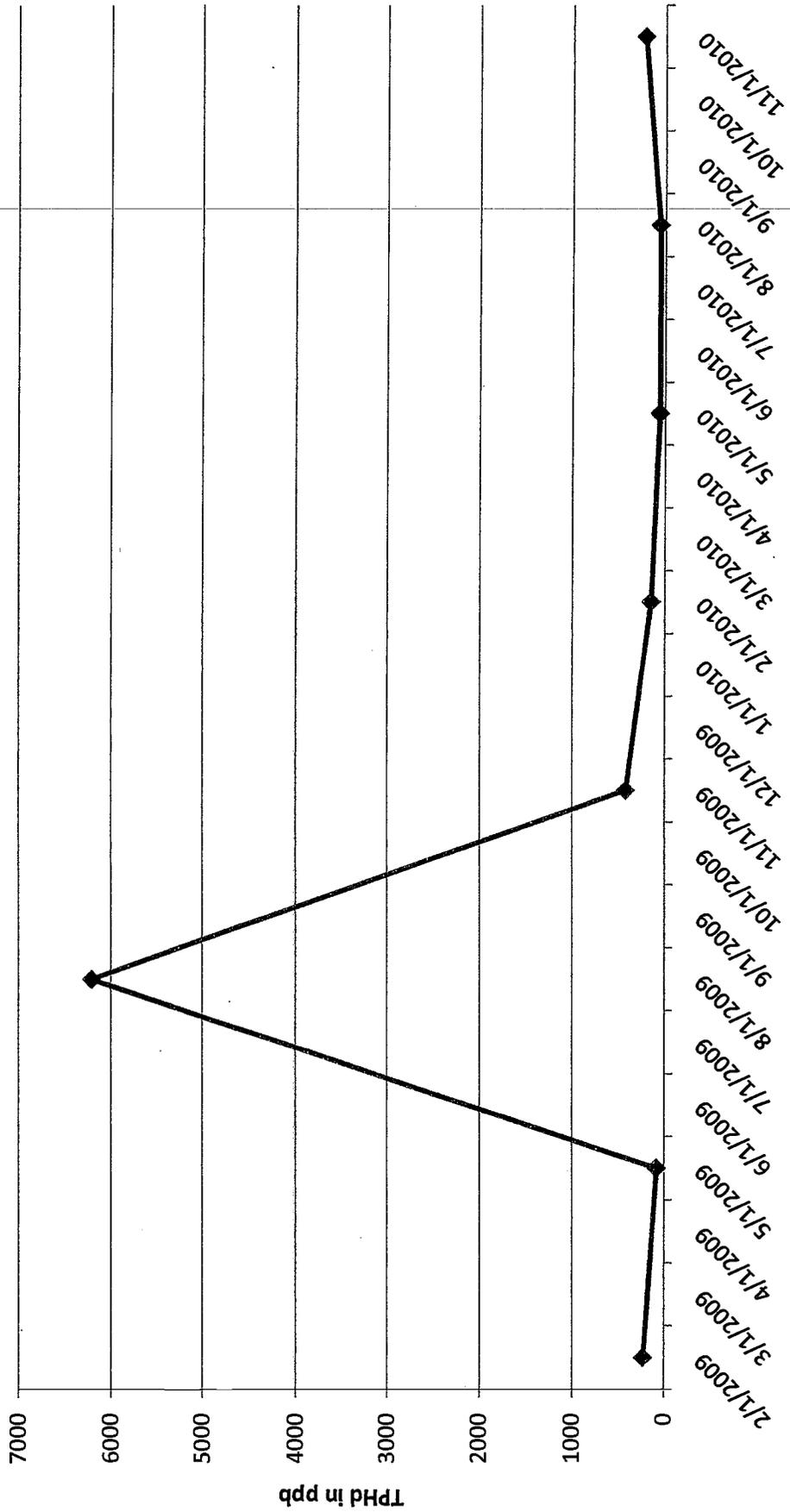
Well	Date	TPH-DRO
MW-76UA	2/23/2009	120
	5/5/2009	210
	8/4/2009	50
	11/3/2009	77
	2/2/2010	50
	5/11/2010	54
	8/17/2010	56
	11/16/2010	150

MW76A



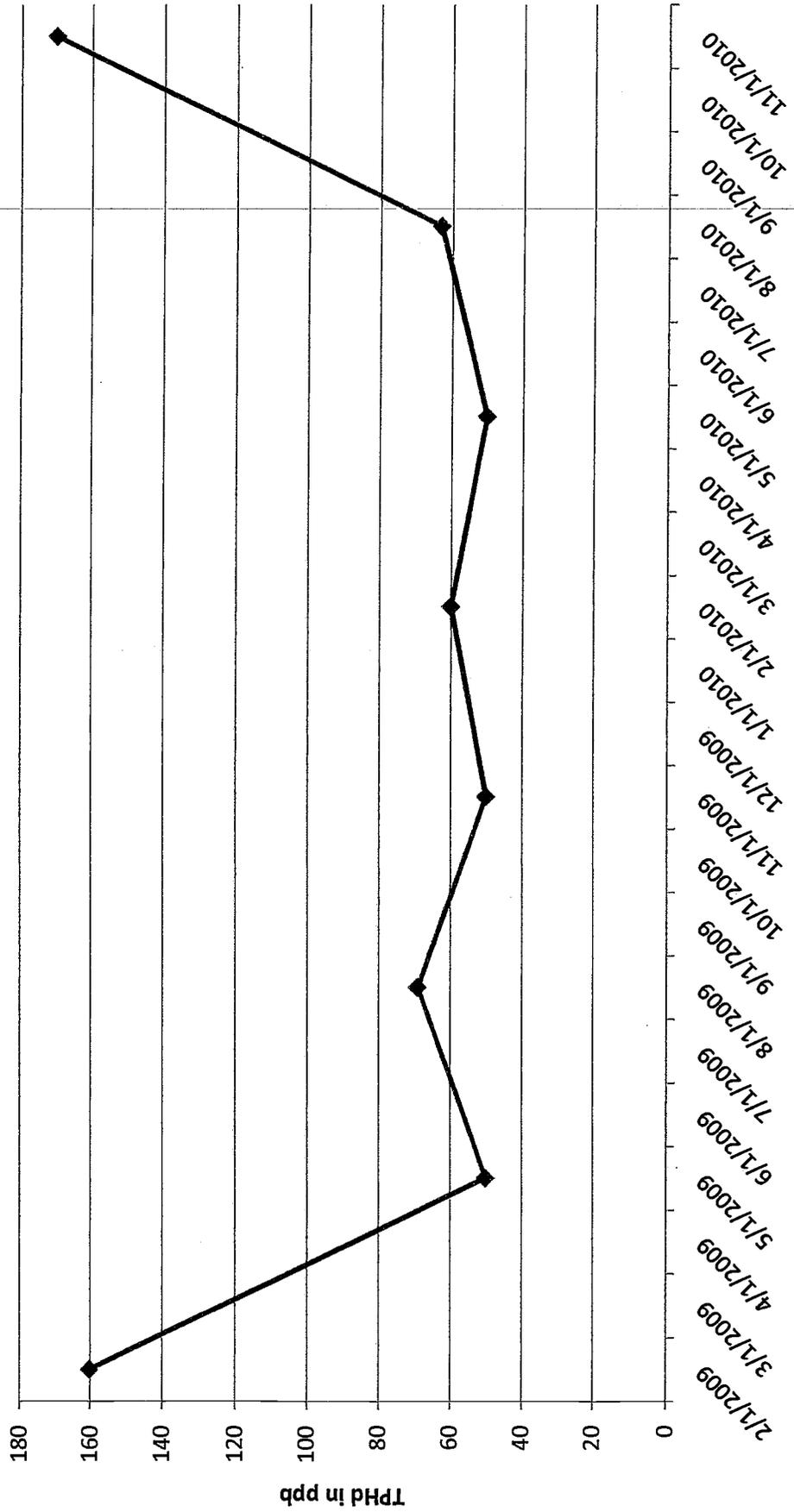
Well	Date	TPH-DRO
MW-76A	2/23/2009	160
	5/5/2009	650
	8/4/2009	1400
	11/3/2009	460
	2/2/2010	190
	5/11/2010	50
	8/17/2010	76
	11/16/2010	340

MW-76B



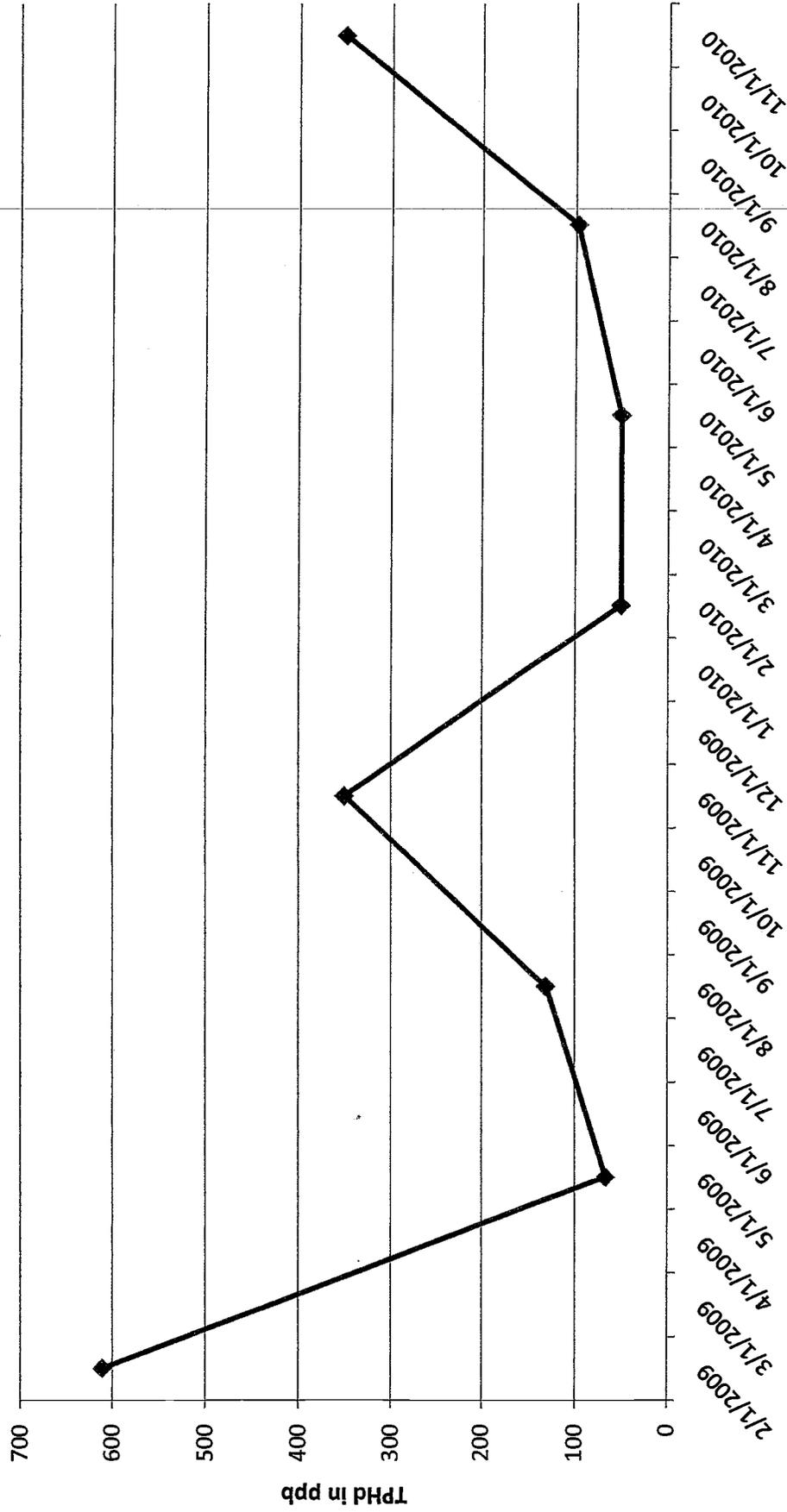
Well	Date	TPH-DRO
MW-76B	2/23/2009	220
	5/5/2009	75
	8/4/2009	6200
	11/3/2009	410
	2/2/2010	140
	5/11/2010	50
	8/17/2010	50
	11/16/2010	210

MW-78UA



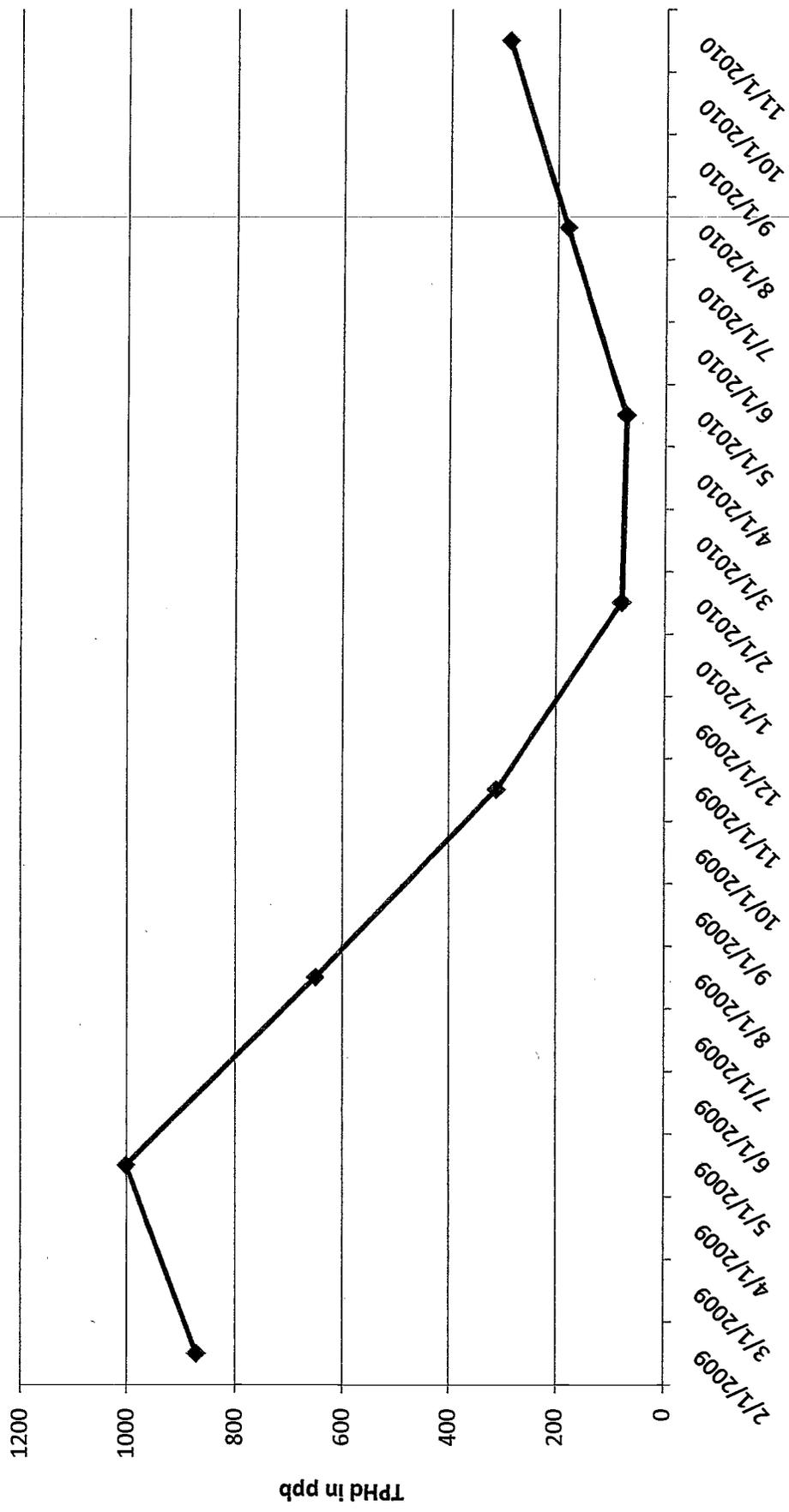
Well	Date	TPH-DRO
MW-78UA	2/25/2009	160
	5/5/2009	50
	8/4/2009	69
	11/3/2009	50
	2/2/2010	60
	5/11/2010	50
	8/17/2010	63
	11/16/2010	170

MW-78A



Well	Date	TPH-DRO
MW-78A	2/25/2009	610
	5/5/2009	66
	8/4/2009	130
	11/3/2009	350
	2/2/2010	50
	5/11/2010	50
	8/17/2010	97
	11/16/2010	350

MW-78B



Well	Date	TPH-DRO
MW-78B	2/26/2009	870
	5/5/2009	1000
	8/4/2009	650
	11/3/2009	310
	2/2/2010	77
	5/11/2010	70
	8/17/2010	180
	11/16/2010	290

EXHIBIT 11



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board Central Valley Region

Katherine Hart, Chair

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

7 September 2010

Mr. Mike Bauer
Chevron Environmental Management Company
145 S. State College Boulevard
P.O. Box 2292
Brea, CA 92822

SECOND QUARTER 2010 GROUNDWATER MONITORING REPORT, CHEVRON BULK FUEL TERMINAL #1001621, 22888 KASSON ROAD, BANTA, SAN JOAQUIN COUNTY

Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) staff reviewed the 30 July 2010 *Second Quarter 2010 Groundwater Monitoring Report* (Second QMR) submitted by ARCADIS on behalf of Chevron Environmental Management Company (Chevron) for the bulk fuel terminal located at 22888 Kasson Road in Banta (Site).

Three groundwater bearing zones have been identified beneath the Site. They include the Upper A (UA) zone between depths of five and 15 feet below ground surface (bgs), the A-zone from 15 to 35 feet bgs, and the B-zone which starts at 50 feet bgs. Groundwater monitoring for the second quarter was conducted during May 2010. Depth to groundwater in the three zones ranged from about four to 12 feet bgs and flowed north-northeast between 0.001 and 0.003 feet per foot. Vertical gradients were predominantly upward between the UA- and A-zones and between the A- and B-zones. These observations are fairly consistent with historical trends. Total petroleum hydrocarbons as diesel (TPHd) is the main contaminant of concern at the Site, and the highest concentrations generally occur in the loading rack and former underground storage tank (UST) area. The petroleum hydrocarbon plume extends off-site to the northeast. Accordingly, Chevron has subdivided the plume into off-site and on-site portions.

Separate phase hydrocarbon (SPH) was observed in two wells during second quarter, MW-37UA and MW-40UA. The maximum detection of TPHd was observed in MW-26A in the former loading rack area at 4,800 micrograms per liter ($\mu\text{g/L}$). TPHd was also present in B-zone wells in the off-site plume at concentrations ranging from 57 $\mu\text{g/L}$ in MW-75B to 290 $\mu\text{g/L}$ in MW-72B. TPH as gasoline (TPHg), benzene, toluene, ethylbenzene, and total xylenes (BTEX) and tertiary butyl alcohol (TBA) were non-detect (ND) in the off-site wells in all three zones. There were minor detections of methyl-tertiary-butyl ether (MTBE). The concentration of TPHd in upgradient well MW-6A decreased from 360 $\mu\text{g/L}$ during the third quarter of 2009 to 64 $\mu\text{g/L}$ during the first quarter of 2010 but was not monitored during the second quarter.

California Environmental Protection Agency

The Keylock area bio-sparge system became operational on 21 August 2009 to clean up TPHd concentrations in groundwater. Groundwater monitoring of the cleanup in this area is conducted in two wells, MW-34UA and MW-35UA. These wells are not sampled during the second quarter. During the first quarter, TPHd concentrations in MW-34UA were within historical variations observed since monitoring was initiated during the third quarter of 2004. Compared to historical concentrations, TPHd concentrations in MW-35UA increased sharply during the third quarter of 2009, but decreased again during the first quarter of 2010.

Remedial activity in the greater Site area consists of operation of a groundwater oxygenation system that was initiated in April 2004. The system consists of 65 oxygenation well points (OW-1 to OW-65) that are about 25 feet in total depth. The well points are connected to a compressor capable of delivering 41 standard cubic feet per minute of air at 21 pounds per square inch.

Chevron is conducting a dissolved oxygen (DO) monitoring study in all on-site and off-site monitoring wells. DO monitoring is conducted before and after purging. The results of DO sampling conducted during six quarters are tabulated in Table 5 and displayed in figures. They show that some monitoring wells in the loading rack and former UST area generally have the lowest DO concentrations at about 0 milligrams per liter (mg/L). DO concentrations in monitoring wells adjacent to the perimeter oxygen injection wells and at the edges of the off-site plume are generally on the order of one to two mg/L. During the second quarter, the highest DO concentrations were generally observed in B-zone wells.

Our 23 April 2010 letter required Chevron to submit a Work Plan by 14 June 2010 to delineate the plume to the west and south and to remediate the off-site plume to the north. In response, Chevron submitted the 14 June 2010 *Response to Comments* (Response), which stated that remediation to the north of the Site is technically infeasible due to current agricultural land use. However, the Response proposed to submit a remedial action plan (RAP) that would propose increasing the delivery of oxygen in the perimeter oxygenation system. As memorialized in our 23 June letter, that date expired without Chevron submitting a Work Plan. Thus, a meeting was convened on 25 August to discuss submission of the RAP and other Site issues.

During the meeting, Chevron presented chromatograms of previous TPHd detections in select off-site wells and a chromatogram of a diesel standard. Chevron stated that it believes the chromatograms of the detections do not match the diesel standard. Chevron requested to submit, by 30 September 2010, a proposal to produce additional chromatograms from a future quarterly sampling event. The additional chromatograms would be evaluated to identify other compounds, such as pesticides, that possibly are being interpreted as TPHd. In addition, Chevron requested that we contact the owner of the card lock facility at 22904 Kasson Road and ask them to evaluate the possibility that a 24 July 2008 diesel release at that facility may be affecting wells at Chevron's eastern property boundary, such as MW-74 and MW-75.

During the meeting, Chevron also briefly discussed the 19 July 2010 evidence of a gasoline release that was observed in the soil overlying a 1-inch fuel line originating

from the transmix filter vessels at the Site. Central Valley Water Board staff conducted a site visit on 20 July and was informed by Chevron staff that the total volume of the release was about 50 gallons. A 31 August email from ARCADIS listed the suite of laboratory analytical tests that will be performed on soil samples obtained from the excavation. Page 15 of the Second QMR states that details of the release will be presented under separate cover.

Our comments are presented below.

1. We concur with Chevron's proposal to submit a work plan to evaluate the chromatograms of TPHd detections at this Site. To expedite our approval of the work plan, the work plan must (1) limit the evaluation to a single sampling event, (2) include all on- and off-site detections, (3) include submittal of the laboratory analytical results of an equipment blank and all standards used to create the calibration curve for the sampling event, and (4) propose to conduct an evaluation of the existing oxygenation system to determine whether operation of the remedial system is delivering a mass of oxygen sufficient to consume the TPHd and MTBE plume emanating off-site to the north.

2. To further investigate the possibility that pollutants in some of the monitoring wells on Chevron's property may have originated from the card lock facility, Central Valley Water Board staff contacted San Joaquin County Environmental Health Department (County) staff and requested contact information for parties with financial responsibility for the facility. Through email correspondence, County staff stated that the card lock facility is operated by Valley Pacific Petroleum (VPP), which had documented spills in 1998 and 2008.

The County's report on the 14 March 1998 spill shows that 40 to 50 gallons of diesel were released to a bermed area when the nozzle to a dispenser hose was reportedly deliberately severed. The fire department also estimates that about 7 to 8 gallons of diesel were released to the dirt roadway leading from the dispenser area after a plug was removed from the berm. Cleanup activities were conducted between 14 and 16 March, which generated five containers of waste consisting of dirt and adsorbent pads.

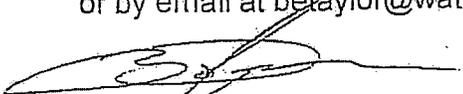
The County's report on the 24 July 2008 release stated that the diesel release occurred when a tractor trailer belonging to a Lodi trucking company tipped into water in the irrigation ditch at the southeastern entrance of VPP's facility. The County's emergency response report shows that about 21,000 gallons of fuel/water mixture and five drums of debris, adsorbent pads and dirt were removed from the spill site. Subsequent groundwater data obtained from monitoring wells closest to the spill do not display a spike in TPHd concentrations.

Water Board staff will contact VPP to determine if a subsurface investigation is warranted at that site.

3. Chevron's 31 August email regarding the 19 July 2010 release states that the area of concern has been excavated as deep and wide as the infrastructure and

groundwater table permits and that further excavation is impractical. The email states that Chevron intends to proceed with backfilling prior to receiving the laboratory analytical results. We concur that the physical constraints presented by the structures in the vicinity of the excavation prevent further excavation at the release site. By **24 September 2010**, please submit the removal action report of the 19 July spill response.

If you have any questions regarding this letter, you may contact me at (916) 464-4811 or by email at btaylor@waterboards.ca.gov.



BRIAN TAYLOR, P.G.
Engineering Geologist

cc: Mr. Michael Infurna, San Joaquin County Environmental Health Department,
Stockton
Mr. David Barnes, Chevron Products Company, Banta
Mr. David M. Lay, ARCADIS, Folsom