



COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

PUBLIC HEALTH DEPARTMENT

Michael Hill *Health Agency Director*

Penny Borenstein, MD, MPH *Health Officer/Public Health Director*

March 4, 2020

Rhine LP & CVI Group, LLC  
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**FOLLOW UP TO NOTICE OF VIOLATION HEARING SUMMARY  
HAZARDOUS MATERIALS STORAGE TANK CLOSURE  
PERMIT 40-2027-2A-AGT AND HAZARDOUS WASTE REMOVAL FROM THE  
FORMER NAVY JET FUEL STORAGE SITE  
3300 PANORAMA DRIVE, MORRO BAY, CA**

This letter is to reconcile the information requested in the Notice of Violation Hearing Summary letter dated September 24, 2019. The letter requested these items:

1. The hazardous waste determination used by Portney to validate the asbestos to be non-friable.
2. The quantity of asbestos removed.
3. The asbestos removal workplan.
4. Portney Environmental & Demolition's contractor credentials.
5. Asbestos removal notification provided to applicable agencies.

In a non-dated letter from Jeff Portney, except for item 2 above, the above enumerated items are addressed as follows:

Asbestos friability

Galbestos is a non-friable asbestos containing material. In its original condition this is a true statement; however, after years of environmental exposure, it typically becomes friable. Two separate Certified Industrial Hygienists: Michael Tiffany and Jeffrey Olsen, recently concluded the condition of the asbestos containing material (Galbestos) was friable. Mr. Tiffany working on behalf of the City of Morro Bay, and Jeffrey Olsen working on your behalf.

Asbestos removal workplan

The work to remove the structures and disposal methods were addressed. The waste asbestos containing material was disposed of at a landfill authorized to accept the material. It was shipped off under a non-hazardous waste manifest.

Portney Environmental & Demolition's contractor credentials

The California State Contractor's license was provided.

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**Environmental Health Services**

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[www.slopublichealth.org/ehs](http://www.slopublichealth.org/ehs)

Quantity of removed asbestos and other agency notifications

The non-hazardous waste manifest was reviewed. The amount of asbestos containing material is illegible on the manifest; therefore, the amount of material is unknown. Failure to notify the Air Pollution Control District (APCD) on the demolition of the structure was addressed. It is inferred that no notification relating to asbestos removal was made to APCD, the agency of jurisdiction, because Portney identified the material as non-friable, making notification unnecessary.

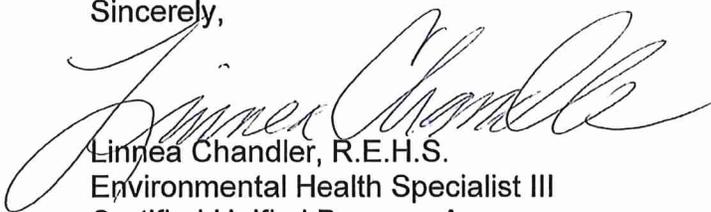
Because no representative from this agency was involved in overseeing the removal of the structures with asbestos containing material, no opinion is rendered on the condition of the asbestos. The landfill where it was disposed has a permit from the Regional Water Quality Control Board for its disposal, thus the waste was disposed in an approved location. A concern remains in the proper identification of asbestos state: friable versus non-friable by Portney Environmental and Demolition, Inc. If friable, that would make the waste hazardous waste and its transportation and manifesting falls under the authority of the Department of Toxic Substances Control (DTSC). Employee exposure to asbestos containing material falls under the authority of California Occupation Safety and Health Administration (Cal-OSHA). Therefore, referrals will be made to those agencies regarding the actions of Portney Environmental and Demolition, Inc.

The conditions for the removal of the aboveground tanks under permit #40-2027-2A-AGT issued by this agency have been satisfied.

As stated to you previously, please apply to the California State Department of Toxic Substances Control (DTSC) (<https://dtsc.ca.gov/brownfields/>) to oversee the assessment and potential mitigation if you plan to redevelop your property. DTSC stated in their December 20, 1996 determination letter that the site would need to be reevaluated if the owner plans to redevelop the site to residential use.

If you have questions, please contact me at (805) 781-4917, [lchandler@co.slo.ca.us](mailto:lchandler@co.slo.ca.us) or Aaron LaBarre at (805) 781-5595, [alabarre@co.slo.ca.us](mailto:alabarre@co.slo.ca.us).

Sincerely,



Linnea Chandler, R.E.H.S.  
Environmental Health Specialist III  
Certified Unified Program Agency

Cc:

Scot Graham, Community Development Director, City of Morro Bay  
Nancy Hubbard, Contract Planner, City of Morro Bay  
Tim Fuhs, San Luis Obispo County Air Pollution Control District  
Michael Tiffany, Analytical Consulting Group, Inc.