

December 19, 2006

Mr. Barney Chan  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

Re: Response to November 20, 2006 Letter From ACHCSA  
Fuel Leak Case RO205  
Kaiser Development / Val Strough Honda  
3735 – 3799 Broadway, Oakland, CA

Dear Mr. Chan:

SECOR International Incorporated (SECOR), on behalf of Kaiser Foundation Health Plan, Inc. (Kaiser Permanente), has prepared this response to your letter dated November 20, 2006, which provided technical comments to the *Soil Management Plan Addendum* (SMP Addendum) dated November 13, 2006. The SMP Addendum describes management practices for impacted soil and groundwater expected to be encountered during redevelopment of properties located at 3781 – 3799 Broadway. The SMP Addendum is intended to supplement the previous *Soil Management Plan* authored by SECOR, which addresses soil and groundwater management for properties located at 3701 – 3757 Broadway. Collectively, the physical addresses of 3701 – 3799 Broadway comprise the Kaiser development site.

This response addresses the following technical comments:

**Technical Comment #1:**

This comment concerns the waste oil underground storage tank (UST) formerly present at the Firestone facility at 3785 Broadway. The site of the former UST will be over-excavated to approximately 12 feet below ground surface (bgs), and confirmation soil samples will be collected. SECOR proposed analyzing soil samples for total extractable petroleum hydrocarbons (TEPH) as diesel and motor oil, in addition to the five Leaking Underground Fuel Tank metals (LUFT 5 metals as cadmium, chromium, lead, nickel and zinc). This fuel leak case was closed by the ACHCSA in 1994. The comments stated that because the prior investigation had only identified lead above threshold levels, the soil samples should

Mr. Barney Chan  
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only be analyzed for LUFT 5 metals, and that chemical analysis for TEPH constituents is not required.

**Response:**

SECOR concurs with this recommendation, and will analyze confirmation soil samples only for LUFT 5 metals, unless field conditions warrant otherwise (i.e., petroleum hydrocarbon impact is detected during excavation).

**Technical Comment #2, regarding confirmation sampling:**

This comment addresses confirmation sampling beneath the hydraulic hoists currently present at the former Midas facility at 3799 Broadway. The hydraulic hoist area measures approximately 30' wide by 100' long, and will be excavated to approximately 24 feet bgs or to the depth of first-encountered groundwater. SECOR proposed collecting six confirmation soil samples from two discrete depths, corresponding to approximately 10 feet and 20 feet bgs. You requested sampling the sidewalls at approximately 30-foot intervals in the long dimension, corresponding to a total of eight samples at each proposed depth.

In the SMP Addendum, SECOR stated that three confirmation samples would be collected from the bottom of the excavation, unless groundwater was encountered. You recommended sampling the bottom of the excavation, regardless of whether groundwater was encountered. In the case that groundwater is encountered, you recommended analyzing the groundwater for appropriate constituents, and providing an estimate of petroleum hydrocarbon mass removed during dewatering of the excavation. In the case that groundwater is not encountered, you recommended considering remediation to treat residual contamination while the impacted area was easily accessible.

**Response:**

SECOR will collect confirmation soil samples approximately every 30 feet, at vertical depths of approximately 10 and 20 feet bgs, for a total of eight soil samples from each vertical depth. SECOR will sample the bottom of the excavation regardless of the occurrence of groundwater. If groundwater is encountered, SECOR will sample the groundwater and

Mr. Barney Chan  
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determine the mass of contaminants removed by dewatering. SECOR considers the removal of impacted soils an act of remediation, and Kaiser Permanente intends to remove substantially impacted soils to the extent feasible. Infiltration of groundwater may inhibit the vertical extent of excavation.

**Technical Comment #2, regarding differentiation of petroleum hydrocarbon constituents:**

Soil samples from several soil borings advanced adjacent to the hydraulic hoists at 3799 Broadway reported elevated concentrations of TEPH as hydraulic fluid. Each of these samples reported a near-identical concentration of TEPH as motor oil, and a substantially lower concentration of TEPH as diesel. You recommended that SECOR request that the laboratory identify the specific hydrocarbon being reported in previous and all future results, noting that if all the reported contamination is from hydraulic fluid, this is significant since it's toxicity is much less than that of other contaminants.

**Response:**

SECOR reviewed the laboratory reports and chromatograms produced by the analytical laboratory for samples from 3799 Broadway. The quantifiable carbon-chain range for diesel fuel is C<sub>10</sub> to C<sub>24</sub>; for motor oil the range is C<sub>24</sub> to C<sub>36</sub>; and for hydraulic fluid the range is C<sub>12</sub> to C<sub>40</sub>. Based on these ranges, all hydrocarbons quantified as motor oil fall within the 'fingerprint' of hydraulic fluid. Because the samples were collected adjacent to hydraulic hoists, and not in the vicinity of a known waste oil UST, SECOR believes that the hydrocarbon being quantified is hydraulic fluid. Furthermore, review of the VOC and metals data from these samples reveal no appreciable concentrations suggestive of waste oil.

In order to avoid similar confusion in the future, SECOR will not analyze for hydraulic fluid and motor oil in the same sample; rather, the analyses will be targeted to the specific constituents being investigated.

Mr. Barney Chan  
Alameda County Health Care Services Agency  
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If you have any questions regarding this letter, please contact David Grede at Kaiser Permanente at (510) 987-3143, or the undersigned at (925) 299-9300.

Sincerely,

SECOR International Incorporated



Greg Hoehn  
Principal Geologist

Cc: Jay Asercion, Kaiser Permanente  
Dave Grede, Kaiser Permanente

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



7

November 20, 2006

Mr. Jay Asercion  
Kaiser Foundation Health Plan Inc.  
1100 San Leandro Blvd., Suite 200  
San Leandro, CA 94577

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

Dear Mr. Asercion:

Subject: Fuel Leak Case [REDACTED] Kaiser Development/Val Strough Honda, 3735- 3799  
Broadway, Oakland, CA 94611

Alameda County Environmental Health (ACEH) staff has recently reviewed the case file for the subject site including the November 13, 2006, Soil Management Plan Addendum 3781-3799 Broadway, Oakland, California by Secor. This addendum supplements the prior August 3, 2006 Soil Management Plan and addresses soil and groundwater which may be encountered on the properties at 3781-3799 Broadway during the planned site redevelopment. Please be aware that our office has recently included all the addresses, exclusive of 3701 Broadway, which Chevron is handling, in our fuel case RO205 and has also changed the site name to reflect the proposed site use. For consistency, we request that all future reports and references reflect this new address and name. Two areas are proposed for special treatment based upon data from your prior investigation. These areas are soil area 5, the former hydraulic hoists at Midas Muffler, 3799 Broadway and soil area 6, the former waste oil tank location at Firestone, 3785 Broadway. Groundwater management is also proposed in soil area 5, if encountered. We approve the SMP Addendum, but request that you address the following technical comments when performing this work.

#### TECHNICAL COMMENTS

1. Soil Area 6, former Waste Oil UST- The waste oil tank will be over-excavated to approximately 12' bgs due to the presence of 350 ppm lead detected in a 8' soil sample collected within the former tank pit. Four sidewall samples are proposed for collection at 5-foot depth intervals and analysis for TEPH as diesel and motor oil and the LUFT metals. The County previously closed this site on 2/22/94. Since the prior investigation only detected lead above threshold levels, it appears that the LUFT metals are the only contaminants of concern in this area. Therefore, TEPH as diesel and motor oil analysis is not required.
2. Soil Area 5, Hydraulic Hoists- The area of the hydraulic hoists are proposed for excavation to the depths of 22-24' bgs, or that of first encountered groundwater. The approximate lateral dimensions of the excavation is 30'x100'. The plan states that four sidewall samples at approximate 10' and 20' depths are proposed for sampling, as well as three soil samples from the floor bottom, if groundwater is not encountered. The plan also states that two samples will be collected from each long-dimension side, so it appears that six samples are actually proposed from the

sidewalls at each depth. Our office requests that the sidewalls be sampled laterally at ~30' intervals for a total of 8 samples at each proposed depth. Most of the hoists appear to have leaked considerably and groundwater has been impacted. We recommend that you have the analytical laboratory identify the specific hydrocarbon type of the previous and all future results. It appears more than co-incidence that TEPH as hydraulic oil and TPHmo concentrations are similar and that TPHd is also present at a considerably lower concentrations in the same soil samples. If all the reported contamination is from hydraulic oil, this is significant since its toxicity is much less than the other contaminants. We recommend sampling the floor bottom regardless of whether groundwater is present. If it is present please analyze groundwater samples similarly and estimate the amount of petroleum mass removed by sampling the holding tank prior to treatment. In the event that groundwater is not encountered and based upon the laboratory interpretation, we recommend that remediation be considered to treat residual contamination while it is accessible.

#### TECHNICAL REPORT REQUEST

Please submit the following technical report according to the following schedule:

90 days after completion of soil excavation and groundwater removal- SWI Report

#### ELECTRONIC SUBMITTAL OF REPORTS

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

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years, responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)). In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [barney.chan@acgov.org](mailto:barney.chan@acgov.org).

PERJURY STATEMENT

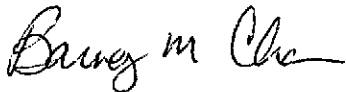
All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: files, D. Drogos

Mr. Greg Hoehn, Secor, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lafayette, CA 94549

Mr. Satya Sinha, Chevron, 6001 Bollinger Canyon Rd., Rm. K2256, San Ramon,  
CA 94583

Mr. Bob Foss, Cambria, 5900 Hollis Street, Suite A, Emeryville, CA 94608

Mr. Sunil Ramdass, SWRCB UST Cleanup Fund, 1001 I St., P.O. Box 944212,  
Sacramento, CA 94244

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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September 6, 2006

Mr. Jay Asercion  
Kaiser Foundation Health Plan Inc.  
1100 San Leandro Blvd., Suite 200  
San Leandro, CA 94577

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

Dear Mr. Asercion:

Subject: Fuel Leak Cases [REDACTED], 3744 Broadway, Oakland, CA 94611  
(Proposed Kaiser Development)

Alameda County Environmental Health (ACEH) staff has recently reviewed the case file for the subject site including the August 3, 2006, Soil Management Plan and the August 11, 2006 Work Plan for Additional Site Characterization 3735-3799 Broadway, Oakland, California both prepared by SECOR International Incorporated (SECOR). The work plan responds to the County's June 13, 2006 letter, which comments on Phase I Site Assessment information and previous soil and groundwater analytical results. Our office has previously commented on Chevron's work plan for remediation and characterization at the adjacent property, 3701 Broadway, Oakland, which is also part of the proposed Kaiser Development. The SECOR Soil Management Plan and work plan addresses the other properties of the planned development. We request that you address the following technical comments and submit the technical report requested below.

#### TECHNICAL COMMENTS

1. Soil Management Plan- The former UST area will be excavated to a depth of 15' bgs. Two floor samples and confirmation samples from each sidewall at every 5' will be collected for analysis. Please insure that a sidewall sample from the base of the excavation is collected, presumably the third sample @15' depth. The former debris pile and the area at SB-48 will be excavated to approximately 5' in depth and confirmation samples collected from the floor and sidewalls. The SMP is approved. Groundwater, if encountered during the excavation, should be sampled for the same analytes as the soil samples. Determination in the field should be made whether additional groundwater removal would be beneficial as interim remediation.
2. Work Plan for Additional Site Characterization- Three borings are proposed to investigate the former USTs at the site. One of the borings will be located within the former tank pit and the other two down-gradient. Two of the borings will be drilled to 20' bgs and the third (down-gradient) to approximately 35' bgs to determine if an additional water bearing zone exists. If present, two water samples will be collected from this boring. We request that the boring located within the former tank pit be sampled and analyzed every 5' to determine if contaminated soil may have been reused during the original tank removal. The other borings should be screened and if no impact is observed through screening, soil samples may be selected to characterize only the interval between the bottom of the former UST pit and first encountered groundwater.



3. The other proposed borings are meant to characterize areas of prior historical activity (former waste oil tank), potential chemical release (hydraulic lifts), background or evaluate off-site impacts. In addition, if potential areas of concern are observed at 3781 Broadway post-demolition, additional samples will be collected for analysis. We have the following comments/observations to optimize chemical analyses. Boring SB-74, proposed within the former waste oil tank pit can screen soil samples to at least 7' bgs, the depth of the original tank excavation. The waste oil tank pit was reportedly over-excavated to varying depths. The soil and groundwater results found in SB-74 should be used in deciding what samples and what depths should be collected in SB-77. Soil samples taken beneath the hydraulic lifts after removal are preferable to the proposed borings adjacent to the lifts. To determine if PCBs are of concern, we recommend analyzing a sample of hydraulic fluid for PCBs since this would represent the highest anticipated PCB concentration. If PCBs are not present, you may eliminate this analysis in all hydraulic lift samples. Removal of saturated soil beneath the lift and confirmation sampling, in the absence of free product, is normally sufficient. Unless there are reasons to suspect additional contaminants ie location near a sump or waste oil tank, VOCs analysis is not necessary. Because hydraulic oil may be erroneously reported through other analyses ie TPHmo or TPHd, comparison of chromatograms should be used to determine which contaminant is present. The other borings are for information purposes and will indicate whether releases from unknown or up-gradient sources have impacted the property.

#### TECHNICAL REPORT REQUEST

Please submit the following technical report according to the following schedule:

90 days after completion of soil and groundwater investigation- SWI Report

#### ELECTRONIC SUBMITTAL OF REPORTS

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Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)). In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [barney.chan@acgov.org](mailto:barney.chan@acgov.org).

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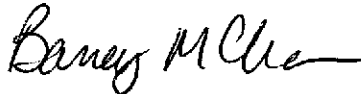
All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or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

PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: files, D. Drogos

Mr. Greg Hoehn, Secor, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lafayette, CA 94549  
Mr. Satya Sinha, Chevron, 6001 Bollinger Canyon Rd., Rm. K2256, San Ramon,  
CA 94583  
Mr. Bob Foss, Cambria, 5900 Hollis Street, Suite A, Emeryville, CA 94608  
Mr. Sunil Ramdass, SWRCB UST Cleanup Fund, 1001 I St., P.O. Box 944212,  
Sacramento, CA 94244

ALAMEDA COUNTY  
HEALTH CARE SERVICES



7

AGENCY

DAVID J. KEARS, Agency Director

June 13, 2006

Mr. Mark Inglis  
Chevron  
6001 Bollinger Canyon Rd., Rm K2256  
San Ramon, CA 94583-2324

Mr. Tim Havel  
Director, Western Environmental, Health and Safety Service Hub  
Kaiser Permanente  
100 S. Los Robles, Ste. 410  
Pasadena, CA 91188

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

Dear Messrs. Inglis and Havel:

Subject: Fuel Leak Cases [REDACTED] and 3741 Broadway, Oakland,  
CA 94611 (Proposed Kaiser Development)

Alameda County Environmental Health (ACEH) staff has reviewed the May 24, 2006 Proposed Kaiser Development and the June 12, 2006 Well Destruction Workplan by Cambria and the January 12, 2004 Phase I Environmental Site Assessment Report and the May 26, 2006 response letter report by Secor, all responding to the County's May 1, 2006 letter. It appears that the County concerns have been adequately addressed. We have the following observations and technical report requests:

TECHNICAL COMMENTS

1. 3701 Broadway-

- Vertical Delineation of Hydrocarbons will be addressed by advancing borings in locations where prior results exceeded environmental screening levels. The borings will be advanced to a maximum depth of 30' to determine the vertical extent of contamination. In addition, an area around SB-38, where elevated lead was detected will also be sampled for this analyte.
- Sidewall sampling approximately every 20 linear feet along the excavation, sampled at five-foot intervals will be performed.
- The drainage system proposed will be done to facilitate the excavation and not as a remediation method since the rate and amount of water removed is unknown. After completion of the excavation, please provide an estimate of the amount of hydrocarbons removed from the dewatering in your excavation report.
- A set of the requested design drawings for the development will be provided from Kaiser as soon as available. Kaiser states that a moisture vapor barrier is presumed to be included.
- It appears that there still is a difference in the cleanup levels proposed by Chevron and Kaiser. Site cleanup levels must be consistent with the future use of the property and site closure will be recommended based upon your meeting the appropriate cleanup levels. Your risk assessment should verify this.
- Three borings located within the excavation limits of the former waste oil tank will be analyzed for TPHd and TPHmo in addition to TPHg, BTEX and lead.
- The monitoring well decommissioning work plan for the six on-site wells is approved to accommodate the proposed site excavation. The off-site wells must either be sampled or properly decommissioned. Wells E and F have been paved over and not sampled since 3/03. It is uncertain whether these wells monitor the extent of the

plume since free product on-site and non-detectable concentrations off-site have been reported for years. Please include a proposal for wells E & F and a discussion of the extent of plume delineation in your well decommissioning report.

2. A copy of the Phase I investigation for the other properties of this site ie 3741, 3735-3737 and 3751-3757 Broadway has been provided by Secor. Based upon this report no additional areas of chemical concern were identified.
3. 3741 Broadway- This address is the area identified on the Val Strough Honda lot where the main sales office, storage room with a door covering the floor and a floor drain were located. The areas near SB-12 and SB-32 with elevated TPH and metals contamination will be excavated and re-sampled according to a soil management plan. Please submit the plan prior to excavation.
4. 3735-3737 Broadway- This address is the area where the former Rainbow Car Wash, sump and three underground storage tanks had been located. Kaiser will provide a work plan to complete investigation of soil and groundwater impacts associated with the former USTs at this site.
5. 3751-3757 Broadway- The localized TPH mo and TPHd contamination reported in SB-48 will be excavated and re-sampled according to the referenced soil management plan.

#### TECHNICAL REPORT REQUEST

Please submit the technical information according to the following schedule:

- 90 days after excavation of 3701 Broadway- Confirmation soil sampling (Excavation) report, design drawings for development, risk assessment, monitoring well decommissioning report and extent of plume discussion.
- 30 prior to hot spot excavation- Soil Management Plan and work plan for soil and groundwater investigation of 3735-3737 Broadway.

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responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic\\_reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at barney.chan@acgov.org.

PERJURY STATEMENT

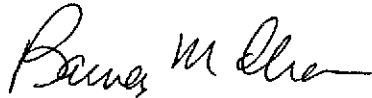
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If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

cc: files, D. Drogos

Mr. Greg Hoehn, Secor, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lafayette, CA 94549  
Mr. Bob Foss, Cambria, 5900 Hollis Street, Suite A, Emeryville, CA 94608  
Mr. Jay Asercion, Kaiser Permanente, 1100 San Leandro Blvd., Suite 200,  
San Leandro, CA 94577

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



7

January 31, 2006

Mr. Tim Havel  
Director, Western Environmental, Health and Safety Service Hub  
Kaiser Permanente  
100 S. Los Robles, Ste. 410  
Pasadena, CA 91188

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

Mr. Mark Inglis  
Chevron  
6001 Bollinger Canyon Rd., Rm K2256  
San Ramon, CA 94583-2324

Dear Messrs. Havel and Inglis:

Subject: Fuel Leak Cases RO500 and [REDACTED], 3701 and 3741 Broadway, Oakland, CA 94611 (Proposed Kaiser Development)

Alameda County Environmental Health (ACEH) staff has reviewed the case file for the properties, 3701 Broadway (RO0000500) and 3741 Broadway (RO0000205), the two County sites within the proposed Kaiser development and the Secor December 22, 2005 *Additional Characterization Work Plan*. This work plan follows up the February 10, 2004 Secor *Phase II Environmental Site Assessment Report*. As you are aware, our office is working with Chevron with their investigation at their former service station at 3701 Broadway as well as overseeing the releases observer on 3735-3737 and 3741 Broadway. Ideally, the information proposed in the Secor *Additional Characterization Work Plan* will identify those areas, which may need further assessment/remediation and this work can be done expeditiously to facilitate Kaiser's site redevelopment plans. Thank you for the opportunity to review the proposed work plan. Our office is responsible for the oversight of environmental releases and their impact to human health and the environment. It is within this context that we offer the following technical comments to the Secor work plan. Please consider the following comments when performing the proposed work and submit the technical reports requested below.

#### TECHNICAL COMMENTS

1. 3701 Broadway- Multiple borings are proposed at this site to a maximum depth of 20 feet. We recommend that borings be advanced to depths necessary to determine the vertical extent of contamination and that samples be analyzed from areas of apparent impact indicated by screening instruments, with a minimum of two samples being tested. Because of the absence of wells in strategic locations, it would be advantageous to collect grab groundwater samples from some of the proposed samples to better characterize the petroleum release, both the dissolved and free product. I recommend you contact Chevron to jointly determine the borings where groundwater should be collected. Your investigation report should include figures indicating the current estimated TPH iso-concentration contours and free product area(s). Although the proposed work is limited to on-site, off-site investigation may

be required to delineate the dissolved or free product release. Once the data from your report is obtained, it would be appropriate for Chevron to provide a remedial action plan for these releases and for plume delineation, as necessary.

2. 3741 Broadway- This address is the area identified on the Val Strough Honda lot where the main sales office, storage room with a door covering the floor and a floor drain were located. The prior Secor investigation identified elevated levels of TPHmo, TPHd and heavy metals in soil samples. Six borings are proposed for sampling in this area, at depths of 2 and 6', to determine the limits of this contamination. Again, we recommend the vertical extent of these contaminants be determined to whatever depths necessary. Based on your results, please determine the potential impact to groundwater from this release and consider taking a grab groundwater sample from this area.
3. 3735-3737 Broadway- This address is the area where the former Rainbow Car Wash, sump and three underground storage tanks had been located. Based the limited sampling of the initial Secor investigation (B6), it appears that a significant release to groundwater has occurred from the former underground tanks. We recommend additional sampling be done to determine the limits of this release to groundwater. Minimally, borings up and down-gradient of SB-6 should be proposed for groundwater sampling and possibly within the former tank pit given the limited data obtained from the original tank removal.

#### TECHNICAL REPORT REQUEST

Please submit the technical information according to the following schedule:

- March 1, 2006- Figure indicating groundwater sampling locations at 3701 Broadway and proposed boring locations to investigate release near boring SB-6.
- 90 days after soil and groundwater investigation- Soil and groundwater report
- 90 days after soil and groundwater investigation- Remedial Action Plan from Chevron

#### ELECTRONIC SUBMITTAL OF REPORTS

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

Submission of reports to the Alameda County ftp site is an addition to existing requirements for electronic submittal of information to the State Water Resources Control Board (SWRCB) Geotracker website. Submission of reports to the Geotracker website does not fulfill the requirement to submit documents to the Alameda County ftp site. In September 2004, the SWRCB adopted regulations that require electronic submittal of information for groundwater cleanup programs. For several years,

responsible parties for cleanup of leaks from underground storage tanks (USTs) have been required to submit groundwater analytical data, surveyed locations of monitor wells, and other data to the Geotracker database over the Internet. Beginning July 1, 2005, electronic submittal of a complete copy of all necessary reports was required in Geotracker (in PDF format). Please visit the SWRCB website for more information on these requirements ([http://www.swrcb.ca.gov/ust/cleanup/electronic reporting](http://www.swrcb.ca.gov/ust/cleanup/electronic_reporting)).

In order to facilitate electronic correspondence, we request that you provide up to date electronic mail addresses for all responsible and interested parties. Please provide current electronic mail addresses and notify us of future changes to electronic mail addresses by sending an electronic mail message to me at [barney.chan@acgov.org](mailto:barney.chan@acgov.org).

#### PERJURY STATEMENT

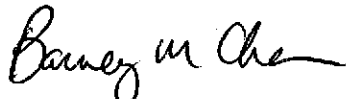
All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or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

#### PROFESSIONAL CERTIFICATION & CONCLUSIONS/RECOMMENDATIONS

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

If you have any questions, please call me at (510) 567-6765.

Sincerely,



Barney M. Chan  
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

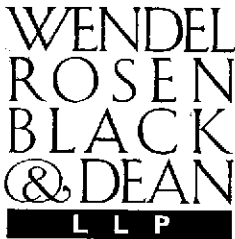
cc: files, D. Drogos

Mr. B. Scarbrough, Secor, 57 Lafayette Circle, 2<sup>nd</sup> Floor, Lafayette, CA 94549

Mr. Bob Foss, Cambria, 5900 Hollis Street, Suite A, Emeryville, CA 94608

1\_31\_06 3701 Broadway





Attorneys at Law

ENVIRONMENTAL  
PROTECTION  
00 MAY -8 AM 10: 00

1111 Broadway, 24th Floor  
Oakland, CA 94607-4036

Post Office Box 2047  
Oakland, CA 94604-2047

Telephone: (510) 834-6600  
Fax: (510) 834-1928  
info@wendel.com

May 3, 2000

Ms. Susan Hugo  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway  
Alameda, CA 94502

**Re: Val Strough Honda (STID #1235)  
3735-3741 Broadway, Oakland**

Dear Ms. Hugo:

This letter is in response to your January 25, 2000 letter regarding the above-mentioned site. As you know, we represent Donald Strough and various related entities that own property at 3701, 3737, and 3741 Broadway. The property ownership is as follows: 3737 Broadway is currently owned by Geary Plaza Associates (entity related to our client); 3741 Broadway is owned by Heitzinger Associates (entity related to our client); 3735 Broadway, however, is owned by Maude Besthorn (unrelated to our client). Val Strough Honda, which was a prior operator of a car dealership on these parcels, does not own any of the parcels and has never used or otherwise operated USTs at any of these sites.

I have had an opportunity to review the Alameda County Health Care Services Agency (ACHCSA) files for STID #1235 and the former Chevron site at 3701 Broadway (STID # 467). On the basis of my review of the files I, on behalf of Don Strough, request that the ACHCSA remove Val Strough Honda as a responsible party because it never owned or operated USTs and close its file with regard to property at 3737 and 3741 Broadway because these locations never had USTs on them. I further request that you find that no further action is required at 3735 Broadway because, as discussed in more detail below, the groundwater contamination migrating from this site, if any, is insignificant.

Val Strough Honda, Geary Plaza Associates and Heitzinger Associates Never Operated USTs at 3735 Broadway and Never Owned that Property

The documents in the ACHCSA files show that Rainbow Carwash previously operated underground storage tanks on the property north of and adjacent to the former Chevron station.

The location of the former Rainbow Carwash underground storage tanks was 3735 Broadway.<sup>1</sup> Val Strough Honda, Geary Associates or Heitzinger Associates never operated the underground storage tanks at 3735 Broadway.

Furthermore, there is no evidence of any other underground storage tanks at 3737 Broadway or 3741 Broadway. Although the documents in the file indicate some confusion as to the location of the storage tanks operated by Rainbow Carwash (see March 13, 1991 letter from R.A. Henderson in STID #1235 file), a thorough review of the files makes it clear that the tanks were located at 3735 Broadway. Neither Val Strough Honda, Heitzinger Associates, nor Geary Plaza Associates ever owned the property at 3735 Broadway. To the best of our knowledge this property is owned by Maude Besthorn and has been for many years.

Thus, even if the ACHCSA felt that the former Rainbow Carwash USTs were the source of significant hydrocarbon contamination upgradient from the former Chevron station, our client has no liability as either an owner or operator of those tanks or the property at 3735 Broadway. For these reasons we request that no further action be considered for properties at 3737 and 3741 Broadway, and that Val Strough Honda, Geary Plaza Associates and Heitzinger Associates be removed from the ACHCSA's list of responsible parties for STID #1235.

Existing Groundwater Data from the former Chevron Station Supports an ACHCSA Decision that There is No Need for Corrective Action at 3735 Broadway

According to the files for STID #467, Chevron removed five underground storage tanks from the property at 3701 Broadway in April 1988. A "recovery tank," located near the property line with 3735 Broadway was one of the five tanks that was removed. The recovery tank was apparently just south of the former USTs at Rainbow Carwash, which were located at 3735 Broadway. Two soil samples taken from the pit in which the recovery tank was located showed no hydrocarbons or BTEX compounds.

Chevron has apparently used this information, along with sampling data taken from wells along their property line with 3735 Broadway, to claim that some of the hydrocarbons in the groundwater are caused by underground storage tanks at upgradient properties, particularly the former Rainbow Carwash USTs. Although I am not convinced that the assumption that the recovery tank is not the source of the "upgradient contamination" is a valid one, for the purposes

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<sup>1</sup> A May 22, 1990 Weiss Associates report, at page 1, states that three underground fuel storage tanks were located about 15 feet northeast of wells A and B-4. A copy of this report is in the ACHCSA file for STID #467. Because the adjacent property, 3735 Broadway, is 50 feet wide (see marked up Assessor's Map attached to the March 13, 1991 letter from R.A. Henderson, Great American Bank in the STID #1235 file, a copy of which is attached hereto for your reference) these tanks clearly were located on the 3735 Broadway property, rather than 3737 or 3741 Broadway.

of this letter I have assumed that the groundwater contamination is not attributable to the former Chevron recovery tank.<sup>2</sup>

The groundwater sampling reports prepared by Blaine Tech Services, Inc. show that samples taken from the well along the property line between 3701 Broadway and 3735 Broadway, just south of the former Rainbow Carwash tanks (well A) have had concentrations of total petroleum hydrocarbons as gasoline of less than 10 parts per million ("ppm") for all samples taken since 1993. Concentrations of benzene in the groundwater at well A have been less than 1 ppm for samples taken over this same time period. Samples taken from well B-4, which is also near the property line, have shown concentrations of total petroleum hydrocarbons as gasoline of at or below 37 ppm<sup>3</sup> for all samples taken since monitoring began in 1989. All samples from this well have shown benzene concentrations at or below 17 ppm.

Samples taken from well EA-2, which is near the Broadway median, downgradient of the former Rainbow Carwash tanks, show less than one ppm of total petroleum hydrocarbon and only trace amounts of benzene. No separate phase hydrocarbon has ever been detected in wells A, B-4, and EA-2.

Conversely, recent samples taken from wells B, B-1, B-2, and B-3, all of which are downgradient of the former gasoline storage tanks on the former Chevron site, show up to *1.5 feet of free petroleum product in groundwater*. Clearly, the contribution from the tanks at the former Chevron station is orders of magnitude more significant than the upgradient contribution, if any. Even so, efforts by Chevron to remove the hydrocarbon contamination appear to have prevented migration off-site. Wells E, F, and EA-1, all of which are south of the former Chevron station on MacArthur Boulevard, show little or no hydrocarbons in groundwater.

Thus, even assuming that samples taken from wells A and B-4 show off-site contamination (rather than contamination from the former Chevron recovery tank or any other source) such a contribution is clearly de minimis. This information alone would justify closure of STID #1235. The low levels of hydrocarbon contamination found in wells A and B-4 will very likely be reduced by natural attenuation. If you are concerned about the levels of contamination that have been identified in wells A and B-4 and the potential for natural attenuation, perhaps you could request that Chevron analyze samples for various bioparameters in future quarterly monitoring.

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<sup>2</sup> This assumption is made for the purposes of this letter only. Val Strough Honda and all related entities are in no way waiving any rights they may have to assert, at any time, that any hydrocarbon contamination in the vicinity of the former Chevron recovery tank was caused by Chevron or any other entity.

<sup>3</sup> With the sole exception of one reading of 200 ppm which appears to be an anomaly.

Ms. Susan Hugo  
May 3, 2000  
Page 4

WENDEL, ROSEN, BLACK & DEAN, LLP


Conclusion

For the reasons set forth above we request that you close the file regarding these three properties and any potential responsibility for Val Strough Honda, Heitzinger Associates and Geary Plaza Associates. Finally, please note that our client, Heitzinger Associates, is also the current owner of 3701 Broadway, which is being investigated and remediated by Chevron pursuant to an indemnity agreement between Heitzinger Associates and Chevron.

Heitzinger Associates does not object or have concerns regarding the relatively insignificant contamination, if any, which may be migrating onto 3701 Broadway from 3735 Broadway. Because Heitzinger's property at 3701 Broadway is being remediated and Heitzinger does not object to closure of STID #1235 we see no reason for the ACHCSA to continue to maintain a file on STID #1235. If you have any questions regarding any information presented in this letter or if you would like to discuss this matter further please do not hesitate to call me.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP

  
Greggory C. Brandt

GCB:oim

cc: Don Strough (w/ encl.)  
Jonathan Redding (w/o encl.)  
Bruce Bercovich (w/ encl.)

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



January 25, 2000

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION

1131 Harbor Bay Parkway

Alameda, CA 94502-6577

(510) 567-6700

(510) 337-9432

Val Strough Honda  
Attn: Mr. Brady McQueen  
3741 Broadway  
Oakland, California 94611

Ms. Bernice Campbell  
224 Mountain Avenue  
Piedmont, California 94611

Ms. Maude Besthorn  
1501 Ptarmigan Drive  
Walnut Creek, California 94595

**RE: Val Strough Honda (STID # 1235)**  
**3735-3741 Broadway, Oakland, California 94611**

**LANDOWNER NOTIFICATION AND PARTICIPATION REQUIREMENTS**

Dear Mr. McQueen, Ms. Campbell and Ms. Besthorn:

This letter is to inform you of new legislative requirements pertaining to cleanup and closure of sites where an unauthorized release of hazardous substance, including petroleum, has occurred from an underground storage tank (UST). Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code requires the primary or active responsible party to notify all current record owners of fee title to the site of: 1) a site cleanup proposal, 2) a site closure proposal, 3) a local agency intention to make a determination that no further action is required, and 4) a local agency intention to issue a closure letter. Section 25297.15(b) requires the local agency to take all reasonable steps to accommodate responsible landowners' participation in the cleanup or site closure process and to consider their input and recommendations.

For purposes of implementing these sections, you have been identified as the primary or active responsible party. Please provide to this agency, within twenty (20) calendar days of receipt of this notice, a complete mailing list of all current record owners of fee title to the site. You may use the enclosed "list of landowners" form (sample letter 2) as a template to comply with this requirement. If the list of current record owners of fee title to the site changes, you must notify the local agency of the change within 20 calendar days from when you are notified of the change.

If you are the sole landowner, please indicate that on the landowner list form. The following notice requirements do not apply to responsible parties who are the sole landowner for the site.

LANDOWNER NOTIFICATION

Re: 3735 - 3741 Broadway, Oakland, CA

January 25, 2000

Page 2 of 2

In accordance with Section 25297.15(a) of Ch. 6.7 of the Health & Safety Code, you must certify to the local agency that all current record owners of fee title to the site have been informed of the proposed action before the local agency may do any of the following:

- 1) consider a cleanup proposal (corrective action plan)
- 2) consider a site closure proposal
- 3) make a determination that no further action is required
- 4) issue a closure letter

You may use the enclosed "notice of proposed action" form (sample letter 3) as a template to comply with this requirement. Before approving a cleanup proposal or site closure proposal, determining that no further action is required, or issuing a closure letter, the local agency will take all reasonable steps necessary to accommodate responsible landowner participation in the cleanup and site closure process and will consider all input and recommendations from any responsible landowner.

Please call me at (510) 567-6780 should you have any questions about the content of this letter.

Sincerely,



Susan L. Hugo  
Hazardous Materials Specialist

Attachments

cc: Chuck Headlee, RWQCB  
Bruce Bercovich, Kay & Merkle, 100 The Embarcadero, 3<sup>rd</sup> Fl. San Francisco, CA 94105  
Herb Henderson, 2047 El Cajon Boulevard, San Diego, CA 92104  
Glen Carter, 2020 Gill Port Lane, Walnut Creek, CA 94598  
SH / files

SAMPLE LETTER (2): LIST OF LANDOWNERS FORM

---

Name of local agency  
Street address  
City

SUBJECT: CERTIFIED LIST OF RECORD FEE TITLE OWNERS FOR (*Site Name and Address*)

(Note: Fill out item 1 if there are multiple site landowners. If you are the sole site landowner, skip item 1 and fill out item 2.)

1. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that the following is a complete list of current record fee title owners and their mailing addresses for the above site:
  
  
  
  
  
  
  
  
  
  
2. In accordance with section 25297.15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that I am the sole landowner for the above site.

Sincerely,

Signature of primary responsible party

Name of primary responsible party

**SAMPLE LETTER 3: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY**

---

Name of local agency  
Street address  
City

**SUBJECT: NOTICE OF PROPOSED ACTION SUBMITTED TO LOCAL AGENCY FOR**  
*(Site Name and Address)*

In accordance with section 25297,15(a) of Chapter 6.7 of the Health & Safety Code, I, (*name of primary responsible party*), certify that I have notified all responsible landowners of the enclosed proposed action. Check space for applicable proposed action(s):

- cleanup proposal (corrective action plan)
- site closure proposal
- local agency intention to make a determination that no further action is required
- local agency intention to issue a closure letter

Sincerely,

Signature of primary responsible party

Name of primary responsible party

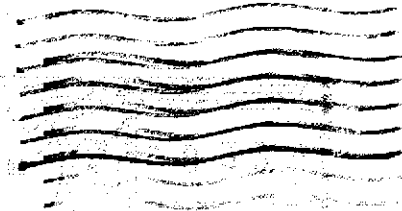
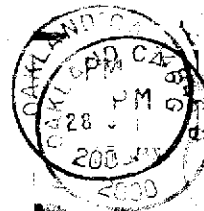
cc: Names and addresses of all record fee title owners



cc:4580



ALAMEDA COUNTY  
**HEALTH CARE SERVICES AGENCY**  
Department Of Environmental Health  
Environmental Protection Division  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577



*[Handwritten signature]*  
Does not live @  
this address

Ms. Bernice Campbell  
224 Mountain Ave.  
Piedmont, CA 94611

BERNICE CAMPBELL  
224 MOUNTAIN AVE  
PIEDMONT, CA 94611

94611X3506 1A



Environmental and Geologic Services

5500 Shellmound Street, Emeryville, CA 94608-2411

FAX: 510-547-5043 Phone: 510-450-6000

# TRANSMITTAL

DATE: March 3, 1995

TO: Alameda County, Dept. of Environmental Health FAX: (510) 337-9335

FROM: Tim Utterback, (510) 450-6193

SUBJECT: File Copy for 3535 Broadway in Oakland 94611

<b>VIA:</b>	<b>FAX:</b>	<b>AS:</b>	<b>FOR:</b>
<input checked="" type="checkbox"/> Fax	# of pages: <u>1</u>	<input type="checkbox"/> Per our phone call	<input type="checkbox"/> Your information
<input type="checkbox"/> 1 <sup>st</sup> Class Mail	(including this cover)	<input type="checkbox"/> You requested	<input type="checkbox"/> Return to you
<input type="checkbox"/> Overnight Delivery	<input type="checkbox"/> Hard Copy to follow	<input checked="" type="checkbox"/> Is required	<input checked="" type="checkbox"/> Your action
<input type="checkbox"/> UPS (Surface)		<input type="checkbox"/> We believe you may be interested	<input type="checkbox"/> Your review & comments
<input type="checkbox"/> Courier			

Please call (510) 450-6000 if there are any problems with transmission.

COMMENTS:

3737

Weiss Associates is requesting an appointment to copy the file for site address 3535 Broadway, Oakland, CA. We would like to do this on Tuesday March 7 or Thursday March 9, 1995 and are willing to pay the \$90.00 / hour special services fee. Please call Tim Utterback on Monday March 6 to arrange the appointment. Thank you.

SH has 5T 10 1235 for LOP

Maybe Rainbow Car Wash.  
VIA RT phone call

for DWAS3 / moshulhu

FAX CONFIDENTIALITY NOTICE

The information contained in this transmission is confidential and only intended for the addressee. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or action taken in reliance on the contents of this facsimile transmittal is strictly prohibited. If you have received this facsimile in error, please call us immediately to arrange for the return of these documents.

DOCUMENTS

3505 KAISER Foundation M1.  
9/6/11

AL

2 Ton 2/24/95

**CAMBRIA**  
Environmental Technology, Inc.

Post-It* Fax Note	7671	Date	2/24	# of pages	1
To	Juliette Blake		From	Bob Schultz	
Co./Dept.	Env. Health		Co.	Cambria Env.	
Phone #	567-6700		Phone #	420-9174	
Fax #	337-9335		Fax #	420-9170	

not LOP

OWCAPZ

Ms. Juliette Blake  
Department of Environmental Health  
1131 Harbor Bay Pkwy.  
Alameda, Calif.  
94502

Dear Ms. Blake:

I would like to request a file search on the following property:

3535 Broadway  
Oakland, CA. & 3741 Broadway  
94609

Cambria is compiling a proposal for environmental remediation of a local site and is particularly interested in any permit history pertaining to underground storage tank monitoring and closure. Thank you in advance for your assistance.

Sincerely,



Bob Schultz  
Staff Geologist

F:\PROJECT\MISC\ANTIOCH\FILES\RCH.WPD

.....

1/26/95 ST10 R35  
3735 Broadway St. 3741 Broadway

2/1987 removed tank

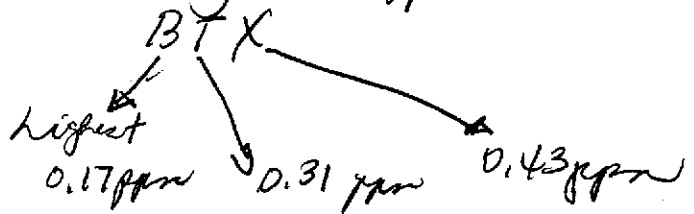
Low levels in soil TP1tg 0.4ppm

collected  
fill

middle

ventana

middle



1/25/2000 Check RP Info

3701 Broadway - Heitzinger Assoc. P.O. Box 1613 Pebble Beach  
CA 93953

3735 Broadway - Peithorn Marie G Frost

Contact: Ellen Carter

2020 Dill Port Lane Walnut Creek CA 94598

Contact: ~~Robert~~ Henderson 3737 Broadway Campbell Bernice H Frost

3575 Lassen Rd. Paradise CA 95969

3741 Broadway - Heitzinger Assoc. P.O. Box 1613 Pebble Beach  
CA 93953

3757 Broadway " " " CA 93953

Re: 3741 Broadway W/1  
Val Trench  
Holder



Henderson & Duncan  
REAL ESTATE MANAGEMENT

4/15/92

92157110 11:38

STID: 1235

Susan -

Enclosed is the letter which I sent to Gil Wistar explaining the situation from the Campbell perspective -

Let me hear from you if you have any questions and please keep me informed as things progress,

Thank you

Sincerely,

Herb Henderson

DATE: 3-4-92  
 TO : Local Oversight Program  
 FROM: George Rodgers  
 SUBJ: Transfer of Eligible Oversight Case

Site name: UAL STROUGH HONDA/CHEN

Address: 3737 BROADWAY City OAKLAND Zip \_\_\_\_\_

Closure plan attached? Y  N  DepRef remaining \$ \_\_\_\_\_

DepRef Project # \_\_\_\_\_ STID #(if any) 1235? CHECK FOR CORRECT ADDRESS

Number of Tanks: 2 removed?  Y  N Date of removal 2-23-87

Leak Report filed? Y  N  Date of Discovery \_\_\_\_\_

Samples received?  Y  N Contamination: gas

Petroleum  Y  N Types: Avgas Jet leaded unleaded Diesel  
 fuel oil waste oil kerosene solvents

Monitoring wells on site 0 Monitoring schedule? Y  N

LUFT category 1 2 3 \* H S C A R W G O

Briefly describe the following:

Preliminary Assessment Soil Samples taken during tank removal

Remedial Action \_\_\_\_\_

Post Remedial Action Monitoring \_\_\_\_\_

Enforcement Action \_\_\_\_\_

\$425.00 check dated 2/9/91 - not cashed \* PLEASE CASH THIS CHECK AND FILL OUT A DEPOSIT/REFUND FORM.

TANK #	SAMPLE #	VOC	BENZENE MG/KG oil	TOLUENE MG/KG	XYLENE MG/KG
"	1	< 3			
"	2	< 3	0.17	0.094 0.31	< 0.04 0.38
TANK #2	1	< 3	0.13	0.24	0.43
"	2	< 3	0.11	0.045	0.095

NO WORK PLAN ENCLOSED / NO CLOSURE PLAN

ALAMEDA COUNTY  
HEALTH CARE SERVICES

June 7, 1991 AGENCY  
DAVID J. KEARS, Agency Director



6-7-91

1) Need to reposition before mailing out.  
2) Need timesheet to record time.

Val Strough Honda/Val Strough Chevrolet  
c/o Mr. W. Bruce Bercovich  
Kay & Merkle  
100 The Embarcadero, 3rd Floor  
San Francisco, CA 94105

NOTICE OF VIOLATION

RE: Potential contamination from former underground fuel storage tanks at 3735 Broadway, Oakland  
6/11

Dear Mr. Bercovich:

I would like to take this opportunity to introduce myself as the new Specialist assigned to the above site. While reviewing your file, I saw two letters from this office dated January 18, 1991 and March 13, 1991, that requested you submit a workplan designed to determine whether the former underground tanks at 3735 Broadway are contributing to the hydrocarbon plume beneath the neighboring property at 3701 Broadway. As of this date, we have not received it. Please submit this plan within 10 days of the receipt of this letter.

This letter constitutes a formal request for technical reports according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the Health and Safety Code. Copies of all documentation sent here should also be sent to the Regional Water Quality Control Board in Oakland (attn. Lester Feldman). Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law, such as Sec. 25299.37 of the Health and Safety Code, may also be cited.

If you have any questions about this letter, please contact me at 271-4320.

Sincerely,

Larry Seto  
Senior Hazardous Materials Specialist

cc: Gil Jensen, Alameda County District Attorney's Office  
Glenn Carter (2020 Gill Port Ln., Walnut Creek, CA 94598)  
Herb Henderson (600 B St., San Diego, CA 92183)  
Nancy Vukelich, Chevron (P.O. 5004, San Ramon, CA 94583)  
Lester Feldman, RWQCB  
Refat Shahid, Asst. Agency Director, Environmental Health



3735 Broadway

As of 5/29/91 ~~for~~ Gil Weath

2-U.G.T. were removed from property in 2/87. At the time, minimal contamination was detected. The property next door at 3701 Broadway had contamination of TPH (9) and BTXE. It is suspected that the contamination could be coming from 3735 Broadway. Val Strough is leasing the property from Maade Berthorn, property owner. Gil Weath in a letter dated 3-7-91 requested Val Strough to perform a groundwater/soil investigation. Ms. Berthorn submitted a deposit payment check for ~~\$47~~ \$425.00. Val Strough has not submit their work plan as of this date.

3735 - 3741 Broadway

3/1/91 - met w/ Herb Henderson, who wanted more information about what we were looking for at site, and also dropped off a more complete tank closure report from R.J. Miller (2/87). I told Mr. Henderson that we'd need several borings / monitoring wells between the former tanks and Chevron's two wells that are showing high TPH and benzene levels.

It is still unclear on whose property the tanks were located; there is no doubt that the dispensers were on Maude Beathorn's property. Mr. Henderson will check w/ Union Oil (former owner of tanks) regarding any old site plans (he has an old friend who works for Unocal). He will also try to convince Val Strough to assume liability, since they're the ones who contracted for tank removal.

3/4/92

1/2 hr

- unclear on whose property the tanks were located, but dispensers were on Mauld Beechorn's property. Mr. Henderson will check at Union oil (former tank owners) re: old site plans. He will convince Val Strough to assume responsibility since they contracted for tank removal.
- map ~~of~~ Campbell owned 3741 & 3737 & Beechorn - 3735 <sup>Broadway</sup>

3/8/91

Letter fr. Bruce Bercoich to ACHD & submitted soil sample results. (low level) he anticipated no further work required.

3/13/91

Letter to ACHD fr. Herb Henderson -

He went to site; appeared that <sup>responsibility for</sup> USTs & pumps were on 3735 Broadway - clean up & allowing pumps to be taken at his property (Compell) to assure that no migration <sup>to north</sup> occurred.

3/13/91

Letter to Bruce Bercoich fr. ACHD

need to investigate site - submit work plan ASAP w/ \$425<sup>00</sup> deposit.

5/29/91

notes fr. Larry Sisto -

2 USTs removed 2/87.

Val Strough not submitted a work plan to date

3/03/92

Transfer to LDP

4/15/92

Rec'd letter fr. Herb Henderson explaining

The Campbell's Situation.

(2)

- Val Strough has no responsibility w/ clean-up per Mr. Bercovich (not owner nor operator of tank).

9/14/90

Letter fr. Chevron to Val Strough re: requesting approval to install groundwater treatment system.

1/18/91

Letter fr. ACHD to: 1) Val Strough Honda  
2) Ms. Maude Beathorn &  
3) Purice Campbell

re: potential contamination & submission of work plan by Feb 22, 1991 no later than 5:00 PM

1/25/91

Letter fr. Maude Beathorn & son, Glenn Carter to Bruce Bercovich of Kay & Munkle to comply w/ ACHD request for work plan, enclosed a check for \$425.<sup>00</sup> dep't ref.

Beathorn property is ~~located at~~ 50 ft wide & not a part of 3737 Broadway referred in ACHD letter.

3/1/91

Rec'd report of soil analysis (3737 Broadway) fr. Herb Henderson - letter fr. R.G. Miller to Val Strough Management Co. (TTHg < 3 ppm; B = 0.17 ppm highest).

3/1/91

Ed Wistar met w/ Herb Henderson (who wanted more information about the former tanks). need several strings of MW's between former tanks & Chevron's 2 MW's.

11/18/92

STID 1235

3737/3741 Broadway Oakland 94611

6/11/90

Letter fr. ACHD (Neil Wistaw) to conduct investigation  
bec. this site is <sup>potential</sup> up gradient source of contamination  
migrating to former Chevron - 3701 Broadway.  
Letter to Mr. Brady McQueen, San. Ings. dated 6/11/90  
submit a workplan

9/14/90

Letter to ACHD fr. Bruce Berkovich (Kay & Muckle)  
attorney at law representing Val Strough Chevrolet Co;  
operated Val Strough Honda until May 31, 1990.  
submitted documentation re: removal UGT's (3)  
in 1987. fr. 3737 Broadway.

- Val Strough Honda & cement Resell did not  
operate or owned any tanks at the site.
- no tanks at 3741 <sup>Broadway</sup>; tanks removed fr. 3737 Broadway
- <sup>3737</sup> 3737 Broadway owned by Maude Beichorn prior  
1985, site occupied by gas station & car wash
- ~~Val Strough leased property~~ [REDACTED]  
fr. Mrs. Maude Beichorn
- 5/1/85 Val Strough subleased site to <sup>Broadway</sup> Bruchler  
Car Wash (operated car wash & gas station).
- 10/87 sublease at Broadway Bruchler Car Wash  
cancelled & sublease to Hease Casel Ltd.
- 10/1/90 sublease to Hease Casel Ltd terminated  
& new sublease to California Carriage Ltd.
- 5/26/86 Val Strough applied for permit  
to remove tanks fr. ACHD.
- 2/87 UGT's removed.

Bernice Campbell (RP-1)

224 Mantain Av.

Piedmont 94611

~~P.O. of 3737~~

P.O. of 3735 (RP-2)

Maudie Besthorn

~~1501 Pharmacy Dr. #7B~~

~~Walnut Creek 94595~~

Val Strogg (RP-3)

Calif. Carriages

clo

Bruce Bercovich

The

100 Embarcadero

3rd Floor

SF 94105-1217



Great American Bank

SSB

600 B Street • Suite 860 • San Diego, California 92183 •

March 13, 1991

Mr. Gil Wistar  
Alameda County Health Agency  
Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

RE: 3737 Broadway  
Oakland, CA

Dear Gil:

Thanks for your time on March 1 and I appreciated learning in more detail of the problem. I returned to the property as you suggested to see where the asphalt patch was located, and the attached drawing indicates my findings.

The property known as 3735 Broadway is approximately 50 x 150 and it appears that all work to do with installation and removal of gas tanks and pumps has occurred on this property. For a depth of 33 feet +/- from the sidewalk there is an aggregate and brick drive which is identical to the entire paved surface on the Campbell property. For the next 33 feet +/- in depth and with a width of about 40 feet there is a blacktop patch which does not protrude onto the Campbell property. For the balance of the depth of the 3735 property there are the old pump islands and concrete paving.

The building on the Campbell property has about a 50-foot setback and the entire area in front of this building is paved with the described aggregate concrete and brick. There are no cutouts or patches and thus it is my opinion that the installation and removal of the tanks took place entirely on the 3735 Broadway property.

Therefore, unless I hear from you to the contrary I will presume that any cleanup will not affect the Campbell property although it would be appreciated if there is further cleanup required on the 3735 property, that two or three borings be taken inside the Campbell property at no expense to the owner to assure that no migration has taken place to the north.



Mr. Gil Wistar  
March 13, 1991  
Page Two

I believe this should satisfy the requirements as outlined in your letter of January 18, 1991 to Bernice Campbell and we would be interested in learning the outcome of the problem.

Thanks again for your assistance.

Very truly yours,

  
R.A. Henderson

cc: Gary Shipman - Val Strough  
B.C. Montgomery  
S.J. Heckinger  
Scott Dodge, Esq.

20205

4/15/92

**VAL STROUGH HONDA (STID # 1235)  
3737 /3741 Broadway, Oakland, CA 94611**

- ✓ 6/11/90 Letter from ACDEH ( Gil Wistar) to conduct investigation because this site is a potential upgradient source of contamination migrating to former Chevron - 3701 Broadway; letter dated 6/11/90 to Mr. Brady Mcqueen, Gen. Mgr. to submit a workplan.
  
- 9/14/90 Letter to ACDEH from Bruce Bercovich of Kay & Merkle attorney representing Val Strough Chevrolet Co.; operated Val Strough Honda until 5/31/90. Submitted documentation re: removal of 3 USTs in 1987 from 3737 Broadway.
  - Val Strough & current lessee did not operate or owned any tanks at the site
  - No tanks at 3741 Broadway; tanks removed from 3737 Broadway
  - 3735 / 3737 Broadway owned by Maude Besthorn prior to 1985; site is occupied by gas station & car wash
  - On 1/15/85, Val Strough leased property at 3737 Broadway from Mrs. Maude Besthorn
  - On 5/1/85, Val Strough sub-leased site to Broadway Car Wash ( operated a car wash & gas station).
  - In 10/87, sublease with Broadway Brushless Car Wash cancelled & sublease to Hesse Cassel Ltd.
  - On 10/1/90, sublease to Hesse Cassel Ltd . was terminated & new sublease to California Carriage Ltd.
  - On 5/26/86, Val Strough applied for permit to remove tanks from ACDEH.
  - In 2/87, USTs were removed.
  - Val Strough has no responsibility with clean-up per Mr. Bercovich since they were not owner nor operator of tank.
  
- 9/14/90 Letter from Chevron to Val Strough re: requesting approval to install groundwater treatment system.
  
- ✓ 1/18/91 Letter from ACDEH to 1) Val Strough Honda ; 2) Ms. Maude Besthorn & 3) Bernice Campbell RE: potential contamination & submission of workplan by 2/22/91 no later than 5:00 p.m.
  
- 1/25/91 Letter from Maude Besthorn & son Glenn Carter to Bruce Bercovich of Kay & Merkle to comply with ACDEH request for work plan enclosed a check for \$425 dep/ref. Besthorn property is 3735 Broadway ; 50 feet wide & not a part of 3737 Broadway referred in ACDEH letter.
  
- 3/1/91 Received report of soil analysis ( 3737 Broadway) from Herb Henderson - letter from RJ Miller to Val Strough Management Co. ( TPH gas > 3 ppm; Benzene = 0.17 ppm highest.
  
- 3/1/91 Gil Wistar met with Herb Henderson ( who wanted more information about former tanks). Need several borings & wells between former tanks & Chevron's 2 MWs.
  - unclear on whose property the tanks were located; but dispensers were on Maude Besthorn's property. Mr. Henderson will check with Union Oil ( former tank owners) re: old site plans. He will convince Val Strough to assume responsibility since they contracted for the tank removal.
  - Map showed Campbell owned 3741 & 3737 Broadway & Besthorn owned 3735 Broadway.
  
- ✓ 3/8/91 Letter from Bruce Bercovich to ACDEH & submitted soil samples results (low levels); he anticipated no further work will be required.

✓ 3/13/91

Letter to ACDEH from Herb Henderson re: he visited the site; appeared that USTs & pumps were on 3735 Broadway - responsible for clean up & he's allowing borings to be taken at his property ( Campbell) to assure that no migration to north occurred.

✓ 3/13/91

Letter from ACDEH to Bruce Bercovich - re: need to investigate site ; submit work plan ASAP with \$ 425 deposit.

✓ 5/29/91

Notes from Larry Seto-  
2 USTs removed in 1987

**Val Strough has not submitted a work plan to date.**

✓ 3/23/92

Transfer to LOP

✓ 4/15/92

Received letter from Herb Henderson explaining the Campbell situation.

**VAL STROUGH HONDA (STID # 1235)**  
**3737 /3741 Broadway, Oakland, CA 94611**

- 6/11/90 Letter from ACDEH ( Gil Wistar) to conduct investigation because this site is a potential upgradient source of contamination migrating to former Chevron - 3701 Broadway; letter dated 6/11/90 to Mr. Brady McQueen, Gen. Mgr. to submit a workplan.
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- Val Strough & current lessee did not operate or owned any tanks at the site
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  - On 5/1/85, Val Strough sub-leased site to Broadway Car Wash ( operated a car wash & gas station).
  - In 10/87, sublease with Broadway Brushless Car Wash cancelled & sublease to Hesse Cassel Ltd.
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  - In 2/87, USTs were removed.
  - Val Strough has no responsibility with clean-up per Mr. Bercovich since they were not owner nor operator of tank.
- 9/14/90 Letter from Chevron to Val Strough re: requesting approval to install groundwater treatment system.
- 1/18/91 Letter from ACDEH to 1) Val Strough Honda ; 2) Ms. Maude Besthorn & 3) Bernice Campbell RE: potential contamination & submission of workplan by 2/22/91 no later than 5:00 p.m.
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- 3/13/91 Letter to ACDEH from Herb Henderson re: he visited the site; appeared that USTs & pumps were on 3735 Broadway - responsible for clean up & he's allowing borings to be taken at his property ( Campbell) to assure that no migration to north occurred.
- 3/13/91 Letter from ACDEH to Bruce Bercovich - re: need to investigate site ; submit work plan ASAP with \$425 deposit.
- 5/29/91 Notes from Larry Seto-  
2 USTs removed in 1987  
**Val Strough has not submitted a work plan to date.**
- 3/23/92 Transfer to LOP
- 4/15/92 Received letter from Herb Henderson explaining the Campbell situation.

## ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION

01/14/2000

## UNDERGROUND STORAGE TANK CLEANUP SITE

AGENCY#: 10000 SOURCE OF FUNDS: F-FEDERAL INSPECTOR: SH  
 StID: 1235 SUBSTANCE: 8006619 -Gasoline  
 SITE NAME: Val Strough Honda DATE REPORTED : 02/23/1987  
 ADDRESS : 3741 Broadway DATE CONFIRMED: 02/23/1987  
 CITY/ZIP : Oakland, CA 94611 MULTIPLE RP's : Y

CASE TYPE: O CONTRACT STATUS: 4 PRIOR:2B4 EMERGENCY RESPONSE:

RP SEARCH	: S	DATE END:	03/23/1992
PRELIM ASSESSMENT	:	DATE BEGIN:	DATE END:
REMEDIAL INVESTIG	:	DATE BEGIN:	DATE END:
REMEDIAL ACTION	:	DATE BEGIN:	DATE END:
POST REMED MONITOR:	DATE BEGIN:	DATE END:	

TYPE ENFORCEMENT ACTION TAKEN: 1 DATE OF ENFORC. ACTION: 03/23/1992

## UNDERGROUND STORAGE TANK CLEANUP SITE - SCREEN #2

LUFT FIELD MANUAL CONSIDERATION: 3HSCA CASE CLOSED: on:

DT EXC START: 02/23/1987 REMEDIAL ACTIONS TAKEN: ED

RP #1: CONTACT: Bernie Campbell RP COST:  
 RP COMPANY NAME: N A Ph:  
 ADDRESS: 224 Mountain Ave  
 CITY/STATE: Piedmont, C A 94611

ΔPaMENT:

SITE ID#: 1235

## ADDITIONAL RP'S

RP #3  
 CONTACT NAME: Bruce Bercovich  
 COMPANY NAME: Val Strogh Calif. Carriage RP Ph:  
 ADDRESS: 100 The Embarcadero, 3rd.  
 CITY/ST/ZIP: San Francisco, C A 94105-1217

SITE ID#: 1235

## ADDITIONAL RP'S

RP #2  
 CONTACT NAME: Maude Besthorn  
 COMPANY NAME: n/a RP Ph:  
 ADDRESS: 1501 Ptarmigan Dr., #7b  
 CITY/ST/ZIP: Walnut Creek, C A 94595

Listing all LOP DAILY activities since 1991 for StID # 1235  
as of 01/14/2000

Val Strough Honda at as of 01/14/2000 , Oakland CA 94611

Act91\_4

Act92\_1

ActivDat	Insp	ACT	Activ	StID	ActCostF
03/16/1992	EC	200	0.8	1235	\$32.83
03/25/1992	EC	200	0.3	1235	\$12.31
04/07/1992	TP	215	0.3	1235	\$16.62
04/15/1992	SH	212	0.3	1235	\$12.78

Act92\_2

Act93\_1

Act93\_2

Act94\_1

Act95\_1

Act95\_2

Act95\_3

Act95\_4

Act96\_1

Act96\_2

Act96\_3

07/29/1996	TP	215	0.1	1235	\$6.05
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Act96\_4

Act97\_1

Act97\_2

ACT97\_3

ACT97\_4

ACT98\_1

ACT98\_2

act98\_3

act98\_4

Action - Current LOP Dailies:

complete

Listing of all 1992 activities for StID # 1235  
as of 01/26/95

ActivDat	Insp	ACT	Activ	StID	ActCostF	aComment
03/16/92	EC	200	0.8	1235	\$32.83	notification letter
03/25/92	EC	200	0.3	1235	\$12.31	cert letter
04/07/92	TP	215	0.3	1235	\$16.62	QR, assign priority
04/15/92	SH	212	0.3	1235	\$12.78	phone conversation with RP
11/18/92	SH	215	1.5	1235	\$68.12	review status case file
11/30/92	SH	215	1.6	1235	\$74.12	draft letter re: further work required at site
12/02/92	SH	210	0.8	1235	\$40.96	on site visit, locate property
07/22/93	SH	215	0.4	1235	\$19.54	review files for updates, talked to Lori Casias

complete





# Great American Bank

SSB

600 B Street • Suite 860 • San Diego, California 92183 •

March 13, 1991

Mr. Gil Wistar  
Alameda County Health Agency  
Hazardous Materials  
80 Swan Way, Room 200  
Oakland, CA 94621

RE: 3737 Broadway  
Oakland, CA

Dear Gil:

Thanks for your time on March 1 and I appreciated learning in more detail of the problem. I returned to the property as you suggested to see where the asphalt patch was located, and the attached drawing indicates my findings.

The property known as 3735 Broadway is approximately 50 x 150 and it appears that all work to do with installation and removal of gas tanks and pumps has occurred on this property. For a depth of 33 feet +/- from the sidewalk there is an aggregate and brick drive which is identical to the entire paved surface on the Campbell property. For the next 33 feet +/- in depth and with a width of about 40 feet there is a blacktop patch which does not protrude onto the Campbell property. For the balance of the depth of the 3735 property there are the old pump islands and concrete paving.

The building on the Campbell property has about a 50-foot setback and the entire area in front of this building is paved with the described aggregate concrete and brick. There are no cutouts or patches and thus it is my opinion that the installation and removal of the tanks took place entirely on the 3735 Broadway property.

Therefore, unless I hear from you to the contrary I will presume that any cleanup will not affect the Campbell property although it would be appreciated if there is further cleanup required on the 3735 property, that two or three borings be taken inside the Campbell property at no expense to the owner to assure that no migration has taken place to the north.



Mr. Gil Wistar  
March 13, 1991  
Page Two

I believe this should satisfy the requirements as outlined in your letter of January 18, 1991 to Bernice Campbell and we would be interested in learning the outcome of the problem.

Thanks again for your assistance.

Very truly yours,

  
R.A. Henderson

cc: Gary Shipman - Val Strough  
B.C. Montgomery  
S.J. Heckinger  
Scott Dodge, Esq.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



Certified Mailer # P 062 127 769

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

March 13, 1991

Val Strough Honda/Val Strough Chevrolet  
c/o Mr. W. Bruce Bercovich  
Kay & Merkle  
100 The Embarcadero, 3rd Floor  
San Francisco, CA 94105

RE: Potential contamination from former underground fuel storage  
tanks at 3737 Broadway, Oakland

Gentleman:

Thank you for submitting complete analytical results from the February 1987 tank removal from 3737 Broadway, for the file. These results indicate that at the locations where samples were taken following the tanks' removal, low levels of contamination were found. Despite this data, however, as indicated in this office's January 18, 1991 letter to you, samples of groundwater from the northern edge of the adjacent 3701 Broadway property indicate the possibility that hydrocarbons have migrated from 3737 Broadway onto 3701 Broadway. This is because the monitoring wells at 3701 Broadway that are hydraulically upgradient of the tanks removed from that property, but downgradient of the former tank area on 3737 Broadway, show significant groundwater contamination. Therefore, the responsible party must investigate the source of this contamination by initiating a subsurface assessment, as discussed in previous letters. In summary, for a variety of reasons, soil samples collected during tank removal may miss contamination that subsequent evidence or data shows to in fact be present.

As stated in our January 18, 1991 letter, under Sec. 13304(a) of the Porter-Cologne Water Quality Control Act (California Water Code), a responsible party is defined as any person who "has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance..." This section goes on to state that this person must "clean up such waste or abate the effects thereof..." Thus, an underground tank system that in the past resulted in unauthorized releases confers liability on the following parties:

- 1) The property owner at the time of the release(s) and thereafter for as long as the releases threaten groundwater;

Val Strough Honda/Val Strough Chevrolet

March 13, 1991

Page 2 of 2

- 2) The property lessor (as distinguished from facility operator) at the time of release and thereafter for as long as the releases threaten groundwater; and
- 3) The facility operator (or sublessor) at the time of release.

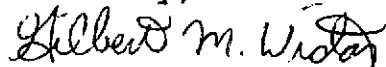
Therefore, we are still requiring that a work plan be submitted to this office, which is designed to determine whether the old underground tanks at 3737 Broadway are contributing to the hydrocarbon plume beneath the former Chevron station, and if so, to what extent. This work plan is to be submitted to this office for approval, and is due **immediately upon receipt of this letter.**

A suitably qualified environmental consultant must handle this investigative work. We are currently requiring Chevron to define the limits of and remediate contaminated groundwater underneath 3701 Broadway, and county oversight on this issue will continue until full cleanup occurs. However, you will be responsible for subsurface contamination (if any) originating from 3737 Broadway. In addition, we require the responsible party to submit a \$425 deposit, made out to Alameda County, to cover our costs for report review and remedial oversight of the case. This deposit is also due immediately.

This letter constitutes a formal request for technical reports according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the Health and Safety Code. Copies of all documentation sent here should also be sent to the Regional Water Quality Control Board in Oakland (attn: Lester Feldman). Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law, such as Sec. 25299.37 of the Health and Safety Code, may also be cited.

If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar

Hazardous Materials Specialist

cc: Glenn Carter (2020 Gill Port Ln., Walnut Creek, CA 94598)  
Herb Henderson (600 B St., San Diego, CA 92183)  
Nancy Vukelich, Chevron USA (P.O. Box 5004, San Ramon, CA 94583)  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files

KAY & MERKLE  
ATTORNEYS AT LAW  
100 THE EMBARCADERO  
THIRD FLOOR  
SAN FRANCISCO, CALIFORNIA 94105-1217

91 MAR 11 11:30

1939 HARRISON STREET, SUITE 618  
OAKLAND, CALIFORNIA 94612  
(415) 465-3636

(415) 956-6462

TELECOPIER  
(415) 512-9277

March 8, 1991

Mr. Gil Wistar  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

RE: **3737 Broadway**  
**Oakland, California**

Dear Mr. Wistar:

As you know this office represents Malindons, Ltd., a California corporation (previously known as Val Strough Chevrolet, Inc., Hesse Cassel, Ltd. and California Carriage, Ltd.) which operated Val Strough Honda up until May 31, 1990.

We are in receipt of your letter of January 18, 1991 regarding the above-referenced property. In response to your correspondence, we have been able to obtain documentation regarding the soil samples that were taken at the time of the removal of the tanks as well as the results of the tests conducted at that time. As you will note from the enclosed documents, soil samples were sent to both Alameda County and the Oakland Fire Marshall.

With the results of the soil samples enclosed, we anticipate no need for any further work on the property. After reviewing the enclosed documentation, please contact the undersigned with any questions or comments.

Very truly yours,



W. BRUCE BERCOVICH

WBB/lal

cc: Donald Strough  
James Grim

SERVICE STATION EQUIPMENT • GASOLINE AND OIL FUELING SYSTEMS  
• TANK INSTALLATIONS, REMOVAL AND TESTING •

# ROBERT J. MILLER CO., INC.

*General Contractors*  
*License No. A-592360*

385 PITTSBURG AVENUE  
RICHMOND, CALIFORNIA 94801  
(415) 233-9000  
FAX (415) 233-0140

Val Strough Management Co.  
PO Box 28886  
Oakland, Ca. 94604  
Attn: Gary Shipman

February 26, 1991

Re: 3737 Broadway  
Oakland

Dear Gary,

Please find enclosed the chain of custody record and the soil sample results along with copies of each letter sent to the proper agencies.

Based on the information and results there was no further action required by the Alameda County Health Department on the site.

from Herb Henderson  
3/1/91

Sincerely,  
ROBERT J. MILLER CO., INC.  
GENERAL CONTRACTORS



P.W. Musser

PM:ckd

ENVIRONMENTAL PROTECTION AGENCY  
Office of Enforcement

CHAIN OF CUSTODY RECORD

PROJ. NO.		PROJECT NAME				NO. OF CONTAINERS	REMARKS				
SAMPLERS: (Signature) DAVE SATO											
STA. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION						
1	2/20	1:00		✓	#1 TANK FILL	1	✓	✓			
2	2/20	1:00		✓	#1 TANK MIDDLE	1	✓	✓			
3	2/20	1:00		✓	#2 TANK VENT	1	✓	✓			
4	2/20	1:00		✓	#2 TANK MIDDLE	1	✓	✓			
Relinquished by: (Signature)		Date / Time		Received by: (Signature)		Relinquished by: (Signature)		Date / Time		Received by: (Signature)	
DAVE SATO		2/20/87 1:48		Zoeia DuPuis, TFL							
Relinquished by: (Signature)		Date / Time		Received by: (Signature)		Relinquished by: (Signature)		Date / Time		Received by: (Signature)	
Relinquished by: (Signature)		Date / Time		Received for Laboratory by: (Signature)		Date / Time		Remarks			

Distribution: Original Accompanies Shipment; Copy to Coordinator Field File


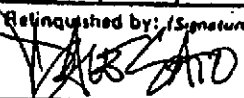
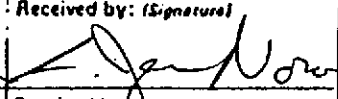
6 / SAMPLING - Chain of Custody

ENVIRONMENTAL PROTECTION AGENCY  
Office of Enforcement

CHAIN OF CUSTODY RECORD

1-Down

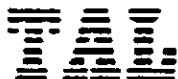
387

PROJ. NO.		PROJECT NAME				NO. OF CONTAINERS	REMARKS							
		VIA SROUGH												
SAMPLERS: (Signature)							<div style="border: 1px solid black; padding: 5px; transform: rotate(-45deg); display: inline-block;">                     TEL TVH 677                 </div>							
														
STA. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION									
1	2/23	12:30		✓	KW	1	✓	✓						
2	2/23	12:30		✓	MIDDLE.	1	✓	✓						
Relinquished by: (Signature)		Date / Time		Received by: (Signature)		Relinquished by: (Signature)		Date / Time		Received by: (Signature)				
		2/23/87 11:27												
Relinquished by: (Signature)		Date / Time		Received by: (Signature)		Relinquished by: (Signature)		Date / Time		Received by: (Signature)				
Relinquished by: (Signature)		Date / Time		Received for Laboratory by: (Signature)		Date / Time		Remarks						

6 / SAMPLING - Chain of Custody

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files





RECEIVED  
FEB 27 1987  
ROBERT J. MILLER CO., INC.

DATE: 2/25/87  
LOG NO.: 4496  
DATE SAMPLED: 2/23/87  
DATE RECEIVED: 2/23/87

CUSTOMER: Robert J. Miller Company, Inc.

REQUESTER: Dave Sato

PROJECT: Val Strough

<u>Sample Type</u>	<u>Sample</u>	<u>Volatile Hydrocarbons</u>	<u>Benzene</u>	<u>Toluene</u>	<u>Xylene</u>
<u>Soil</u>		<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>
	#1 Fill	<0.4	<0.2	<0.2	<0.2
	#2 Middle	<0.4	<0.2	<0.2	<0.2

*Roland X. Tao*  
Roland X. Tao  
Supervisory Chemist



RECEIVED

FEB 24 1987

ROBERT J. MILLER CO., INC.

DATE: 2/24/87

LOG NO.: 4492

DATE RECEIVED: 2/20/87

CUSTOMER: Robert J. Miller Company, Inc.

REQUESTER: Dave Sato

PROJECT: Val Strough Hyundai

<u>Sample Type</u>	<u>Sample</u>	<u>Volatile Hydrocarbons</u>	<u>Benzene</u>	<u>Toluene</u>	<u>Xylene</u>
<u>Soil</u>		<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>
	#1 Fill	< 3	0.11	0.094	< 0.04
	#1 Middle	< 3	0.17	0.31	0.38
	#2 Vent	< 3	0.13	0.24	0.43
	#2 Middle	< 3	0.11	0.045	0.095

Roland X. Tao  
Roland X. Tao  
Supervisory Chemist

RXT:mln

Oakland Fire Marshall  
"1 City Hall Plaza, Rm 201  
Oakland, Ca. 94612

February 27, 1987

Attn: Areol Bryant

Re: Soil Tests

Dear Sir:

Enclosed please find copies of the soil samples that were taken at Val Strough Hyundai, loacated at 3737 Broadway in Oakland. If there are any question, please contact me at 233-9000.

Sincerely,  
ROBERT J. MILLER COMPANY  
GENERAL CONTRACTORS, INC.

DS:ckd

Dave Sato  
Production Supervisor

Alameda County  
470 27th Street, Rm 324  
Oakland, Ca. 94612

February 27, 1987

Attn: Ted Geron

Re: Soil Tests

Dear Sir:

Enclosed please find copies of the soil samples that were taken at Val Strough Hyundai, located at 3737 Broadway in Oakland. If there are any question please contact me at 233-9000.

Sincerely,  
ROBERT J. MILLER COMPANY  
GENERAL CONTRACTORS, INC.

DS:ckd

Dave Sato  
Production Supervisor

January 25, 1991

91 FEB 20 PM 12:04

Bruce Bercovich, Kay & Merkle  
100 The Embarcadero  
San Francisco, CA 94105

Dear Mr. Bercovich,

In regard to an inquiry by the Department of Environmental Health pertaining to potential contamination from underground fuel storage tanks at 3737 (3735) Broadway Oakland.

Will you please comply with their request that tests be conducted relative to Val Strough's removal of gas storage tanks and the possibility of residual contamination that perhaps was overlooked.

The Department is requesting a work plan as outlined in their letter of January 18, 1991. You are in receipt of a copy of that letter.

Please advise me of your progress and the satisfactory compliance with their request.

Sincerely,

*Maudie G. Besthorn*

Mrs. Maude G. Besthorn  
415/943-7400  
1501 Ptarmigan, 7B  
Walnut Creek, CA 94595

*Glenn Carter*

Son, Mr. Glenn Carter  
415/933-2086  
2020 Gill Port Ln.  
Walnut Creek, CA 94598

(2/6/91) cc: Richard Breitwieser Atty.  
736 Ferry St., Martinez, CA 94553 415/228-2550

Dpt. of Env. Health %Gil Wistar 415/271-4320  
80 Swan Way, Oakland, CA 94621

Enclosed find our check for \$425.00 deposit.  
Note that the Besthorn property is 3735 Broadway, is 50 feet wide and not a part of 3737 Broadway, the property referred to in the Department's letter of January 18, 1991.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

Certified Mailer # P 062 127 755

January 18, 1991

Mrs. Maude G. Besthorn  
1501 Ptarmigan Dr.  
Walnut Creek, CA 94595

**RE: Potential contamination from former underground fuel storage tanks at 3737 Broadway, Oakland**

Dear Mrs. Besthorn:

As you may be aware, a Chevron gas station formerly occupied the property at 3701 Broadway, at the corner of Broadway and MacArthur. Samples of groundwater from the northern edge of this property indicate the possibility that hydrocarbons have migrated from the 3737 Broadway property onto the 3701 Broadway site. Information on file suggests that three underground tanks were removed from this location in early 1987, with incomplete soil sample results and documentation on file.

Under Sec. 13304(a) of the Porter-Cologne Water Quality Control Act (California Water Code), a responsible party is defined as any person who "has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance..." This section goes on to state that this person must "clean up such waste or abate the effects thereof..." Thus, an underground tank system that in the past resulted in unauthorized releases confers liability on the following parties:

- 1) The property owner at the time of the release(s) and thereafter for as long as the releases threaten groundwater;
- 2) The property lessor (as distinguished from facility operator) at the time of release and thereafter for as long as the releases threaten groundwater; and
- 3) The facility operator (or sublessor) at the time of release.

The actual releases from the tanks are presumed to have occurred until February 1987, when they were removed; however, there is evidence that threats to groundwater from the former location of these tanks still remain. This is because the monitoring wells next

Mrs. Maude G. Besthorn  
January 18, 1991  
Page 2 of 2

door at 3701 Broadway that are upgradient of the tanks removed from that property, but downgradient of the former tank area on 3737 Broadway, show significant groundwater contamination.

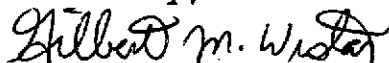
Therefore, we are requiring that a work plan be submitted to this office, which is designed to determine whether the old underground tanks at 3737 Broadway are contributing to the hydrocarbon plume beneath the former Chevron station, and if so, to what extent. This work plan is to be submitted to this office for approval, and is due **February 22, 1991 no later than 5 p.m.**

A suitably qualified environmental consultant must handle this investigative work. We are currently requiring Chevron to define the limits of and remediate contaminated groundwater underneath 3701 Broadway, and county oversight on this issue will continue until full cleanup occurs. However, you will be responsible for subsurface contamination (if any) originating from 3737 Broadway. In addition, we require that a deposit of \$425 be submitted to this office, made out to Alameda County, to cover our costs for report review and remedial oversight of the case. This deposit is due by February 22.

This letter constitutes a formal request for technical reports according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the California Health and Safety Code. Copies of all documentation sent here should also be sent to the Regional Water Quality Control Board in Oakland (attn: Lester Feldman). Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law, such as Sec. 25299.37 of the California Health and Safety Code, may also be cited.

If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: W. Bruce Bercovich, Kay & Merkle (100 The Embarcadero, San Francisco, CA 94105)  
Lisa Marinaro, Chevron USA (P.O. Box 5004, San Ramon, CA 94583)  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health files



P 062 127 755

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>Maude Besthorn</i>	
Street and No. <i>1501 Ptarmigan Dr</i>	
P.O. State and ZIP Code <i>Walnut Creek 94595</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date <i>1-18-91</i>	

PS Form 3810 JUN 78

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Maude Besthorn 1501 Ptarmigan Dr Walnut Creek, Ca 94595</i>	4. Article Number <i>P 062 127 755</i>
5. Signature - Address X	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X <i>[Signature]</i>	Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
7. Date of Delivery <i>1-5-91</i>	8. Addressee's Address (ONLY if requested and fee paid)





DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

Certified Mailer # P 062 127 753

January 18, 1991

Mrs. Bernice H. Campbell  
224 Mountain Ave.  
Piedmont, CA 94611

RE: Potential contamination from former underground fuel storage  
tanks at 3737 Broadway, Oakland

Dear Mrs. Campbell:

As you may be aware, a Chevron gas station formerly occupied the property at 3701 Broadway, at the corner of Broadway and MacArthur. Samples of groundwater from the northern edge of this property indicate the possibility that hydrocarbons have migrated from the 3737 Broadway property onto the 3701 Broadway site. Information on file suggests that three underground tanks were removed from this location in early 1987, with incomplete soil sample results and documentation on file.

Under Sec. 13304(a) of the Porter-Cologne Water Quality Control Act (California Water Code), a responsible party is defined as any person who "has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance..." This section goes on to state that this person must "clean up such waste or abate the effects thereof..." Thus, an underground tank system that in the past resulted in unauthorized releases confers liability on the following parties:

- 1) The property owner at the time of the release(s) and thereafter for as long as the releases threaten groundwater;
- 2) The property lessor (as distinguished from facility operator) at the time of release and thereafter for as long as the releases threaten groundwater; and
- 3) The facility operator (or sublessor) at the time of release.

The actual releases from the tanks are presumed to have occurred until February 1987, when they were removed; however, there is evidence that threats to groundwater from the former location of these tanks still remain. This is because the monitoring wells next

Mrs. Bernice H. Campbell  
January 18, 1991  
Page 2 of 2

door at 3701 Broadway that are upgradient of the tanks removed from that property, but downgradient of the former tank area on 3737 Broadway, show significant groundwater contamination.

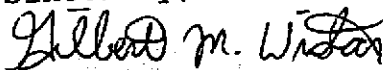
Therefore, we are requiring that a work plan be submitted to this office, which is designed to determine whether the old underground tanks at 3737 Broadway are contributing to the hydrocarbon plume beneath the former Chevron station, and if so, to what extent. This work plan is to be submitted to this office for approval, and is due **February 22, 1991 no later than 5 p.m.**

A suitably qualified environmental consultant must handle this investigative work. We are currently requiring Chevron to define the limits of and remediate contaminated groundwater underneath 3701 Broadway, and county oversight on this issue will continue until full cleanup occurs. However, you will be responsible for subsurface contamination (if any) originating from 3737 Broadway. In addition, we require that a deposit of \$425 be submitted to this office, made out to Alameda County, to cover our costs for report review and remedial oversight of the case. This deposit is due by February 22.

This letter constitutes a formal request for technical reports according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the California Health and Safety Code. Copies of all documentation sent here should also be sent to the Regional Water Quality Control Board in Oakland (attn: Lester Feldman). Failure to respond in a timely manner could result in civil liabilities under the Water Code of up to \$1,000 per day. Other violations of California law, such as Sec. 25299.37 of the California Health and Safety Code, may also be cited.

If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: W. Bruce Bercovich, Kay & Merkle (100 The Embarcadero, San Francisco, CA 94105)  
Lisa Marinaro, Chevron USA (P.O. Box 5004, San Ramon, CA 94583)  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health files



P 062 127 753

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

PS Form 3800 (11-15-79)

Sent to	
Bernice Campbell	
Street and No	
224 Mountain Ave	
P.O. Station and ZIP Code	
Piedmont, Ca 94611	
Postage	\$
Certified Fee	
Special Delivery Fee	
Registered Delivery Fee	
Express Mail Fee	
Return Receipt for Merchandise Fee	
Postmark or Date	
1-18-91	

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)      2.  Restricted Delivery (Extra charge)

3. Article Addressed to: Mrs. Bernice Campbell 224 Mountain Ave Piedmont, Ca 94611	4. Article Number P062127753
5. Signature - Address X <i>Ammanuel J. [Signature]</i>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent X	Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
7. Date of Delivery 1-19-91	8. Addressee's Address (ONLY if requested and fee paid)

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 127 754

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

January 18, 1991

Val Strough Honda  
Val Strough Chevrolet  
c/o Mr. W. Bruce Bercovich  
Kay & Merkle  
100 The Embarcadero, 3rd Floor  
San Francisco, CA 94105

RE: Potential contamination from former underground fuel storage  
tanks at 3737 Broadway, Oakland

Gentlemen:

As you may be aware, a Chevron gas station formerly occupied the property at 3701 Broadway, at the corner of Broadway and MacArthur. Samples of groundwater from the northern edge of this property indicate the possibility that hydrocarbons have migrated from the 3737 Broadway property onto the 3701 Broadway site. Information on file suggests that three underground tanks were removed from this location in early 1987, with incomplete soil sample results and documentation on file.

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- 3) The facility operator (or sublessor) at the time of release.

The actual releases from the tanks are presumed to have occurred until February 1987, when they were removed; however, there is evidence that threats to groundwater from the former location of

Val Strough Honda  
Val Strough Chevrolet  
c/o Mr. W. Bruce Bercovich  
January 18, 1991  
Page 2 of 2

these tanks still remain. This is because the monitoring wells next door at 3701 Broadway that are upgradient of the tanks removed from that property, but downgradient of the former tank area on 3737 Broadway, show significant groundwater contamination.

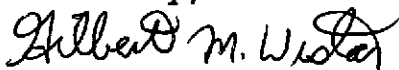
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If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Lisa Marinaro, Chevron USA (P.O. Box 5004, San Ramon, CA 94583)  
Lester Feldman, RWQCB  
Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Division  
Rafat A. Shahid, Asst. Agency Director, Environmental Health  
files



P 062 127 754

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>Val Stough Honda/Chevrolet</i>	
Street and No. <i>100 Embarcadero 3<sup>rd</sup> Floor</i>	
P.O. Name and ZIP Code <i>San Francisco Ca 94105</i>	
Postage	5
Certified Fee	
Special Delivery Fee	
Registered Delivery Fee	
Post. Receipt Printing (Postage and Delivery)	
Post. Receipt Printing (Postage and Delivery)	
TOTL Charges and Fees	5
Postmark or Date <i>1-18-91</i>	

PS Form 3800, Jan. 1988

*GW*

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. (Extra charge)  
2.  Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Val Stough Honda/Chevrolet Clom. Bruce Bercovich Kay &amp; Merkle 100 The Embarcadero 3<sup>rd</sup> Floor San Francisco Ca 94105</i>	4. Article Number <i>0062127754</i>
5. Signature - Address <b>X</b>	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature - Agent <b>X</b> <i>Karen Manson</i>	Always obtain signature of addressee or agent and <b>DATE DELIVERED</b> .
7. Date of Delivery <i>1/20/91</i>	8. Addressee's Address (ONLY if requested and fee paid)  <i>CV</i>

KAY & MERKLE  
ATTORNEYS AT LAW  
100 THE EMBARCADERO  
THIRD FLOOR  
SAN FRANCISCO, CALIFORNIA 94105

(415) 956-6462

TELECOPIER  
XEROX 8020048  
(415) 512-9277

September 14, 1990

9- 5:30

Mr. Gil Wistar  
Hazardous Materials Specialist  
ALAMEDA COUNTY HEALTH  
SERVICES AGENCY  
Department of Environmental Health  
Hazardous Materials Program  
80 Swann Way, Room 200  
Oakland, California 94621

Re: 3737/3741 Broadway, Oakland, California

Dear Mr. Wistar:

This office represents Val Strough Chevrolet Co., Hesse Cassel, Ltd. and California Carriage, Ltd. who operated Val Strough Honda up until May 31, 1990.

We are in receipt of your letter of June 11, 1990 addressed to Mr. Brady McQueen of Val Strough Honda.

As requested, we have attached as enclosure one (1) all documentation regarding the removal of gasoline tanks from 3737 Broadway in Oakland.

In your letter you also required that we submit a "Test Plan" to determine if and to what extent the 3737/3741 Broadway has contributed to the hydrocarbon plume reportedly found beneath the old Chevron station at 3701 Broadway.

It is our understanding that California law imposes responsibilities on the owner and the operator of an underground tank. In that regard, neither Val Strough Chevrolet Co., Hesse Cassel, Ltd. or California Carriage, Ltd. owned or operated any underground tanks at these addresses.

First, it is appropriate to note that the gasoline tanks referred to in your letter were removed from the 3737 Broadway, Oakland, California in 1987. To our knowledge, there are no underground tanks located at 3741 Broadway.

Mr. Gil Wistar  
September 14, 1990  
Page 2

The 3737 Broadway property has been owned for many years by Mrs. Maude G. Besthorn prior to 1985, we understand that the property was occupied by a gas station and car wash facility that operated these tanks for gasoline storage.

On January 15, 1985 Val Strough Chevrolet Company leased the property from Mrs. Maude G. Besthorn and on May 1, 1985, Val Strough Chevrolet subleased the property to Broadway Brushless Car Wash who continued to operate a car wash and gas station at the site. Val Strough had no interest or management role in Broadway Brushless Car Wash business.

The sublease with Broadway Brushless Car Wash was canceled in October, 1987. Upon the cancellation of the sublease with Broadway Brushless Car Wash, the Property was subleased to Hesse Cassel, Ltd. On October 1, 1990, the sublease with Hesse Cassel, Ltd. was terminated and a new sublease with California Carriage, Ltd. was consummated. On May 26, 1986, Val Strough submitted an application to the Alameda County Health Care Agency for a permit to remove these tanks. The tanks were removed in February, 1987.

No other tanks have been installed since that time and we are unaware of any other underground tanks at the site.

As noted above, then, it is our understanding that responsibility for identifying and mitigating the contamination resulting from a leaking underground tank lawfully rests with its owner and operator(s). Consequently, our position is that Val Strough Honda has no further responsibility on this matter.

We appreciate your attention to this and hope you will not hesitate to call if you wish to discuss it further.

Sincerely,  
KAY & MERKLE



W. BRUCE BERCOVICH

/st  
cc: Kip Prah Associates  
Donald Strough

Misc#1





**Chevron U.S.A. Inc.**

2410 Camino Ramon, San Ramon, California • Phone (415) 842-9500  
Mail Address: P.O. Box 5004, San Ramon, CA 94583-0804

Marketing Operations

D. Moller  
Manager, Operations  
S. L. Patterson  
Area Manager, Operations  
C. G. Trimbach  
Manager, Engineering

90 SEP 19 AM 11:05

September 14, 1990

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Donald V. Strough  
The Val Strough Company  
P.O. Box 28886  
Oakland, CA 94604

Re: Former Chevron Station #9-1026  
3701 Broadway at MacArthur  
Oakland, California

Dear Mr. Strough:

Chevron has attempted unsuccessfully to schedule a meeting with your attorney, Bruce Bercovich, to discuss location alternatives for a groundwater treatment system. The system is necessary for treating hydrocarbons in groundwater resulting from Chevron's past use of the property. The location of Chevron's proposed treatment system is indicated on the attached diagram. The dimensions of the treatment area are approximately 10' by 20'. Please review the location and indicate any alternate locations you may have. Please reply by October 3, 1990.

Should you have any questions or require additional information, please contact me at (415) 842 - 9527.

Very truly yours,

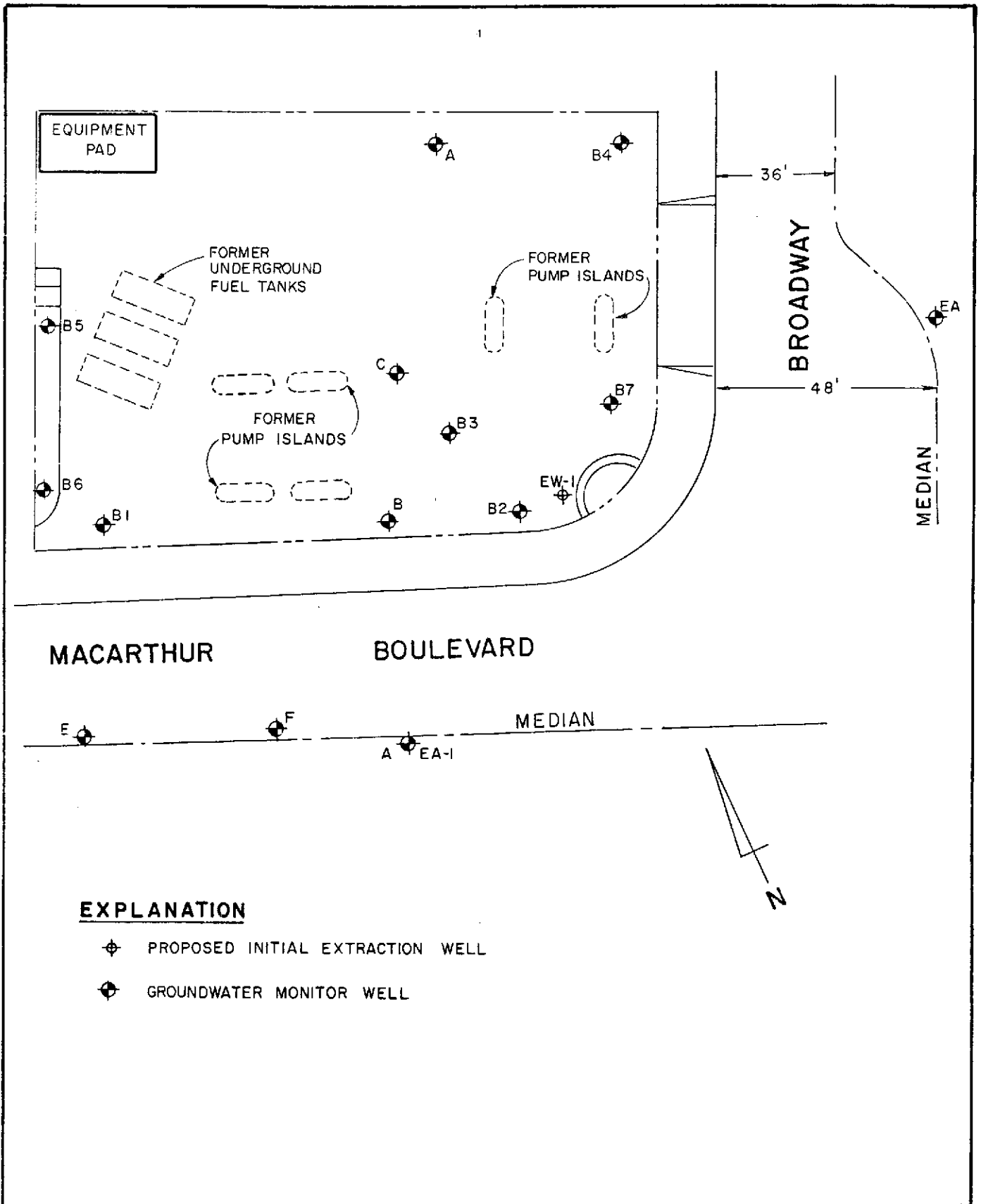
*Lisa Backlund*  
Lisa Backlund  
West Central Engineer

cc: Jeff Mojcher  
CUSA Law Department

Bruce Bercovich  
Blum, Kay, Merkle & Stoermer

Gil Wistar  
Alameda County Environmental Health

Tom Callaghan  
Regional Water Quality Control Board



**EXPLANATION**

- ⊕ PROPOSED INITIAL EXTRACTION WELL
- ⊕ GROUNDWATER MONITOR WELL



CHEMICAL PROCESSORS, INC.  
 950-B GILMAN STREET  
 BERKELEY, CALIFORNIA

SITE PLAN  
 3701 BROADWAY  
 OAKLAND, CALIFORNIA

FIGURE  
 1

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



9-1024  
Oakland

June 11, 1990

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

Mr. Brady W. McQueen, General Manager  
Val Strough Honda  
3741 Broadway  
Oakland, CA 94611

RE: Former underground tanks at 3737/3741 Broadway, adjacent to the current Honda Parts Dept.

Dear Mr. McQueen:

As you may be aware, a Chevron gas station formerly occupied the property at 3701 Broadway, at the corner of Broadway and MacArthur. Samples of groundwater from the northern edge of this property indicate the possibility that hydrocarbons have migrated from the Val Strough parcel at 3737/3741 Broadway onto the 3701 Broadway site.

As a first step in investigating this situation, this office conducted a file search and site visit on the properties in question. Information in the file suggests that R.J. Miller Co. sampled soil from the tank pit area at 3737 Broadway in February 1987. There is a reference to three tanks at this location, with soil sample results showing relatively low levels of hydrocarbons in the soil. However, the Miller report only contains analytical results from two of the three tanks; in addition, the manner in which samples were actually collected and analyzed is not documented. The site visit confirmed that there were three tanks at this location; a large asphalt patch sits over the former tank pit, and three vent pipes are still in place along the Parts Dept. building.

As the owner/operator of this property, you are required by state law to take diligent actions to protect groundwater and to investigate any contamination apparently originating from the site. Again, because the monitoring wells at 3701 Broadway that are upgradient of the tanks removed from that property, but downgradient of the tank area on 3737/3741 Broadway show significant groundwater contamination, we suspect that this contamination migrated from 3737/3741 Broadway.

Therefore, we are requiring you to submit to this office the following information, by July 18, 1990.

- Any and all documentation regarding the removal of the three tanks in early 1987, including work done to clean up any contaminated soil or groundwater.
- Taking the above documentation into account, as well as the apparent "upstream" contamination on the 3701 Broadway property,

ady McQueen  
11, 1990  
e 2 of 2

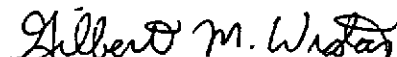
a work plan designed to determine whether 3737/3741 Broadway has contributed to the hydrocarbon plume beneath the old Chevron station, and if so, to what extent.

We recommend that you hire an environmental consultant to handle this investigative work. We are currently requiring Chevron to define the limits of and remediate contaminated groundwater underneath 3701 Broadway, and county oversight on this issue will continue until full cleanup occurs. However, Val Strough will be responsible for contamination (if any) originating from its former tank site. Please submit a deposit of \$375, made out to Alameda County, to cover our costs for report review and remedial oversight of your case.

This letter constitutes a formal request for technical reports (according to Sec. 13267 of the California Water Code, as well as Sec. 25299.36 of the California Health and Safety Code). Copies of all documentation sent here should also be sent to the Regional Water Quality Control Board in Oakland (attn: Lester Feldman).

If you have any questions about this letter, please contact the undersigned at 271-4320.

Sincerely,



Gil Wistar  
Hazardous Materials Specialist

cc: Lisa Marinaro, Chevron USA (P.O. Box 5004, San Ramon, CA 94583)  
Lester Feldman, RWQCB  
Rafat A. Shahid, Asst. Agency Director, Environmental Health files

Oakland Fire Marshall  
"1 City Hall Plaza, Rm 201  
Oakland, Ca. 94612

February 27, 1987

Attn: Areol Bryant

Re: Soil Tests

Dear Sir:

Enclosed please find copies of the soil samples that were taken at Val Strough Hyundai, located at 3737 Broadway in Oakland. If there are any question, please contact me at 233-9000.

Sincerely,  
ROBERT J. MILLER COMPANY  
GENERAL CONTRACTORS, INC.

DS:ckd

Dave Sato  
Production Supervisor

ENVIRONMENTAL PROTECTION AGENCY  
Office of Enforcement

CHAIN OF CUSTODY RECORD

PROJ. NO.		PROJECT NAME				NO. OF CONTAINERS	REMARKS				
		VAL STROUGHT									
SAMPLERS: (Signature)						TVH	BTK				
DAS SATO											
STA. NO.	DATE	TIME	COMP.	GRAB	STATION LOCATION						
1	2/20	1:00		✓	#1 TANK FILL	1	✓	✓			
2	2/20	1:00		✓	#1 TANK MIDDLE	1	✓	✓			
3	2/20	1:00		✓	#2 TANK VENT	1	✓	✓			
4	2/20	1:00		✓	#2 TANK MIDDLE	1	✓	✓			
Relinquished by: (Signature)		Date / Time		Received by: (Signature)		Relinquished by: (Signature)		Date / Time		Received by: (Signature)	
DAS SATO		2/20/87 1:48		Zoe Dupuis, TAL							
Relinquished by: (Signature)		Date / Time		Received by: (Signature)		Relinquished by: (Signature)		Date / Time		Received by: (Signature)	
Relinquished by: (Signature)		Date / Time		Received for Laboratory by: (Signature)		Date / Time		Remarks			

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files

6 / SAMPLING - Chain of Custody

CHAIN OF CUSTODY RECORD

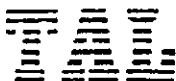
1-Day

PROJ. NO.		PROJECT NAME			NO. OF CON- TAINERS	REMARKS				
SAMPLERS: (Signature) ASB/ATD										
STA. NO.	DATE	TIME	COMP.	CRAB	STATION LOCATION					
1	2/23	12:30		✓	RU	1	✓	✓		
2	2/23	12:30		✓	MIDDLE.	1	✓	✓		

Relinquished by: (Signature) ASB/ATD	Date / Time 2/23/87 11:27A	Received by: (Signature) Jan Nover	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Relinquished by: (Signature)	Date / Time	Received by: (Signature)	Relinquished by: (Signature)	Date / Time	Received by: (Signature)
Relinquished by: (Signature)	Date / Time	Received for Laboratory by: (Signature)	Date / Time	Remarks	

6 / SAMPLING - Chain of Custody

Distribution: Original Accompanies Shipment; Copy to Coordinator Field Files



RECEIVED  
FEB 27 1987  
ROBERT J. MILLER CO., INC.

DATE: 2/25/87  
LOG NO.: 4496  
DATE SAMPLED: 2/23/87  
DATE RECEIVED: 2/23/87

CUSTOMER: Robert J. Miller Company, Inc.  
REQUESTER: Dave Sato  
PROJECT: Val Strough

<u>Sample Type</u>	<u>Sample</u>	<u>Volatile Hydrocarbons</u>	<u>Benzene</u>	<u>Toluene</u>	<u>Xylene</u>
<u>Soil</u>		<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>
	#1 Fill	<0.4	<0.2	<0.2	<0.2
	#2 Middle	<0.4	<0.2	<0.2	<0.2

*Roland X. Tao*  
\_\_\_\_\_  
Roland X. Tao  
Supervisory Chemist





RECEIVED

FEB 24 1987

ROBERT J. MILLER CO., INC.

DATE: 2/24/87

LOG NO.: 4492

DATE RECEIVED: 2/20/87

CUSTOMER: Robert J. Miller Company, Inc.

REQUESTER: Dave Sato

PROJECT: Val Strough Hyundai

<u>Sample Type</u>	<u>Sample</u>	<u>Volatile Hydrocarbons</u>	<u>Benzene</u>	<u>Toluene</u>	<u>Xylene</u>
<u>Soil</u>		<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>	<u>mg/kg</u>
	#1 Fill	< 3	0.11	0.094	< 0.04
	#1 Middle	< 3	0.17	0.31	0.38
	#2 Vent	< 3	0.13	0.24	0.43
	#2 Middle	< 3	0.11	0.045	0.095

*Roland X. Tao*  
\_\_\_\_\_  
Roland X. Tao  
Supervisory Chemist

RXT:mln

**ROBERT J. MILLER CO.**  
*Service Station and Industrial Equipment*

631 MARINA WAY SOUTH  
RICHMOND, CALIFORNIA 94804  
(415) 233-9000

*18  
Feb 26 1987  
TANICS*

Alameda County  
470 27th Street, Rm 324  
Oakland, Ca. 94612

February 27, 1987

Attn: Ted Gerow

Re: Soil Tests

Dear Sir:

~~Enclosed please find copies of the soil samples that were taken at  
Val Strong Hyundai, located at 3737 Broadway in [REDACTED]. If  
there are any question please contact me at 233-9000.~~

RECEIVED  
FEB 2 1987  
ENVIRONMENTAL HEALTH  
AND SAFETY

Sincerely,  
ROBERT J. MILLER COMPANY  
GENERAL CONTRACTORS, INC.

*Dave Sato*

Dave Sato  
Production Supervisor

DS:ckd

3735? 3741? 3757? 3 tanks filled  
3737 Broadway Rainbow Car Wash  
early 1987

For Gil  
1000 1700 900  
2 35 min

Bernice Campbell  
property owner at  
3737

find location  
of these areas

---

547-5970  
physical

Alameda County  
470 27th Street, Rm 324  
Oakland, Ca. 94612

February 27, 1987

Attn: Ted Geron

Re: Soil Tests

Dear Sir:

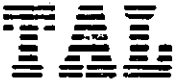
Enclosed please find copies of the soil samples that were taken at Val Strough Hyundai, located at ~~3787~~ *3741* Broadway in Oakland. If there are any question please contact me at 233-9000.

*3741 Broadway*

Sincerely,  
ROBERT J. MILLER COMPANY  
GENERAL CONTRACTORS, INC.

DS:ckd

Dave Sato  
Production Supervisor



RECEIVED

FEB 24 1987

ROBERT J. MILLER CO., INC.

DATE: 2/24/87

LOG NO.: 4492

DATE RECEIVED: 2/20/87

CUSTOMER: Robert J. Miller Company, Inc.

REQUESTER: Dave Sato

PROJECT: Val Strough Hyundai

<u>Sample Type</u>	<u>Sample</u>	<u>Volatile Hydrocarbons</u>	<u>Benzene</u>	<u>Toluene</u>	<u>Xylene</u>
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*Roland X. Tao*

Roland X. Tao  
Supervisory Chemist

RXT:mln



RECEIVED  
FEB 27 1987  
ROBERT J. MILLER CO., INC.

DATE: 2/25/87  
LOG NO.: 4496  
DATE SAMPLED: 2/23/87  
DATE RECEIVED: 2/23/87

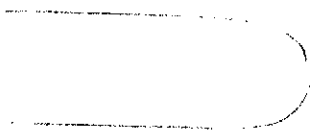
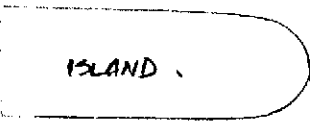
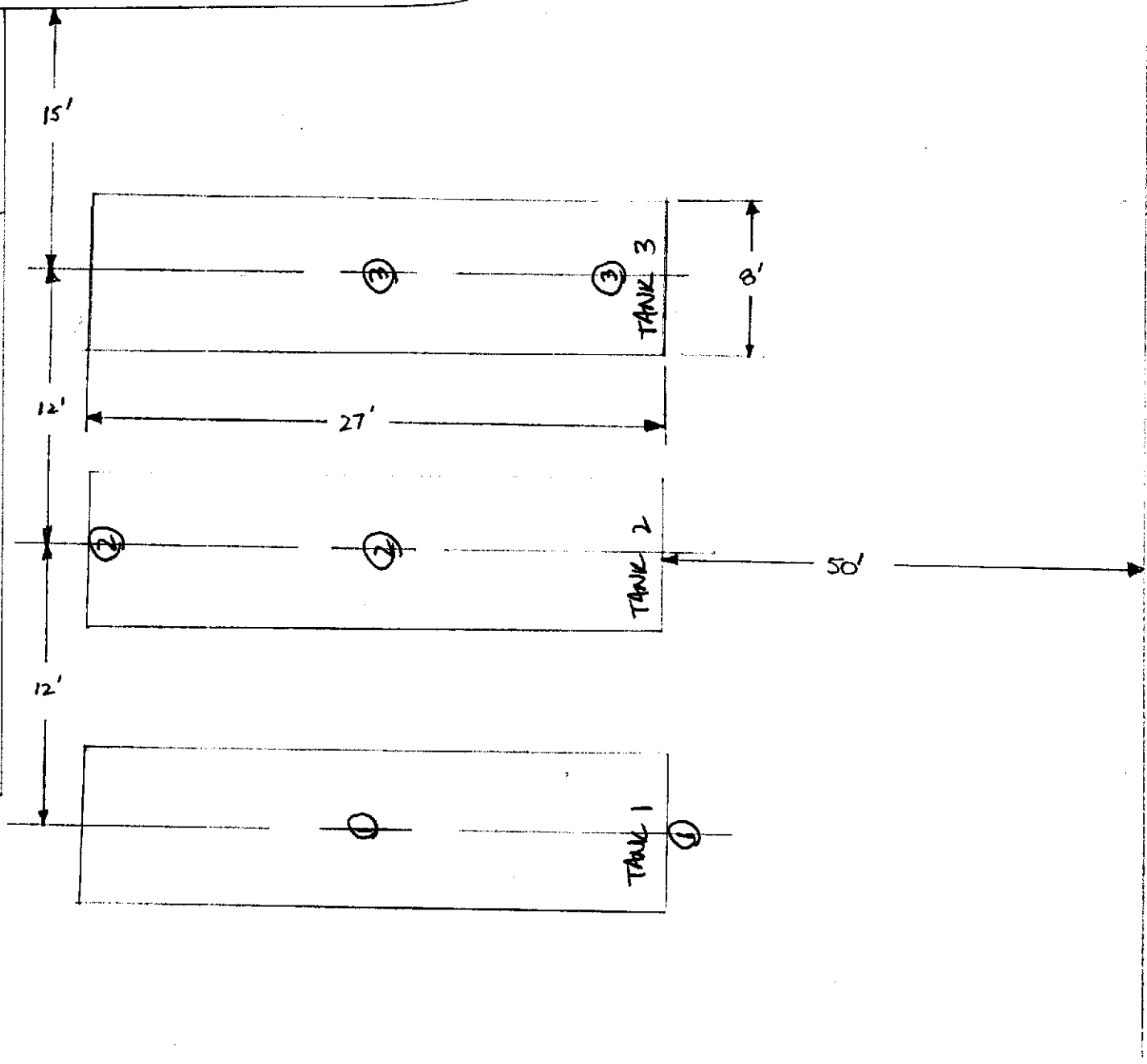
CUSTOMER: Robert J. Miller Company, Inc.  
REQUESTER: Dave Sato  
PROJECT: Val Strough

<u>Sample Type</u>	<u>Sample</u>	<u>Volatile Hydrocarbons</u>	<u>Benzene</u>	<u>Toluene</u>	<u>Xylene</u>
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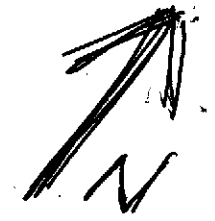
*Roland X. Tao*  
Roland X. Tao  
Supervisory Chemist

VAL STROUGH HYUNDAI  
3737 BROADWAY AVE  
OAKLAND CA.  
BUILDING

3 TANKS: STEEL 10,000 GAL  
FOR REMOVAL  
NO INSTALLATION



CHAIN LINK FENCE



BROADWAY

SIDEWALK

DRIVEWAY

R. J. MILLER COMPANY  
GENERAL CONTRACTORS, INC.  
PETROLEUM CONTRACTORS  
631 Marina Way So.  
Richmond, CA 94804  
(415) 233-9000  
Contractors Lic. #118850