

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

August 9, 2006

Li Run X
Qiu Feng Y
C/o Lawrence Qui
1200 East 12th Street
Oakland, CA 94606

Robert Baston
61 Skyway Lane
Oakland, CA 94619

Subject: Fuel Leak Case No. RO0000389, Cooper Tire Shop, 1200 East 12th Street, Oakland, CA – Second Request for Well Decommissioning

Dear Mr. Qui and Mr. Baston:

Alameda County Environmental Health (ACEH) and California Regional Water Quality Control Board staff have reviewed the fuel leak case file and case closure summary for the above-referenced site and concur that no further action related to the underground storage tank fuel release is required at this time. In correspondence dated April 14, 2006, we previously requested that you decommission the monitoring well at the site. In order for your case to be closed and a remedial action completion certificate issued, the monitoring well at the site must be properly destroyed. Please decommission the monitoring well and provide documentation of the well decommissioning to this office. A remedial action completion certificate will be issued following receipt of the documentation.

Well destruction permits may be obtained from the Alameda County Public Works Agency (<http://www.acgov.org/pwa/wells/index.shtml>). If you have any questions, please call me at (510) 567-6791.

Sincerely,

Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Peter McIntyre, AEI Consultants, 2500 Camino Diablo Blvd., Suite 200, Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
File



State Water Resources Control Board



Division of Financial Assistance

1001 I Street • Sacramento, California 95814

P.O. Box 944212 • Sacramento, California • 94244-2120

(916) 341-5714 • FAX (916) 341-5806 • www.waterboards.ca.gov/cwphome/ustcf

Alan C. Lloyd, Ph.D.
Agency Secretary

Arnold Schwarzenegger
Governor

APR 17 2006

Robert B. Baston
3340 St Mary's Rd
Lafayette, CA 94549

UNDERGROUND STORAGE TANK CLEANUP FUND (FUND), STAFF DECISION TO REJECT CLAIM: CLAIM NUMBER 018282; FOR SITE ADDRESS: 1200 12TH ST E, OAKLAND

Your claim has been found to be ineligible for placement on the Priority List for the following reason:

Authority

The Sections cited below are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, chapter 18, of the California Code of Regulations or Petroleum Underground Storage Tank Cleanup Fund Statutes, California Health and Safety Code (H&SC), Division 20, Chapter 6.75.

Section 25299.57(d)(3)(A) of the HS&C reads in part:

“...the claimant has complied with...the permit requirements of the chapter 6.7 (commencing with Section 25280)

Section 25284(a)(1) of the H&SC reads in part:

“...no person shall own or operate an underground storage tank unless a permit for its operation has been issued by the local agency...”

In addition, section 25299.57(d)(3)(B) of the H&SC reads in part:

“All claimants who file their claim on or after January 1, 1994...and who did not obtain or apply for any permit required by subdivision (a) of Section 25284 by January 1, 1990, shall be subject to subparagraph (A) regardless of the reason or reasons that the permit was not obtained or applied for. However, on and after January 1, 1994, the board may waive the provisions of subparagraph (A) as a condition for payment from the fund if the board finds all of the following:

- (i) The claimant was unaware of the permit requirement prior to January 1, 1990, and there was no intent to intentionally avoid the permit requirement or the fees associated with the permit...”

(ii) Prior to filing a claim, the claimant complied with the financial responsibility requirements set forth in section 25299.31 of the Health and Safety Code.

(iii) Prior to filing a claim, the claimant paid for and obtained any currently required permit.

(iv) Prior to filing a claim, the claimant paid all currently due storage fees imposed pursuant to section 25299.41 of the Health and Safety Code, and all prior fees due on and after January 1, 1991.

With regard to the waiver, Section 25299.57(d)(3)(B) specifically states that all claimants who file their claim after January 1, 1994, and did not apply for a permit by January 1, 1990, are subject to the permit requirement regardless of the reason why the permit was not obtained. However, the requirement may be waived if the claimant was unaware of the permit requirement prior to January 1, 1990. UST laws, including the permit requirements, became effective January 1, 1984. The waiver criteria can be applied to permit requirements that were applicable prior to January 1, 1990. There was no intent to allow UST owners and operators to be eligible for reimbursement from the Fund where they still had not obtained legally required UST permits several years after the requirement to obtain a permit became law. The waiver is only applicable for permits required prior to January 1, 1990.

The language of Section 254299.57(d)(3)(A) does not provide any latitude (other than the waiver provision,¹ discussed below) with regard to the permit requirement.

In addition, the claim application is deficient of the following:

Submit a directive from the local regulator.

Submit a co-payee agreement.

Amend page four to reflect receiving money from another source.

Priority Class B, amended page five and six of the claim application.

NOTE: The sections cited are found in the Petroleum Underground Storage Tank Cleanup Fund Regulations, Title 23, Division 3, Chapter 18, of the California Code of Regulations, or Petroleum Underground Storage Tank Cleanup Fund Statutes, California Health and Safety Code (H&SC), Division 20, Chapter 6.75.

If you disagree with this Staff Decision, you may appeal to the Division Chief pursuant to Section 2814.1 of the Petroleum Underground Storage Tank Cleanup Fund Regulations. If you

Claimant states that the subject USTs were permitted in 1987 until the business closed. In December 1990 and November 1995, Alameda County Health Care Services Agency, Department of Environmental Health issued a Notice of Violation for failure to comply with the permit requirement. It is not necessary to reach the issue of whether the waiver can be obtained from permit requirements from January 1, 1984 thru January 1, 1990.¹

would like review of the decision by the Fund Manager, please submit your request along with any additional documentation to:

Ronald M. Duff, Fund Manager, Claim #018282
Underground Storage Tank Cleanup Fund
State Water Resources Control Board
Division of Financial Assistance
P.O. Box 944212
Sacramento, CA 94244-2120

A request to the Fund Manager must include, at a minimum: (1) a statement describing how the claimant is damaged by the prior Staff Decision; (2) a description of the remedy or outcome desired; and (3) an explanation of why the claimant believes the Staff Decision is erroneous, inappropriate or improper.

If you do not request a review by the Fund Manager within thirty (30) calendar days from the date of this letter, the Staff Decision will then become final and conclusive.

If you have any questions, please call me at (916) 341-5714.

Sincerely,

ISI

Shari Knieriem
Claims Review Unit
Underground Storage Tank Cleanup Fund

cc: Ms. Donna Drogos
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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

April 14, 2006

Li Run X
Qiu Feng Y
C/o Lawrence Qui
1200 East 12th Street
Oakland, CA 94606

Robert Baston
61 Skyway Lane
Oakland, CA 94619

Subject: Fuel Leak Case No. RO0000389, Cooper Tire Shop, 1200 East 12th Street, Oakland, CA – Request for Well Decommissioning

Dear Mr. Qui and Mr. Baston:

Alameda County Environmental Health (ACEH) and California Regional Water Quality Control Board staff have reviewed the fuel leak case file and case closure summary for the above-referenced site and concur that no further action related to the underground storage tank fuel release is required at this time. Prior to issuance of a remedial action completion certificate, the monitoring well at the site is to be properly destroyed, should the monitoring well have no further use at the site. Please decommission the monitoring well and provide documentation of the well decommissioning to this office. A remedial action completion certificate will be issued following receipt of the documentation.

Well destruction permits may be obtained from the Alameda County Public Works Agency (<http://www.acgov.org/pwa/wells/index.shtml>). If you have any questions, please call me at (510) 567-6791.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry Wickham".

Jerry Wickham
Hazardous Materials Specialist

Enclosure: ACEH Electronic Report Upload (ftp) Instructions

cc: Peter McIntyre, AEI Consultants, 2500 Camino Diablo Blvd., Suite 200, Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

R0389

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF WATER RESOURCES

CENTRAL DISTRICT
3251 S Street
Sacramento, CA 95816
(916) 227-7632
(916) 227-7600(Fax)

NORTHERN DISTRICT
2440 Main Street
Red Bluff, CA 96080
(530) 529-7300
(530) 329-7322 (Fax)

SAN JOAQUIN DISTRICT
3374 East Shields Avenue
Fresno, CA 93726
(559) 230-3300
(559) 230-3301 (Fax)

SOUTHERN DISTRICT
770 Fairmont Avenue
Glendale, CA 91203
(818) 543-4800
(818) 543-4604 (Fax)

WELL COMPLETION REPORT RELEASE AGREEMENT--AGENCY
(Government and Regulatory Agencies and their Authorized Agents)

Project/Contract No. 1200 E. 12th Street, Oakland County, Alameda

(T0600102266)

Township, Range, and Section _____ Radius 2,000 ft

(Must include entire study area and a map that shows the area of interest.)

Under California Water Code Section 13752, the agency named below requests permission from Department of Water Resources to inspect or copy, or for our authorized agent named below to inspect or copy, Well Completion Reports filed pursuant to Section 13751 to (check one):

Make a study, or,

Perform an environmental cleanup study associated with an unauthorized release of a contaminant within a distance of 2 miles.

In accordance with Section 13752; information obtained from these reports shall be kept confidential and shall not be disseminated, published, or made available for inspection by the public without written authorization from the owner(s) of the well(s). The information shall be used only for the purpose of conducting the study. Copies obtained shall be stamped **CONFIDENTIAL** and shall be kept in a restricted file accessible only to agency staff or the authorized agent.

Ricky Bradford - AEI
Authorized Agent

2500 Camino Diablo
Address

Walnut Creek, CA 94597
City, State, and Zip Code

Signature [Signature]

Title Senior Staff Engineer

Telephone (925) 283-6000 ext 148

Fax (925) 944-2895

Date 12-16-05

E-mail rbradford@aeiconsultants.com

Alameda County Environmental Health
Government or Regulatory Agency

1131 Harbor Bay Parkway
Address

Alameda, CA 94502
City, State, and Zip Code

Signature [Signature]

Title Hazardous Materials Specialist

Telephone (510) 567-6791

Fax (510) 337-9335

Date 12-16-05

E-mail jerry.wickham@acgov.org

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



7

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

July 14, 2005

Li Run X
Qiu Feng Y
C/o Lawrence Qui
1200 East 12th Street
Oakland, CA 94606

Robert Baston
61 Skyway Lane
Oakland, CA 94619

Subject: Fuel Leak Case No. RO0000389, Cooper Tire Shop, 1200 East 12th Street, Oakland, CA

Dear Mr. Qui and Mr. Baston:

Alameda County Environmental Health (ACEH) staff has reviewed the case file and the report entitled, "Quarterly Groundwater Monitoring Report – 3rd Quarter 2004," dated October 8, 2004, prepared on behalf of Mr. Lawrence Qiu by AEI Consultants. Petroleum hydrocarbons and petroleum constituents have been detected in soil and groundwater at your site. During the most recent groundwater monitoring event, total petroleum hydrocarbons as gasoline (TPHg) were detected at a concentration of 540 micrograms per liter (μL) and benzene was detected at a concentration of 6.7 μL . TPHg was detected previously in grab groundwater samples at concentrations up to 6,700 μL and benzene was detected at concentrations up to 470 μL .

Based on staff review of the case file and the document referenced above, we request that you address the following technical comments, perform the proposed work, and send us the reports described below.

TECHNICAL COMMENTS

1. **Groundwater Monitoring.** One monitoring well is located immediately southwest of the former location of the tanks. To date, the well has been sampled twice (May 2004 and August 2004). We request that the existing well be sampled during the third quarter 2005 and fourth quarter 2005. Installation of additional groundwater monitoring wells is not required at this time. The groundwater sample collected during the third quarter 2005 is to be analyzed for TPHg, benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tert-butyl ether (MTBE). The groundwater sample collected during the fourth quarter 2005 is to be analyzed using EPA Method 8260B for TPHg, BTEX, MTBE, ethylene dibromide (EDB), ethylene dichloride (EDC), and fuel oxygenates. In addition, the groundwater sample collected during the fourth quarter 2005 is to be analyzed for TPH as diesel. Following the submittal of fourth quarter 2005 monitoring results, the need for future groundwater monitoring will be evaluated. Groundwater monitoring results are to be presented in the reports requested below.

2. **Well Survey.** We request that you locate all wells (monitoring and production wells: active, inactive, standby, decommissioned, abandoned and dewatering, drainage and cathodic protection wells) within 2,000 ft of the subject site. We recommend that you obtain well information from both Alameda County Public Works Agency and the State of California Department of Water Resources, at a minimum. Submittal of maps showing the location of all wells identified in your study, and the use of tables to report the data collected as part of your survey are required. Please present your results in the third quarter monitoring report requested below.
3. **Utilities.** The potential for utility lines and trenches (including sewers, storm drains, pipelines, and trench backfill within the vicinity of the site to act as preferential pathways for contaminant movement is to be evaluated. The depth of utilities is to be compared to current and potential future groundwater elevations to assess whether utilities are likely or potential preferential pathways for contaminant movement. The locations and depths for utilities located within proximity to the site are to be plotted on a site map. Please present your results in the third quarter monitoring report requested below.
4. **GeoTracker EDF Submittals.** A review of the case file and the State Water Resources Control Board's (SWRCB) GeoTracker website indicate that electronic copies of analytical data have not been submitted for your site. Pursuant to CCR Sections 2729 and 2729.1, beginning September 1, 2001, all analytical data, including monitoring well samples, submitted in a report to a regulatory agency as part of the LUFT program, must be transmitted electronically to the SWRCB GeoTracker system via the internet. Additionally, beginning January 1, 2002, all permanent monitoring points utilized to collect groundwater samples (i.e. monitoring wells) and submitted in a report to a regulatory agency, must be surveyed (top of casing) to mean sea level and latitude and longitude to sub-meter accuracy, using NAD 83, and transmitted electronically to the SWRCB GeoTracker system via the internet. In order to remain in regulatory compliance, please upload all analytical data (collected on or after September 1, 2001), to the SWRCB's GeoTracker database website in accordance with the above-cited regulation. Please perform the electronic submittals for applicable data and submit verification to this Agency with the third quarter monitoring report requested below.

TECHNICAL REPORT REQUEST

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

- **November 14, 2005** – Quarterly Report for the Third Quarter 2005
- **February 14, 2006** - Quarterly Report for the Fourth Quarter 2005

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

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.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, later reports, or enforcement actions may result in your becoming ineligible to receive grant money from the state's Underground Storage Tank Cleanup Fund (Senate Bill 2004) to reimburse you for the cost of cleanup.

AGENCY OVERSIGHT

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

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

Sincerely,



Jerry Wickham, P.G.
Hazardous Materials Specialist

Lawrence Qui
Robert Baston
July 14, 2005
Page 4

cc: Robert Flory
AEI Consultants
2500 Camino Diablo, Suite 200
Walnut Creek, CA 94597

Donna Drogos, ACEH
Jerry Wickham, ACEH
File

March 10, 2004

R0389

Mr. Amir Gholami
Alameda County Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502

Subject: Scope of Work Approval
1200 East 12th Street
Oakland, CA
AEI Project No. 8279

Dear Mr. Gholami:

I spoke with Barney Chan, and he informed me that you were now in charge of the above referenced site. We have recently been retained to perform the scope of work proposed by Mr. Chan (a single groundwater monitoring well) and summarized in a work plan by AEI dated February 10, 2000. Since the case is now under your supervision, we were hoping to obtain written approval of this scope of work, and confirm that you feel the installation of a single monitoring well is appropriate.

If you could call me at (925) 283-6000 x120 it would be very much appreciated.

Sincerely,

Jeff Rosenberg
Project Engineer

#3284

December 1, 2000

Mr. Barney M. Chan
Environmental Services
1131 Harbor Bay Parkway, Ste. 250
Alameda CA 94502-6577

Re: Monitoring well installation at site of former Baston Tire & Supply Co.

Dear Mr. Chan:

I am in receipt of your letter dated November 17, 2000 regarding the monitoring well to be installed at 1200 E. 12th ST., Oakland CA 94606.

Acquiring financing for the installation of the monitoring well has caused the delay in its installation. I have been in contact with AEI Consultants regarding this matter, and as soon as financing is available, which I hope will be shortly, I will be in compliance.

Sincerely,



Robert B. Baston
61 Skyway Lane, Oakland CA 94619

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

November 17, 2000
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94606

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

NOTICE OF VIOLATION

Re: Completion of Subsurface Investigation at 1200 E. 12th St., Oakland CA 94606

Dear Mr. Baston:

Our office would like to allow you a final opportunity to comply with our directives to complete the underground tank investigation at the above referenced site. Our office has been extremely generous in allowing you time to perform the required investigation at this site. We have worked with you to write a comfort letter to a lender, which has allowed you to sell this property. I understand, you still retain the obligation to complete the remedial investigation. I have also helped design and approve a work plan which minimizes investigation requirements, yet will yield enough information for potential site closure.

My July 6, 2000 letter requested that the proposed monitoring well be installed and sampled by no later than August 17, 2000. At this time our office requests the following:

- Install the approved monitoring well within the next 30 days (no later than December 20, 2000) or update our office on a monthly basis if acceptable justification exists for the delay of the installation.
- Initiate quarterly monitoring of this well and provide monitoring reports within 30 days of each sampling event.
- Prepare a utility and sensitive receptor survey report to be submitted along with your first monitoring report.

Failure to provide these items will cause this site to be referred to the District Attorney's office for enforcement and cancel your eligibility to the Cleanup Fund due to non-compliance.

You may contact me at (510) 56-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. P. McIntyre, AEI, 3210 Old Tunnely Rd., Suite B, Lafayette, CA 94549-415

Mr. Gary Qui, 787 Madrid St., San Francisco, CA 94112

Mr. M. O'Conner, Alameda County District Attorney Office

S. Krievien, Cleanup Fund

NOV1200E12

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

July 6, 2000
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94606

Re: Request for the Installation of a Monitoring Well at 1200 E. 12th St., Oakland 94606

Dear Mr. Baston:

Our office approved the All Environmental Inc. work plan for the installation of a monitoring well at the above referenced site on February 15, 2000. We asked to be notified prior to its installation. Haven't not been notified, we assume that this work has not yet been performed. Having allowed more than adequate time for you to schedule this work, **please perform this well installation within the next 45 days or no later than August 17, 2000.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. P. McIntyre, AEI, 3210 Old Tunnel Rd., Suite B, Lafayette, CA 94549-415

Mwinst1200E12

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



FEB 15 2000

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9432

February 15, 2000
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland, CA 94606

Re: Workplan, 1200 East 12th Street, Oakland CA 94606

Dear Mr. Baston:

Our office has received and reviewed the February 10, 2000 work plan for the installation of one monitoring well at the above referenced site, prepared by AEI Consultants. As you are aware, this investigation is necessary to determine the impact to soil and groundwater of the petroleum release from the former gasoline tanks at this site.

The well boring will be advanced to a depth of approximately 10' below first encountered groundwater, anticipated to be approximately 25' below ground service (bgs). Soil samples will be collected at five foot intervals and screened in the field. Up to two soil samples will be collected for chemical analysis. Please analyze the boring with the highest screening result. The soil as well as groundwater sample should be analyzed for Total Petroleum Hydrocarbons as gasoline, BTEX and MTBE. It is anticipated that groundwater sampling will be done for a period of one year on a quarterly basis.

This work plan is approved. Please notify our office prior to this work.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Mr. P. McIntyre, AEI Consultants, 3210 Old Tunnel Road, Suite B, Lafayette, CA 94549-415

Wpap1200E12

R0389

February 10, 2000

Mr. Robert Baston
61 Skyway Lane
Oakland, CA 94619

Subject: Workplan
1200 East 12th Street
Oakland, California
AEI Project No. 3534

Dear Mr. Baston:

Enclosed is a copy of the workplan prepared for the installation of a single well at the above referenced site. This workplan has been presented to Alameda County. AEI anticipates beginning the well installation permitting process immediately following approving of this workplan. Also included is the invoice for this stage of the work.

Please call me at (925) 283-6000 if you have any questions.

Sincerely,



Peter McIntyre
Project Geologist



901 Moraga Road, Suite C, Lafayette, CA 94549-4567

Phone: (925) 283-6000 Fax: (925) 283-6121

November 18, 1999

Ms. Florence Lo
United Commercial Bank
840 Taraval Street, No. 18
San Francisco, CA 94116

Re: 1200 East 12th Street, Oakland, CA

Dear Ms. Lo,

Presently, the oversight agency for the above referenced subject property, Alameda County Health Care Services (ACHCS), is requiring the installation of one (1) monitoring well and one (1) year of quarterly monitoring as "remediation" for the above referenced subject property. ACHCS has not mention nor is it requiring any additional remediation related activities other than those previously mention above.

Typically, after the first year of groundwater monitoring activities, the oversight agency will grant closure, if requested in a prompt fashion. In the unlikely event that the monitoring results indicate increase concentrations the oversight agency may require an additional year of monitoring.

Should you have any further questions regarding this matter, please contact me at (800) 801-3224.

Sincerely,


Greg Griffin
Business Development

Corporate Headquarters

Los Angeles
(310) 798-4255

Phoenix
(602) 240-5990

San Francisco
(800) 801-3224

Seattle
(425) 401-8500

New York
(212) 279-7770

www.aeiconsultants.com

Prepared For: Lawrence Qiu, Quality Auto Service
Site: 1200 East 12th Street, Oakland
Subject: Summary of Options to Proceed to Case Closure

When I spoke with the case manager several months ago, he said he would require a scope of work similar to this in order to get closure. The overall goal is to investigate the extent of the fuel/hydrocarbon plume (basically to be able to draw a circle around it)

- Install (2 to 3) Additional Monitoring Wells
- Project Cost: ~\$15,000 - \$20,000 (this includes city encroachment permitting fees) – installing 2 wells would be on the lower end of this range and installing, likely be required to conduct a full year of monitoring (4 quarters), quarterly cost would be ~ \$2,000 - \$2,500
- Allows us to determine groundwater flow direction, and better idea of the amount of contamination in the subsurface
- If the flow direction is towards the existing wells and the wells are clean, could make a strong case for no further action/case closure
- This is not a guarantee of case closure. If groundwater flow is not towards the proposed wells or if the wells are contaminated, the county may require you to install one or two additional wells, and perhaps have to cleanup soil/groundwater
- If you prefer, we could bill the project on a time and materials basis (instead of fixed price), that way if things come out significantly cheaper you would save money
- It is important to note that at the speed the County moves, it could take up to a year to get case closure, even if the wells are clean, so a year of monitoring would likely be required.

20389

November 15, 1999

**WORKPLAN
GROUNDWATER MONITORING
WELL INSTALLATION &
QUARTERLY MONITORING
PROPOSAL**

At

1200 East 12th Street,
Oakland, CA 94606

PROPOSAL 99-2371

Prepared for:

Mr. Robert Baston c/o
Ms. Leon Ma
United Commercial Bank
711 Van Ness Avenue
San Francisco, CA 94102

Prepared by:

AEI Consultants
901 Moraga Road, Suite C
Lafayette, CA 94549
(925) 283-6000

1.0 INTRODUCTION

AEI Consultants (AEI) has prepared this proposal on behalf of Mr. Robert Baston c/o Ms. Leona Ma of United Commercial Bank and outlines the scope and cost for a Workplan, Well installation, Monitoring activities, Site closure and Well Destruction at 1200 East 12th Street, Oakland, California.

2.0 SCOPE OF WORK

2.1 Task 1 Workplan

AEI will Prepare and submit a Workplan addressing additional investigative activities related to the installation of one (1) groundwater monitoring well at the above referenced subject property. The Workplan will include a discussion regarding previous sampling activities and the associated analytical results. AEI will submit the Workplan to the Alameda County Health Care Services Agency for approval prior to the commencement of further work.

Task 1 Costs: \$800.00

2.2 Task 2 Installation of Monitoring Well & 1st Quarter Groundwater Sampling

AEI will advance one, two inch soil boring to 30 feet or 12 feet below first groundwater, whichever occurs first. The boring will be continuously logged on-site by an AEI Project manager using the Unified Soil Classification System. Soil samples will be collected at five-foot intervals. Samples will be screen in the field using an Organic Vapor meter.

The monitoring well will be developed, purged and sampled for TPH as gasoline, TPH as diesel, BTEX and MTBE. Drill cuttings will be stockpiled on-site in 55 gallon drums and disposed of appropriately. Purged groundwater will also be stored on-site in 55-gallon drums and disposed of in an appropriate manner.

Tasks 2 Costs: \$5,490.00

2.3 Task 3 Quarterly Groundwater Monitoring

AEI will perform three- (3) calendar quarters (nine month period) of groundwater monitoring for the above well beginning three months from the sample(s) taken in Task 1 above. The monitoring well will be purged by pumping three to five volumes of groundwater. When the groundwater level has returned to within 90% of the original water level, samples will be retrieved utilizing a disposable bailer.

Groundwater samples will be analyzed for TPH as gas, TPH diesel, BTEX and MTBE. A report will be generated for each quarter detailing the results of the monitoring activities. The final report will summarize all four-quarter results. A copy of the final report will be sent to Alameda County.

**Tasks 3 Costs: \$1,200.00/quarter
\$3,600.00 Total**

2.4 Task 4 Site Closure – Monitoring Well Destruction; Closure granted

AEI will request closure of the site and decommissioning of the monitoring well from the oversight Agency (Alameda County). In the event the request is granted, AEI will obtain the permits required to decommission the monitoring well at the site, and communicate the methods and documentation to the appropriate oversight agencies.

AEI will remove the well box, casing; seal and gravel pack and drill out the well casing. Soil cuttings and debris will be stored on-site in 55-gallon drums for disposal off-site following profiling activities. The borehole will be abandoned by filling it with grout under pressure and topped off in order to fill the boring to the ground surface.

A letter report which details the methods used to decommission the well will be prepared and submitted to the oversight agency for review and final closure.

Tasks 4 Costs: \$2,750.00

Task 2.4.1 Optional four quarter Groundwater Monitoring

In the event the oversight Agency does not grant our request for site closure and requires additional monitoring activities at the subject property; AEI will perform those services as specified in Section 2.3 at the same rate. Reports will be generated at the end of each quarter. The last quarterly report will summarize eight (8) quarters of activities and results and submitted to the oversight Agency along with a request for sight closure and decommissioning of the monitoring well.

**Tasks 2.4.1 Costs: \$1,200.00/quarter
\$4,800.00 Total**

Assumptions

- No underground or above ground utilities are encountered.
- Disposal of soil cuttings and well destruction debris are acceptable by a Class III Landfill.
- AEI will have clear access to the site.

3.0 ESTIMATED SCHEDULE

AEI anticipates beginning this project immediately upon written approval from the client. The client will be notified immediately of any delays.

4.0 TERMS AND CONDITIONS

Client agrees to pay all invoices Net 15 days and interest (1.0%) per month on any and all balances not paid on time. Client will also agree to pay court costs, attorney fees, and any expenses incurred by AEI in the event the client does not pay the final invoice and litigation or collection procedures begin.

This proposal constitutes a firm offer to conduct business with AEI. A signed copy of the Authorization to Proceed should be returned to AEI to initiate this proposal.

Please sign and return the following Authorization to Proceed to initiate the above outlined scope of work.

AUTHORIZATION TO PROCEED

Client: Mr. Robert Baston

Signature: _____

Title: _____

Date: _____

AEI Consultants

Name: Greg Griffin

Signature: _____

Date: November 16, 1999

United Commercial Bank

Name: Leona Ma

Signature: _____

Date: November 16, 1999



901 Moraga Road, Suite C, Lafayette, CA 94549-4567

Phone: (925) 283-6000 Fax: (925) 283-6121

November 12, 1999

Ms. Leona Ma
United Commercial Bank
711 Van Ness Avenue
San Francisco, CA 94102

Re: 1200 East 12th Street, Oakland, CA

Dear Ms. Ma,

With regards to the above referenced subject property it is not possible to state with certainty what the Oversight Agency (Alameda County) may require in the future. However, presently, Alameda County, basically requires the installation of one (1) monitoring well and one (1) year of quarterly monitoring. Estimated cost is as follows;

Workplan		\$800.00
Monitoring Well installation		\$7,000.00
Quarterly monitoring	\$1,200/quarter	\$4,800.00
Site closure request; well destruction		\$3,000.00

The way the process normally works is that we draft and submit a workplan to Alameda County, which formalizes what the County wants to occur at the subject property. Once the workplan is approved, the monitoring well can be installed. One year (four calendar quarters) of monitoring activity is typically required by Alameda County before site closure is granted. If the results of the monitoring activity are the same or less than what has been reported closure will probably be granted. In the unlikely event that the monitoring results indicate increase concentrations the Agency will probably require an additional year of monitoring.

We should probably formalize this situation by requiring your client to sign our proposal prior to closing.

Sincerely,

Greg Griffin
Business Development

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

November 1, 1999
StID # 3284

Ms. Leona Ma
United Commercial Bank
711 Van Ness Ave.
San Francisco, CA 94102

RE: 1200 East 12th Street, Oakland, California, 94606

Dear Ms. Ma:

This letter confirms the fact that AEI Consultants performed the Phase II Subsurface Investigation requested by our office. The investigation was required based upon the discovery of a fuel release during the removal of two fuel tanks used at the business located on the property currently owned by Mr. Robert Baston.

The tanks in question were removed from the sidewalk area outside the actual property lines of 1200 East 12th Street. The Phase II soil samples were taken in the sidewalk area and in the street at the corner of East 12th Street and 12th Ave., as this is the assumed down-gradient direction of groundwater.

The building was constructed in approximately 1917 when it was evidently permissible to place the tanks outside of the property lines. The tanks were never located within the property lines indicated on the plot map of the Preliminary Title Report provided by Mr. Dick Tamberg.

The AEI report recommends the installation of a single groundwater monitoring well down-gradient of the former tank excavation, which would be in East 12th Street, and quarterly monitoring. The monitoring and any future remedial work are the responsibility of the current owner, Mr. Robert Baston, the primary responsible party. Any future owner of the property is not liable and will not incur any cost for monitoring or remedial work where the primary responsible party is satisfactorily engaged in acceptable remediation or investigation.

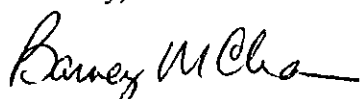
In summary: 1) The fuel tanks in question were never located on the property. 2) The requested monitoring well will be located in East 12th Street, outside of the property. 3) Mr. Baston will be solely responsible for the cost of all monitoring and any remedial work required in the future. 4) The new owners will not be liable for any conditions that were discovered in the AEI Phase II Report, as long as Mr. Baston complies with our requirements.

When groundwater conditions have met an acceptable level, as indicated by monitoring, our office will recommend site closure to the Water Board.

You may contact me at (510) 567-6765 if you have any questions.

Ms. Leona Ma
Re: 1200 E. 12th St., Oakland CA 94606
StID # 3284
November 1, 1999
Page 2.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files
Mr. R. Baston, 61 Skyway Lane, Oakland, CA 94606
Mr. D. Tamberg, Prudential California Realty, 51 Moraga Way Suite 1, Orinda, CA 94563
Ms. J. Pucci, AEI, 901 Moraga Rd., Suite C, Lafayette, CA 94549

Citr1200E12



FAX TRANSMITTAL
PRUDENTIAL CALIFORNIA REALTY
51 MORAGA WAY
ORINDA, CA 94563

TO: Barney Claus DATE: 11-1-99

FAX #: (510) 337-9335

FROM: DICK TAMBERG

FAX #: (925) 253-0381

PHONE: (925) 253-5408 (800) 471-8711 x408

NUMBER OF PAGES INCLUDING COVER SHEET: 9

MESSAGE:

Preliminary Title Report 1200 East 12th St.
including Plot Map

Please direct your letter to Teresa Ma
United Commercial Bank
711 Van Ness Ave
San Francisco 94102

Will you please FAX the letter to Teresa
at (415) 885-5248 AND mail an original
of your letterhead also to Teresa

Prudential



FIRST CALIFORNIA
Title Company

TO: BARNEY CHAN

PRELIMINARY REPORT

PRUDENTIAL CALIFORNIA REAL ESTATE
51 MORAGA WAY
ORINDA, CA 94563

Our Order No.: 804421
Your Reference

Attn.: DICK TAMBERG

When Replying Please Contact
First California Title Company
51 Moraga Way
Orinda CA 94563
(925) 253-8100 (925) 253-8111 Fax
Attn.: Ginny Matthews

Property Address: 1200 EAST 12TH STREET, OAKLAND, CALIFORNIA

In response to the above application for a Policy of Title Insurance, **FIRST CALIFORNIA TITLE COMPANY** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception attached or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to attached and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder of Commitment should be requested.

The form of policy of title insurance contemplated by this report is:

- (X) California Land Title Association Standard Coverage Policy
- () American Land Title Association Owner's Policy
- () American Land Title Association Residential Title Insurance Policy
- (X) American Land Title Association Loan Policy

Dated as of JUNE 28, 1999, at 7:30 am.

WILLIAM SCOTT COLLIER
Title Officer

Our Order No.: 804421

1. **THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:**

A FEE

2. **TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:**

ROBERT B. BASTON AND PATRICIA A. BASTON, TRUSTEES OF THE ROBERT AND PATRICIA BASTON 1999 CHARITABLE REMAINDER TRUST ESTABLISHED MARCH 16, 1999 AND ROBERT BASTON AND PATRICIA DERDIVANIS BASTON, TRUSTEES OF THE BASTON CHARITABLE REMAINDER UNITRUST DATED MARCH 2, 1993

Our Order No.: 804421

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE STATE OF CALIFORNIA, CITY OF OAKLAND, COUNTY OF ALAMEDA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERN LINE OF 12TH AVENUE FORMERLY CALLED FOLK STREET, WITH THE NORTHEASTERN LINE OF EAST 12TH STREET, FORMERLY CALLED WASHINGTON STREET, RUNNING THENCE NORTHEASTERLY ALONG SAID LINE OF 12TH AVENUE 150 FEET, THENCE SOUTHEASTERLY PARALLEL WITH SAID LINE OF EAST 12TH STREET 50 FEET, THENCE SOUTHWESTERLY PARALLEL WITH SAID LINE OF 12TH AVENUE 150 FEET TO SAID NORTHEASTERN LINE OF EAST 12TH STREET, THENCE NORTHWESTERLY ALONG SAID LAST NAMED LINE 50 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF BLOCK 40 AS SAID BLOCK IS DELINEATED AND SO DESIGNATED UPON HIGLEY'S MAP OF CLINTON FILED JUNE 10, 1854, BOOK "B" OF DEEDS, PAGE 537, ALAMEDA COUNTY RECORDS.

ASSESSOR'S PARCEL NO. 020-0117-016

Our Order No.: 804421

EXCEPTIONS

AT THE DATE HEREOF EXCEPTIONS TO THE COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS IN THE POLICY FORM DESIGNATED ON THE FACE PAGE OF THIS REPORT WOULD BE AS FOLLOWS:

1. COUNTY AND CITY TAXES FOR THE FISCAL YEAR 1999 - 2000, A LIEN NOT YET DUE OR PAYABLE.
2. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5, REVENUE AND TAXATION CODE, SECTION 75 ET SEQ.
3. COUNTY AND CITY TAXES FOR THE FISCAL YEAR 1998 - 1999
 - 1ST INSTALLMENT : \$880.37 PAID
 - 2ND INSTALLMENT : \$880.37 DEFAULTED
 - LAND : \$29,196.00
 - IMPROVEMENTS : \$76,876.00
 - PERSONAL PPTY. : NONE
 - EXEMPTION : NONE
 - A.P. NO. : 020-0117-016
 - CODE AREA : 17-001
4. NOTE: IN CONNECTION WITH THE ABOVE MENTIONED DELINQUENT INSTALLMENT, OR INSTALLMENTS, FOR THE FISCAL YEAR 1998 AND 1999 THE AMOUNT TO REDEEM THIS INSTALLMENT, OR INSTALLMENTS ON OR BEFORE JULY 31, 1999 IS \$1,006.60 AND ON OR BEFORE AUGUST 31, 1999 IS \$1,019.81. PAYMENTS SHOULD REFERENCE THE ABOVE MENTIONED A.P. NO. AND CODE AREA AND STATE PAYMENTS ARE FOR DELINQUENT 1998 AND 1999 FISCAL YEAR TAXES.
5. AN AGREEMENT RELATING TO THE POSSIBLE ENCROACHMENT OF A METAL OVERHANG ATTACHED TO THE ROOF OF THE REAL PROPERTY COMMONLY KNOWN AS 1220 EAST 12TH AVENUE TO A BEAM ATTACHED TO THE SUBJECT PROPERTY AND PROVISIONS FOR TERMINATION RECORDED JUNE 18, 1999, SERIES NO. 99-227565, ALAMEDA COUNTY RECORDS.

*** END OF EXCEPTIONS ***

Our Order No.: 804421

INFORMATION NOTES

1. THE ONLY CONVEYANCES AFFECTING SAID LAND, WHICH RECORDED WITHIN TWENTY FOUR (24) MONTHS OF THE DATE OF THIS REPORT, ARE AS FOLLOWS:
GRANTOR : ROBERT B. BASTON AND PATRICIA A. BASTON, HUSBAND AND WIFE
GRANTEE : ROBERT B. BASTON AND PATRICIA A. BASTON, TRUSTEES OF THE ROBERT AND PATRICIA BASTON 1999 CHARITABLE REMAINDER TRUST ESTABLISHED MARCH 16, 1999
RECORDED : MAY 5, 1999 AS INSTRUMENT NO. 99-176277 OF OFFICIAL RECORDS

GRANTOR : ROBERT BASTON AND PATRICIA DERDIVANIS BASTON, HUSBAND AND WIFE, AS COMMUNITY PROPERTY OWNING AN UNDIVIDED ONE-HALF INTEREST
GRANTEE : ROBERT BASTON AND PATRICIA DERDIVANIS BASTON, CO-TRUSTEES OF THE BASTON CHARITABLE REMAINDER UNITRUST, DATED MARCH 2, 1993, THEIR UNDIVIDED ONE-HALF INTEREST
RECORDED : MAY 5, 1999 AS INSTRUMENT NO. 99-176278 OF OFFICIAL RECORDS
2. THE CHARGE FOR A POLICY OF TITLE INSURANCE, WHEN ISSUED THROUGH THIS TITLE ORDER, WILL BE BASED ON THE BASIC (NOT SHORT TERM) TITLE INSURANCE RATE.

SUPPLEMENTAL NOTE:

None of the above exceptions preclude attachment of a CLTA 100 endorsement to an ALTA loan policy issued pursuant to this Report and a CLTA 116 endorsement will reflect that there is located on said land A SINGLE FAMILY DWELLING known as 1200 EAST 12TH STREET, OAKLAND, CALIFORNIA

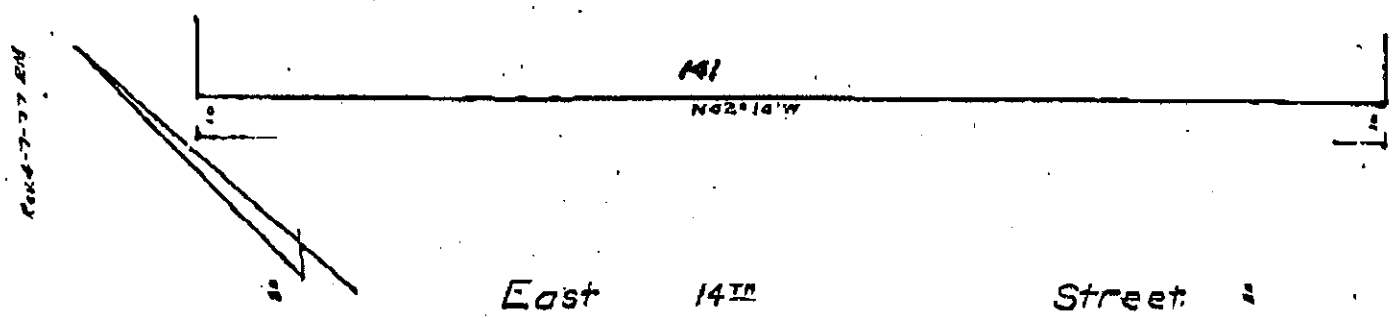
Code Area No. 17-21

117

ASSESSOR'S MAP 20

Map of Clinton. {H.A. Higley's Survey.} (ak. B 2nd 2; 537)

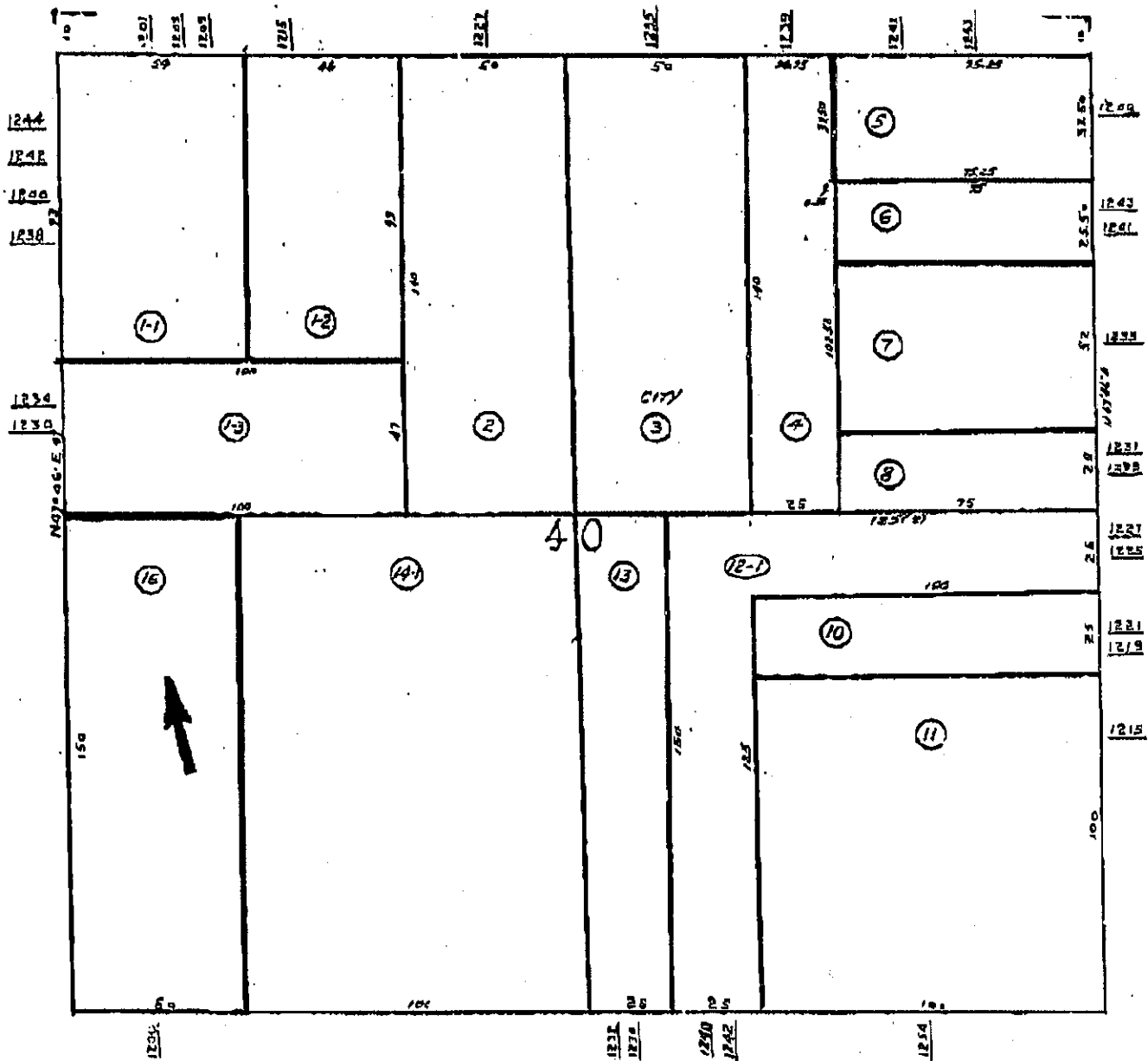
Scale lin = 30ft.



Avenue

118

12th



East 12th Street

Street

Our Order No.: 804421

EXHIBIT "A" (Rev. 1-19-91)

**CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY-1990
EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulations (including but not limited to building or zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrances resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at date of policy, but not excluding from coverage any taking which has occurred prior to date of policy which would be binding on the rights of a purchaser of value without knowledge.
3. Defects, liens encumbrances, adverse claims or other matters: (a) whether or not recorded in the public records at date of policy, but created, suffered, assumed or agreed to by the insured claimant; (b) not known to the Company, not recorded in the public records at date of policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy. © resulting in no loss or damage to the insured claimant; (d) attaching or created subsequent to date of policy; or (e) resulting in loss or damage which would not have been sustained if the insured claimant has paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at date of policy or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditor's rights laws.

EXCEPTIONS FROM COVERAGE-SCHEDULE B, PART I

This policy does not insure against loss or damage (and the company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, Rights interests or claims which are not shown by the public records but which could be ascertained by an inspections of the land which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water, whether or not the matters excepted under (a), (b) or © are shown by the public records.

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)
EXCLUSIONS**

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation, this includes building and zoning ordinances and also laws and regulations concern:
 - .land use, land division
 - .improvements on the land, environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.
This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

(List of Printed Exceptions and Exclusions Continued on next Page)

Our Order No.: 804421

EXHIBIT A (CONTINUED)

2. The right to take the land by condemning it, unless:
 - a notice of exercising the rights appears in the public records on the policy date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
 3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, not to us, on the Policy Date unless they appeared in the public records
 - that result in no loss to you
 - that first affect your title after the Policy Date – this does not limit the labor and material lien coverage in Item B Covered Title Risks
 4. Failure to pay value for your title
 5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - or
 - in streets, alleys, or waterways that touch your land
- This exclusion does not limit the access coverage in Item 3 of covered Title Risks.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (4-6-90) WITH ALTA ENDORSEMENT-FORM 1 COVERAGE AND AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (4-6-90) WITH ALTA ENDORSEMENT-FORM 1 COVERAGE EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protections, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrances resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at date of policy, but not excluding from coverage any taking which has occurred prior to date of policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) Created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the company, not recorded in the public records at date of policy, but known to the insured claimant and not disclosed in writing to the company by the insured claimant prior to the date the insured claimant became an insured under this policy.
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to date of policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessment for street under construction or completed at date of policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant has paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at date of policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over lien of the insured mortgage) arising from an improvement of work related to the land which is contracted for the commenced subsequent to date of policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured which at date of policy the insured has or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation or federal bankruptcy, state insolvency, or similar creditors' rights laws.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage the Exceptions from Coverage in a Standard Coverage Policy will also include the following General Exceptions.

(List of Printed Exceptions and Exclusions Continued on Next Page)

Our Order No.: 804421

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay cost, attorney's fees or expenses which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water, whether or not the matters excepted under (a), (b) or © are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION OWNERS POLICY (4-6-90)

AND

AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (4-6-90)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protections, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrances resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy. (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at date of policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at date of policy, but not excluding from coverage any taking which has occurred prior to date of policy which would be binding on the rights of a purchaser for value without knowledge.
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the company, not recorded in the public records at date of policy, but known to the insured claimant and not disclosed in writing to the company by the insured claimant prior to the date the insured claimant became an insured under this policy.
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to date of policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant has paid value for the estate or interest insured by this policy.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage the Exceptions from Coverage in a Standard Coverage Policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay cost, attorney's fees or expenses which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water, whether or not the matters excepted under (a), (b) or © are shown by the public records.

51 Moraga Way
Orinda, CA 94563
Phone: 925-253-6408
Fax: (925) 253-0381

**Prudential California
Realty**

Fax

To: Bamby Chan **From:** RICHARD M. TAMBERG

Fax: (510) 887-9335 **Date:** October 27, 1999

Phone: **Pages:** 5

Re: **CC:**

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

Comments: Enclosed ³two letters and one sketch of boring locations

*map of Preliminary
Site Report*

October 26, 1999

Jennifer Puoci, REA
AEI Consultants
901 Moraga Road, Suite C
Lafayette, CA 94549

RE: 1200 East 12th Street, Oakland, California.

Dear Ms. Puoci:

This letter will confirm the fact that AEI Consultants performed a Phase II Subsurface Investigation that we required due to the fact that fuel tanks used in the operation of a business owned by Mr. Robert Baston had previously been removed from the ground.

The tanks in question had been removed from the sidewalk area outside the actual property lines of 1200 East 12th Street and your soil samples also were taken in a sidewalk area and in the street at East 12th Street because this was the location from which the tanks were removed. The building was constructed in approximately 1917 and at that time it was evidently permissible to place the tanks outside of the property lines. The tanks were never located within the property lines indicated on the plot map of the Preliminary Title Report.

Your report requested installation of a single groundwater monitoring well down grade from the former tank excavation, which shows it to be in the street at East 12th Street, and monitored quarterly. The monitoring and any future remedial work is the responsibility of the current owner, Robert Baston, and the future owner of the property is not liable and will not incur any cost for monitoring or remedial work required in the areas specified under your report.

In summarizing 1) The fuel tanks of Mr. Robert Baston were never located on the property. 2) The monitoring well will be located in East 12th Street, outside of the property. 3) Mr. Baston will be solely responsible for the cost of all monitoring and any remedial work that has to be done in the future. 4) The new owners will not be liable for any conditions that were discovered in your Phase II Report.

When we are sure that the soil readings have been reduced to an acceptable level, as indicated by our monitoring, it will then be appropriate to issue a closure on the area from which the tanks were removed.

**Prudential****Prudential California Realty**

51 Moraga Way, Suite 1, Orinda CA 94563

Bus 925 254-0440 Fax 925 254-1521

October 21, 1999

Jennifer Puoci, REA
AEI Consultants
901 Moraga Road, Suite C
Lafayette, CA 94549

Dear Ms. Puoci:

Mr. Robert Baston has forwarded a copy of your letter dated October 18, 1999 concerning your Phase II Subsurface Investigation of the sidewalk area adjacent to 1200 East 12th Street in Oakland, California.

I spoke with Barney Chan yesterday and raised the question concerning the location of the tanks that were removed and the fact that they were never located within the property boundary. Actually the site in question is on City of Oakland property, the street and the sidewalk, and not 1200 East 12th Street.

My question to Barney Chan was "if there is a soil problem in the area designated, would this prohibit the food market across the street or the church on the north side of 12th Ave from obtaining financing because of the soil problem? He did not know, but it was a good question!

The Comfort Letter normally supplied by the county indicates that any monitoring or remedial work that might be required is the responsibility of the current owner of 1200 East 12th Street and absolves a new owner of any responsibility in this matter. It seems to me that this, along with an explanation of the circumstances in this unusual location of the removed tanks and the monitoring location in the city sidewalk would be adequate protection for the new buyers and the bank to move forward with funding this transaction.

In as much as it is my understanding that AEI has been in touch with Ms. Leona Ma of the bank in order to structure some sort of guideline for a letter from Barney Chan, is it possible to point out the location of this soil problem to Ms. Ma's bank and see if they will accept a letter enabling them to fund a loan on this property?

Mr. Chan indicated that once the details were approved by the bank, the appropriate letter could be electronically sent to him at "BChan@co.alameda.ca.us."

Any assistance that can give would be greatly appreciated.

Sincerely,

Richard M. Tamberg
Manager, Commercial Investment Real Estate

Attachments: Preliminary Title Report and site plan of boring locations relative to property boundary.

10/19/1999 14:28 FAX 9252830121

AEI Consultants

01



901 Moraga Road, Suite C, Lafayette, CA 94549-4507

Phone: (925) 283-0000 Fax: (925) 283-6121

October 18, 1999

Mr. Robert Baston
61 Skyway Lane
Oakland, CA 94619

Re: 1200 E. 12th Street
Oakland, CA 94606

Dear Mr. Baston:

AEI Consultants (AEI), formerly All Environmental, Inc., performed a Phase II Subsurface Investigation at the above referenced property. The results of the investigation were presented within a report issued to you and Mr. Barney Chan of the Alameda County Health Care Services Agency (ACHCSA) on October 1, 1999.

Based on the results of our initial investigation, the ACHCSA is requesting the installation of a single groundwater monitoring well down-gradient from the former tank excavation. It is unlikely, based on our investigation, that any remedial work will be required by the ACHCSA. However, quarterly monitoring of the requested well will need to be performed for a minimum of one year prior to case closure.

Sincerely,

Jennifer Puoc, REA
Senior Project Manager

Bohars @ CO. ALAMEDA, CA, US

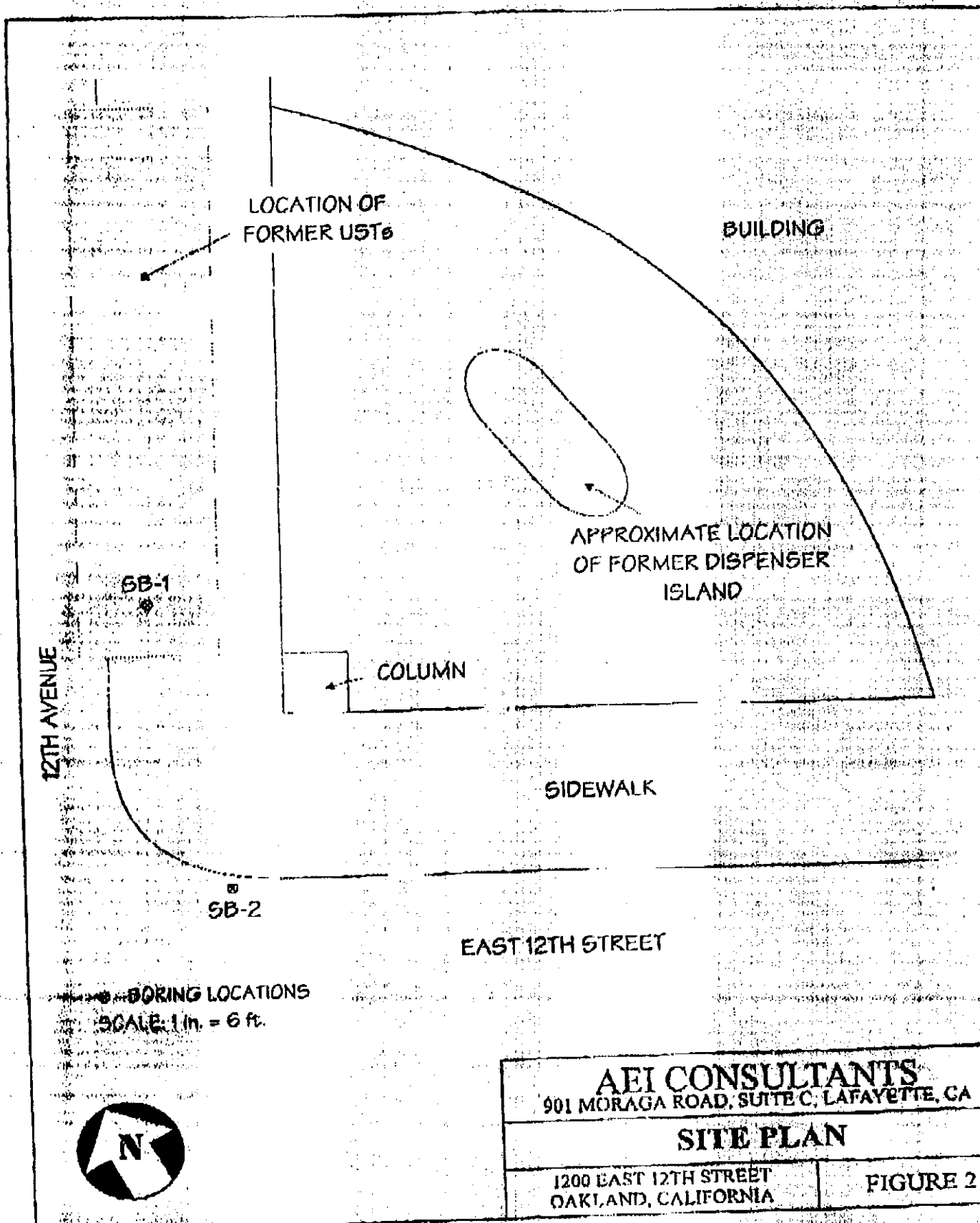
Los Angeles
(810) 798-4265

Florenz
(602) 240-5990

Corporate Headquarters
San Francisco
(800) 801-3224
www.aeiconsultants.com

Seattle
(425) 401-8000

New York
(212) 298-7770



AEI CONSULTANTS
 901 MORAGA ROAD, SUITE C, LAFAYETTE, CA

SITE PLAN

1200 EAST 12TH STREET
 OAKLAND, CALIFORNIA

FIGURE 2

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

October 6, 1999
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

Re: Subsurface Investigation at 1200 E. 12th St., Oakland CA 94606

Dear Mr. Baston:

Our office has received and reviewed the October 1, 1999 **Phase II Subsurface Investigation** for the above site as prepared by AEI Consultants. As you are aware, this report details the results of the borings advanced near the former gasoline tanks at this site and their attempt to determine the extent and degree of petroleum contamination in soil and groundwater. The results identified very little soil contamination, however, gasoline and BTEX (gasoline components) were identified in both grab groundwater samples. Because of the degree of gasoline contamination observed in the water samples, our office will require the installation of a permanent monitoring well. Often, the results from water samples taken from temporary borings are not representative of actual groundwater conditions.

Please provide a work plan for the installation of an appropriately placed monitoring well at this site. To eliminate the need for more than one well, please provide documentation for the groundwater gradient at a nearby site. While advancing the monitoring well boring, please screen soil samples every five feet using a portable instrument. Any soil sample exhibiting elevated readings using the screening should be analyzed in the laboratory. The soil and groundwater samples should be analyzed for Total Petroleum Hydrocarbons as gasoline and BTEX. Based on past data, you may forgo the analysis for MTBE. The location of your well will likely be near SB-2.

Please provide your work plan to our office **within 30 days or no later than November 8, 1999.**

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

✓ C: B. Chan, files
Ms. C. Locke, AEI Consultants, 901 Moraga Rd., Suite C, Lafayette, CA 94549

Mwwp1200E12



AEI CONSULTANTS
 901 Moraga Road, Suite C
 Lafayette, CA 94549-4567
 PHONE: (800) 801-3224
 (925) 283-6000
 FAX: (925) 283-6121

Date: 9/24/99

Hard Copy Sent? Y N

To: Barney Chan

Phone: (510) 337 9335

Fax:


3284

From: Jennifer Pucci

Pages: 3 , including this cover page

Subject:

Analytical results for
1200 E 12th Street.

 McCAMPBELL ANALYTICAL INC.	110 2nd Avenue South, #D7, Pacheco, CA 94553-5560 Telephone : 925-798-1620 Fax : 925-798-1622 http://www.mccampbell.com E-mail: main@mccampbell.com	

All Environmental, Inc. 901 Moraga Road, Suite C Lafayette, CA 94549	Client Project ID: #3406	Date Sampled: 09/17/99
	Client Contact: Jennifer Pucci	Date Received: 09/18/99
	Client P.O:	Date Extracted: 09/20/99
		Date Analyzed: 09/20-09/22/99

Gasoline Range (C6-C12) Volatile Hydrocarbons as Gasoline*, with Methyl tert-Butyl Ether* & BTEX*
 EPA methods 5030, modified 8015, and 8020 or 602; California RWQCB (SF Bay Region) method GCF1D(5030)

Lab ID	Client ID	Matrix	TPH(g)*	MTBE	Benzene	Toluene	Ethylbenzene	Xylenes	% Recovery Surrogate
19542	SB-1,14'	S	ND	ND	ND	ND	ND	ND	94
19546	SB-2,14'	S	2.2,a	ND	0.13	ND	0.070	0.021	100
19547	SB-1W	W	6700,a,h,i	ND<50	26	6.1	22	130	104
19548	SB-2W	W	3900,a,i	ND<50	470	9.5	160	57	110
Reporting Limit unless otherwise stated; ND means not detected above the reporting limit	W		50 ug/L	5.0	0.5	0.5	0.5	0.5	
	S		1.0 mg/kg	0.05	0.005	0.005	0.005	0.005	

←
 Dick Timberg

* water and vapor samples are reported in ug/L, wipe samples in ug/wipe, soil and sludge samples in mg/kg, and all TCLP and SPLP extracts in ug/L

* cluttered chromatogram; sample peak coelutes with surrogate peak

The following descriptions of the TPH chromatogram are cursory in nature and McCampbell Analytical is not responsible for their interpretation: a) unmodified or weakly modified gasoline is significant; b) heavier gasoline range compounds are significant (aged gasoline?); c) lighter gasoline range compounds (the most mobile fraction) are significant; d) gasoline range compounds having broad chromatographic peaks are significant; biologically altered gasoline?; e) TPH pattern that does not appear to be derived from gasoline (?); f) one to a few isolated peaks present; g) strongly aged gasoline or diesel range compounds are significant; h) lighter than water (immiscible) sheen is present; i) liquid sample that contains greater than ~5 vol. % sediment; j) no recognizable pattern.

DHS Certification No. 1644

 Edward Hamilton, Lab Director

10740 Z Ak 97

McCAMPBELL ANALYTICAL INC.

110 2nd AVENUE SOUTH, #B7
PACIFIC CO., CA 94533-5960

Telephone: (925) 798-1620

Fax: (925) 798-1622

CHAIN OF CUSTODY RECORD

TURN AROUND TIME

RUSH 24 HOUR 48 HOUR 5 DAY

Report To: Jennifer Pucci Bill To: Same

Company: A&Z Consultants

Tel: 925 283 6000 Fax: 925 283 6021

Project #: 3406 Project Name:

Project Location: 1200 E 12th Street

Sampler Signature: [Signature]

Analysis Request

Other

Comments

SAMPLE ID	LOCATION	SAMPLING		# Containers	Type Containers	MATRIX					METHOD PRESERVED								
		Date	Time			Water	Soil	Air	Sludge	Other	Ice	HCl	HNO ₃	Other					
SB-1, 4'	-	9/7/99	845	1	S	X													19539H
SB-1, 8'	-		850	1		X													19540H
SB-1, 12'	-		855	1		X													19541H
SB-1, 14'	-		900	1		X													19542
SB-2, 4'	-		935	1		X													19543H
SB-2, 8'	-		940	1		X													19544H
SB-2, 12'	-		945	1		X													19545H
SB-2, 14'	-		950	1		X													19546
SB-1W	-	9/7/99	905	2		X													19547
SB-2W	-	9/7/99	1000	2		X													19548

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19539H
19540H
19541H
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19543H
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19548

Relinquished By: <u>[Signature]</u>	Date: <u>9/8/99</u>	Time: <u>930</u>	Received By:
Relinquished By: <u>[Signature]</u>	Date: <u>09/15/99</u>	Time: <u>4:30 PM</u>	Received By: <u>Manuel Mendez</u>
Relinquished By:	Date:	Time:	Received By:

Remarks:

ICE
 GOOD CONDITION
 LEAD SPACE ABSENT
 PRESERVATION APPROPRIATE
 CONTAINERS
 VOLS ORG/METALS OTHER:

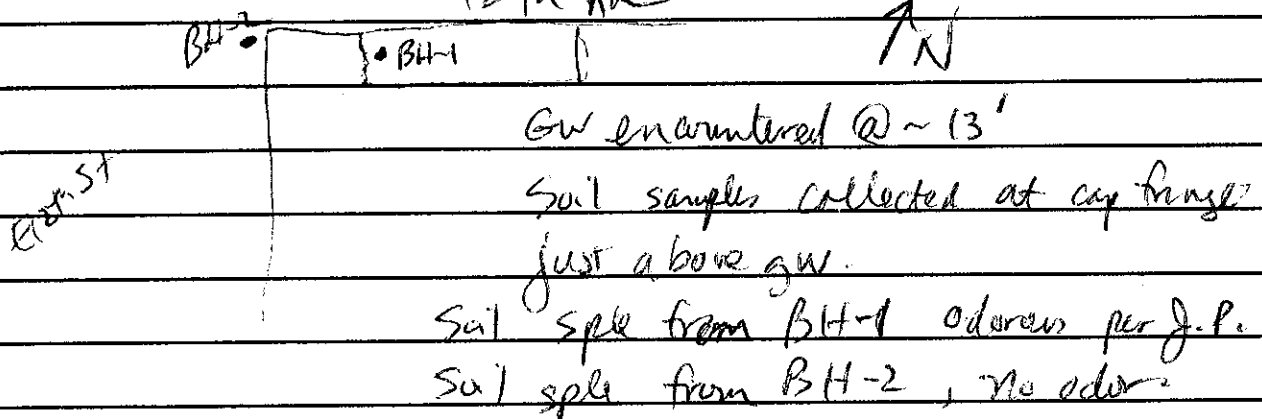
15
10

HAZARDOUS WASTE GENERATOR INSPECTION REPORT

STID #: 3284 FACILITY NAME: former Cooper Inc PG. OF

SUPPLEMENTAL FORM 1207 E 12th St 94606

Witness advancement of 2 Geoprobe borings
 in the assumed downgradient direction from former tank pits
 Gregg Drillers / AEE Jenotes Pucci / Mr Barton present
 12th Ave



PRINT NAME: INSPECTED BY: BCHAN
 SIGNATURE: DATE: 9/17/99

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

September 13, 1999
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

Re: Subsurface Work Plan for 1200 E. 12th St., Oakland CA 94606

Dear Mr. Baston:

Our office has received and reviewed the September 10, 1999 fax of the work plan for subsurface investigation at the above referenced site as prepared by AEI Consultants (AEI). I have also spoken with AEI regarding its contents. As you are aware, AEI proposes to advance two soil borings in the assumed down-gradient direction of the former underground fuel tanks. These borings will be done using direct push technology (Geoprobe type). Both soil and groundwater samples will be collected for chemical analysis for the following analytes; total petroleum hydrocarbons as gasoline, BTEX and MTBE. Confirmation of MTBE will be done using a GC/MS method.

This work plan is accepted. Please contact me prior to performing this work. I may be reached at (510) 567-6765 if you have any comments or questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files

Ms. J. Pucci, AEI Consultants, 901 Moraga Rd., Suite C, Lafayette, CA 94549-4567

Wpap1200E12



901 Moraga Road, Suite C, Lafayette, CA 94549-4567

Phone: (925) 283-6000 Fax: (925) 283-6121

September 10, 1999

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

Re: Addendum to Workplan
1200 E. 12th Street
Oakland, California
Project No. 3406

Dear Mr. Chan:

AEI Consultants (AEI) is submitting the following addendum to the workplan that was previously submitted by Bernabe and Brinker, Inc. for the property referenced above. A copy of the workplan is attached for reference. The workplan was submitted by Bernabe and Brinker, Inc. in response to a letter sent by your office dated March 27, 1997 requesting an additional groundwater investigation at the property.

The proposed workplan describes activities to advance two soil borings down gradient from the former underground storage tanks. Soil and groundwater samples will be collected from the borings. AEI will implement the scope of work described in the Bernabe and Brinker, Inc. workplan with the following additions:

- Borings will be advanced in the locations identified on the attached site map.
- The soil borings will be advanced with a Geoprobe type drilling rig. No soil cuttings are expected to be produced.
- Permits will be obtained from the city of Oakland and the Alameda County Public Works Agency. Underground Service Alert (USA) will be notified prior to drilling in the public right of way.
- Soil samples will be collected approximately every five feet. Groundwater samples will be collected through the direct push rods. If groundwater does not generate using this method then a grab groundwater sample will be collected following removal of the rods.
- Soil and groundwater samples will be analyzed for TPH as gasoline (EPA method 8015), BTEX, and MTBE (EPA method 8020).
- Confirmation of any detected MTBE will be completed by EPA method 8260 for fuel oxygenates.

Los Angeles
(310) 798-4255

Phoenix
(602) 240-5990

Corporate Headquarters
San Francisco
(800) 801-3224

Seattle
(425) 401-8500

New York
(212) 279-7770

www.aeiconsultants.com

Alameda County Health Care Services

September 10, 1999

Project No. 3406

Page 2

Please contact us at (925) 283-6000 as soon as you have had a chance to review these additions. We would like to schedule drilling for the week of September 13-17, 1999, if possible.

Sincerely,

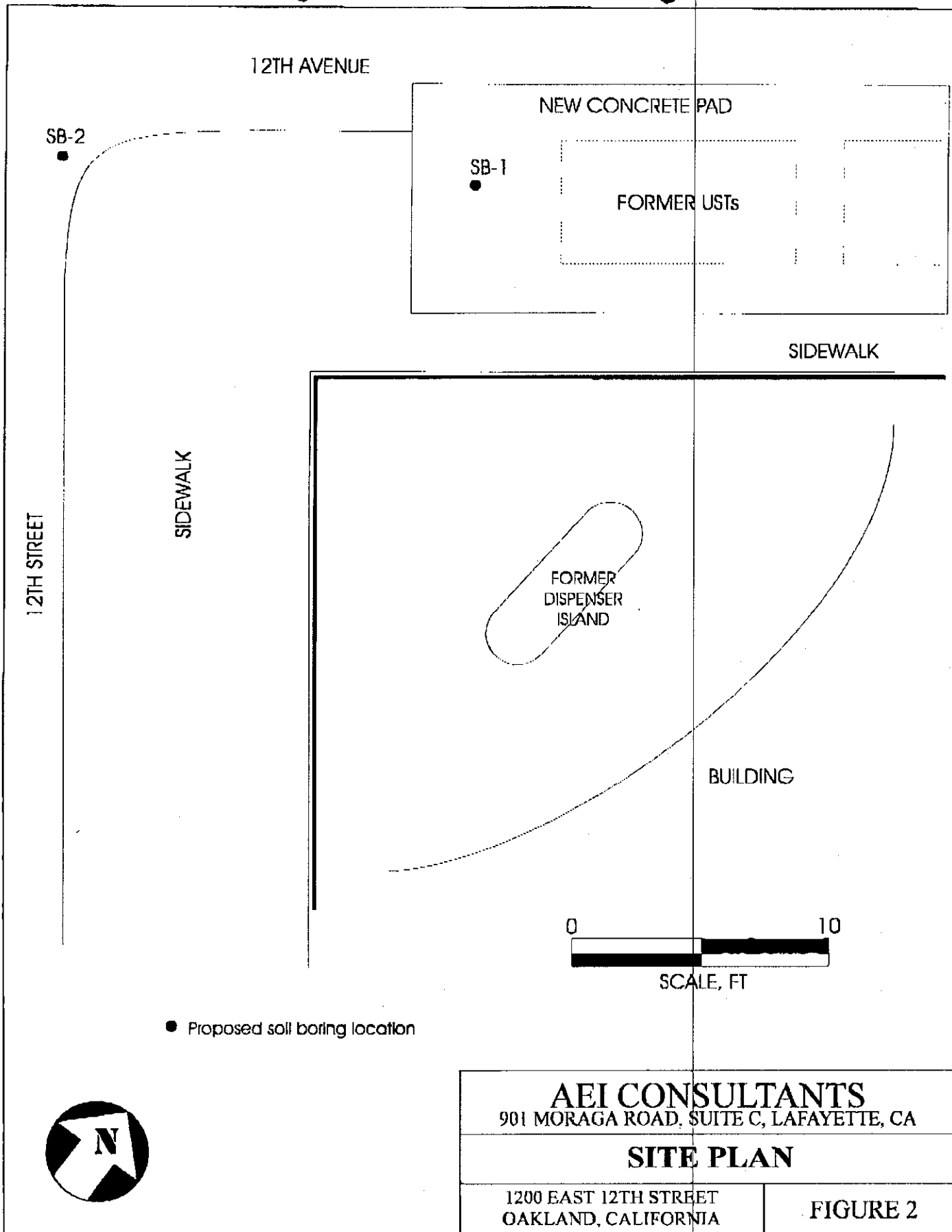
J. Pucci
Jennifer Pucci, REA
Senior Project Manager

J. Derhake
Joseph P. Derhake, PE, CAC
Senior Author



Attachment.

cc: Robert Baston, 61 Skyway Lane, Oakland, CA 94619



AEI CONSULTANTS
 901 MORAGA ROAD, SUITE C, LAFAYETTE, CA

SITE PLAN

1200 EAST 12TH STREET
 OAKLAND, CALIFORNIA

FIGURE 2

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



May 18, 1999
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

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

SECOND NOTICE OF VIOLATION

**Re: Request for Implementation of Subsurface Investigation at 1200 E. 12th St.,
Oakland CA 94606, former Cooper Tire**

Dear Mr. Baston:

Our office last wrote to you in my October 6, 1998 letter where I requested that you implement a previously approved work plan prepared by Mr. Mark Varney of Bernabe & Brinker. Recall, this work plan called for the installation of two (2) borings down-gradient of the former underground storage tanks removed in 1996 and the sampling of soil and groundwater. This information would allow the determination of the extent of petroleum contamination from the former gasoline tanks. Should little to no petroleum contamination be encountered, it is likely that our office would recommend site closure and no further work for the site in regards to the underground tanks.

Recent addition to chapter 6.75 of division 20 of the Health and Safety Code requires the testing for MTBE before the Water Board or the local agency can issue a closure letter. Therefore, the soil and groundwater samples from the aforementioned borings should be analyzed for TPH as gasoline, BTEX and MTBE. In addition, should MTBE be detected in soil or groundwater, it must be confirmed using either EPA Method 8240 or 8260.

Please plan to perform the borings, sampling and analysis **within 45 days or by July 6, 1999.**

Failure to perform this work may subject you to civil liability and cause the cancellation of eligibility to the Underground Storage Tank Cleanup Fund.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

Ms. J. Duerig, Alameda County District Attorney Office
Mr. Mark Varney, Bernabe & Brinker, Inc., 2240 Wood St., Oakland CA 94607

2NOV1200

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

1131 Harbor Bay Pkwy.
 Suite 250
 Alameda, CA 94502-6577
 (510) 567-6700

II, III

Site ID # _____ Site Name Former Cooper Jewel Today's Date 10/14/98

Site Address 1200 E 12th St

City _____ Zip 94606 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- II. Business Plans, Acute Hazardous Materials
- III. Underground Tanks

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

Met w/ Mr Baston
 Observed (3) hydraulic lifts removed from interior of building.
 Mr. Baston will contract w/ a lab to sample & test borings from the bottom of holes.
 - gave Mr Baston packet of info:
 - Cleanup Fund application
 - Letter request addit money
 - Copy of wp from B+B (M. Varney)
 - Copy of my latest N.O.V.
 - letter approving wp.

~ .75 hr

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan \$tds. 25503(b)
- 3. RR Cars > 30 days 25503.7
- 4. Inventory Information 25504(a)
- 5. Inventory Complete 2730
- 6. Emergency Response 25504(b)
- 7. Training 25504(c)
- 8. Deficiency 25505(a)
- 9. Modification 25505(b)

II.B ACUTELY HAZ. MATLS

- 10. Registration Form Filed 25533(a)
- 11. Form Complete 25533(b)
- 12. RMPP Contents 25534(c)
- 13. Implement Sch. Req'd? (Y/N) _____
- 14. OffSite Conseq. Assess. 25524(c)
- 15. Probable Risk Assessment 25534(d)
- 16. Persons Responsible 25534(g)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

- | | |
|--|---|
| General | <input type="checkbox"/> 1. Permit Application 25284 (H&S) |
| | <input type="checkbox"/> 2. Pipeline Leak Detection 25292 (H&S) |
| | <input type="checkbox"/> 3. Records Maintenance 2712 |
| | <input type="checkbox"/> 4. Release Report 2651 |
| | <input type="checkbox"/> 5. Closure Plans 2670 |
| Monitoring for Existing Tanks | <input type="checkbox"/> 6. Method |
| | 1) Monthly Test |
| | 2) Daily Vadose |
| | Semi-annual groundwater |
| | One time soils |
| | 3) Daily Vadose |
| | One time soils |
| | Annual tank test |
| | 4) Monthly Groundwater |
| | One time soils |
| 5) Daily Inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| Vadose/groundwater mon. | |
| 6) Daily Inventory | |
| Annual tank testing | |
| Cont pipe leak det | |
| 7) Weekly Tank Gauge | |
| Annual tank testing | |
| 8) Annual Tank Testing | |
| Daily Inventory | |
| 9) Other _____ | |
| New Tanks | <input type="checkbox"/> 7. Precils Tank Test 2643 |
| | Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 2644 |
| | <input type="checkbox"/> 9. Soil Testing 2646 |
| <input type="checkbox"/> 10. Ground Water. 2647 | |
| <input type="checkbox"/> 11. Monitor Plan 2632 | |
| <input type="checkbox"/> 12. Access. Secure 2634 | |
| <input type="checkbox"/> 13. Plans Submit 2711 | |
| Date: _____ | |
| <input type="checkbox"/> 14. As Built 2635 | |
| Date: _____ | |

Rev 8/88

Contact: _____
 Title: _____
 Signature: _____

Inspector: B. Chan
 Signature: _____

II, III

October 6, 1998
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

*Copy -
Actual letter sent
out.*

NOTICE OF VIOLATION

**Re: Request for Implementation of Approved Work Plan for 1200 E. 12th St., Oakland
CA 94606, Former Cooper Tire Shop**

Dear Mr. Baston:

Several items have come to our office's attention. As you may recall, after the removal of the two underground gasoline tanks at the above site on 7/23/96, a release of petroleum hydrocarbon was detected. After over-excavation of the impacted area, an additional soil sample was taken which still detected gasoline and BTEX (benzene, toluene, ethyl benzene and xylenes). This sample was taken at a depth of approximately 14'. Because this posed a threat to groundwater, you were requested to perform additional subsurface investigation to verify the extent of soil contamination and determine if groundwater was impacted. Your April 22, 1997 work plan for this investigation was approved by our office in my May 2, 1997 letter. I was to be notified 72 working hours prior to this work being done. To date, I have not been notified that this work has occurred. You are requested to implement this approved work plan **within 30 days or by November 9, 1998**. You are reminded to notify me at least 72 working hours prior to performance of this investigation.

You have also been requested to submit a check to our office to bring your account into balance. Recall, an initial deposit for County oversight fees were submitted along with the tank removal application. Continual oversight fees have exhausted the initial deposit and the account is now in arrears. Future oversight will now be done through the Local Oversight Program (LOP). You will be receiving notification of this administrative action. The benefit of this action is that future oversight costs by our office will not be billed to you, rather the State will pay for these costs.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

C: B. Chan, files

NOV1200

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

May 2, 1997
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

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

Re: 1200 E. 12th St., Oakland CA 94606, Former Cooper Tire Shop

Dear Mr. Baston:

Our office has received and reviewed the April 22, 1997 **Workplan for Soil and Groundwater Investigation** for the above site as provided by Bernabe and Brinker and prepared by Mark Varney. The work plan proposes the advancement of two borings in the assumed downgradient direction relative to the former gasoline tanks. Both soil and grab groundwater samples will be collected for chemical analysis for the parameters; Total Petroleum Hydrocarbons as gasoline and BTEX (benzene, toluene, ethyl benzene and xylene). This work plan is accepted. Please contact me at least **72 working hours** prior to this field, so I may arrange a site visit, if possible. Please initiate this work within 45 days of this work plan approval.

Though it is hoped that these two borings will be sufficient to determine the limits of both soil and groundwater contamination, you are not limited to only two borings with this work plan approval. Should field observations indicate the need to investigate further downgradient of the tank pit, our office approves of additional borings. You may, however, be limited in the number or locations of borings by other City or County agencies. Please check with them if you want this option.

You may contact me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files

Mr. M. Varney, Bernabe & Brinker, Inc., 2240 Wood St.,
Oakland, CA 94607

wpap1200

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

March 27, 1997
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

Re: 1200 E. 12th St., Oakland CA 94606, Former Cooper Tire Shop

Dear Mr. Baston:

Our office has received and reviewed the March 20, 1997 **Tank Closure Report** provided by Bernabe & Brinker. The report details the soil sampling beneath the two former 500 gallon gasoline tanks along the northern side of this site on July 23, 1996. In addition, samples from the spoils pile generated from the excavation was sampled.

Recall, the initial soil sample results detected 760 ppm (parts per million) TPHg (Total Petroleum Hydrocarbons as gasoline) and ND, 0.59, 4.0 and 9.1 ppm BTEX (benzene, toluene, ethylbenzene and xylenes) respectively, in soil sample S-1, the sample from the west end of Tank 1. All other soil samples were unremarkable. However, because of this result, additional overexcavation was performed in this area on August 16, 1996. Excavation was performed from 8-9 feet down to approximately 14 feet and two soil samples taken which were composited into one sample labeled SA-1,2. This sample detected 210 ppm TPHg, and 0.28, 0.31, 1.7 and 4.9 ppm BTEX, respectively. Two soil samples from beneath the former fuel dispensers were also taken for analysis. Little to no contaminants were found in the samples from beneath the dispenser. Based upon these results, further investigation is required to determine the extent of soil contamination and determine if groundwater has been impacted with petroleum hydrocarbon. Our office encourages the use of a temporary rapid site assessment tool ie Hydropunch, Geoprobe etc. to perform this additional investigation. At a minimum, two borings should be advanced downgradient of Tank 1. Soil and groundwater samples should be taken for analysis. Chemical analysis should be for the following parameters; TPHg and BTEX.

Please submit a work plan to perform the above additional subsurface investigation within 30 days or by April 28, 1997.

Mr. Robert Baston
StID # 3284
1200 E. 12th St.
March 27, 1997
Page 2.

Please contact me at (510) 567-6765 if you have any questions.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

c: B. Chan, files
Mr. J. Brinker, Bernabe & Brinker, 2240 Wood St., Oakland
CA, 94607

wp1200

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



March 10, 1997
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

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

SECOND NOTICE OF VIOLATION

Re: 1200 E. 12th St., Oakland CA 94606, Former Cooper Tire Shop

Dear Mr. Baston:

In regards to the two former underground gasoline tanks at the above site, our office wrote to you in my August 30, 1996 and December 3, 1996 letters, each time, requesting the submittal of your tank closure report and a work plan for additional subsurface investigation. The last correspondence requested the technical documents by January 3, 1997. To date, our office has not received the requested reports.

I understand that the delay is attributable to the failure of the SWRCB Cleanup Fund to provide pre-approved payment for these items. Please be aware that prior to issuing a Letter of Commitment (LOC), the Cleanup Fund checks with our office to insure that the site is in compliance. Only when the site is in compliance will a Letter of Commitment be issued. Compliance means that the site is taking efforts to further and complete their investigation in a timely manner. At this time, your site is not in compliance. You must provide the requested reports and perform the additional site investigation to come be in compliance. At this time, you are in jeopardy of being ineligible for the Cleanup Fund and being required to appear at a Pre-enforcement Hearing at the County's offices.

Please submit the requested reports and be prepared to have perform the additional site characterization previously discussed. You should submit the reports **within 15 days or by March 26, 1997**. You may call me at (510) 567-6765 if you have any questions.

Sincerely,

Barney M. Chan
Hazardous Materials Specialist

c: J. Alt, Epigene International, 38750 Paseo Padre Parkway,
Suite A-11, Fremont, CA 94536

B. Chan, files
2NOV1200

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



December 3, 1996
StID # 3284

Mr. Robert Baston
61 Skyway Lane
Oakland CA 94619

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

NOTICE OF VIOLATION

Re: 1200 E. 12th St., Oakland CA 94606, Former Cooper Tire Shop

Dear Mr. Baston:

In regards to the two former underground gasoline tanks at the above site, our office wrote to you in my August 30, 1996 letter. Enclosed, please find a copy. In this letter, you were requested to submit a work plan for the advancement of a minimum of one soil boring in the downgradient direction relative to the former gasoline tanks. Based upon the results of this investigation, it would be determined if your site could be "closed" with no further action required. You were requested to submit a work plan for the installation of the soil boring by September 30, 1996. To date, our office has yet to receive the requested report.

In addition, our office requests a copy of the Underground Tank Closure report for this site. This report should include, at a minimum: a narrative of prior activities at the site, copies of all analytical results of all samples taken, copies of manifests for all hazardous waste (tanks, product, etc.), site map indicating location of sampling points and copies of the receipts for the disposal of contaminated soils generated from the removal.

Please submit a work plan to perform this additional investigation along with your tank closure report **within 30 days or by January 3, 1997.**

This is a formal request for technical reports pursuant to the California Health and Safety Code Sections 25299.37 and 25299.78 and the Water Code Section 13267 (b). The failure to submit the requested reports may lead to civil liability.

You may call me at (510) 567-6765 if you have any questions.

Mr. Robert Baston
1200 E. 12th St.
StID # 3284
December 3, 1996
Page 2.

Sincerely,



Barney M. Chan
Hazardous Materials Specialist

enclosure

c: J. Alt, Epigene International, 38750 Paseo Padre Parkway,
Suite A-11, Fremont, CA 94536
B. Chan, files
NOV1200E12

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTIONS SHEET ON THE BACK PAGE OF THIS FORM. SIGNED: <i>Barney Chan</i> DATE: <i>8/14/96</i>	
REPORT DATE 0 <u>M</u> 7 <u>M</u> 2 <u>D</u> 3 <u>D</u> 9 <u>Y</u> 6 <u>Y</u>		CASE # _____			
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT James E Brinker		PHONE (510) 451-3482		SIGNATURE <i>James E. Brinker</i>
	REPRESENTING <input checked="" type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OTHER _____		COMPANY OR AGENCY NAME Bernabe & Brinker, Inc.		
	ADDRESS 2240 Wood Street, STREET Oakland, CITY Ca., STATE 94607 ZIP				
RESPONSIBLE PARTY	NAME Robert Baston <input type="checkbox"/> UNKNOWN		CONTACT PERSON Robert Baston		PHONE (510) 569-2252
	ADDRESS 61 Skyway Lane, STREET Oakland, CITY Ca., STATE 94619 ZIP				
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Cooper Tires		OPERATOR Bob Baston		PHONE ()
	ADDRESS 1200 12Th. St., STREET Oakland, CITY Ca., COUNTY 94607 ZIP				
	CROSS STREET 12Th Avenue				
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME Alameda County Health		CONTACT PERSON Barney Chan		PHONE (510) 567-6765
	REGIONAL BOARD		PHONE ()		
SUBSTANCES INVOLVED	(1) NAME		QUANTITY LOST (GALLONS)		
	(2) Leaded Gasoline		<input checked="" type="checkbox"/> UNKNOWN		
DISCOVERY/ABATEMENT	DATE DISCOVERED 0 <u>M</u> 7 <u>M</u> 2 <u>D</u> 2 <u>D</u> 9 <u>Y</u> 6 <u>Y</u>		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER _____		
	DATE DISCHARGE BEGAN _____ <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER _____		
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE _____				
SOURCE/ CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER _____		CAUSE(S) <input checked="" type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input checked="" type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER _____		
	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY				
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input checked="" type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT) _____				
COMMENTS	ENVIRONMENTAL PROTECTION				
	96 AUG -2 PM 4:15				

1

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

1131 Harbor Bay Pkwy
Alameda CA 94502
510/567-6700

II, III

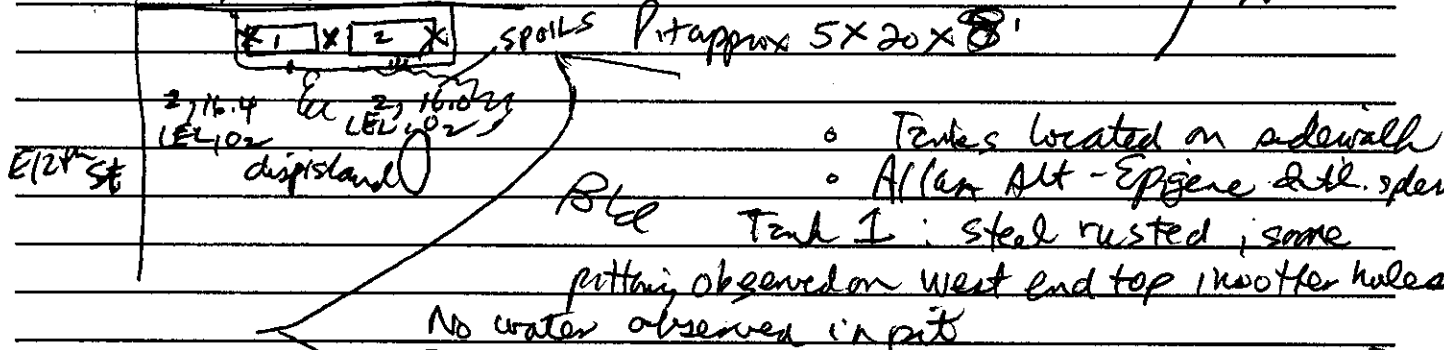
Site ID # _____ Site Name Former Cooper Tire Today's Date 7/23/96
Site Address 1200 E 12th St
City Oakland Zip 94606 Phone _____

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?
Inspection Categories:
____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials
 III. Under ground Storage Tanks Removal

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

Witness the removal of 2 approx 500 gal gasoline tanks
Contractor: Bernabe J. Bunker
OFD: Britt Johnson
Mr Robert Baston preparator present
12th Ave



Handler - Erickson, 602668 exp 5/96 one live on west top obs.
Spoils - Approx 25 cu

Piping observed on south side of pit, assumed to run towards deep.
Soil sples: west end T1, blue green clay w/ gas odor
mid tank syle between tanks, " " " mild aged odor of gas
east end of T2, blue-green moist silty clay - mild gas odor
syles taken approx 1-2' beneath tank into native soil

Contact Alan P. Alt
Title Project Man
Signature _____

Inspector B. Chan
Signature B. Chan

II, III

2

white - env. health
yellow - facility
pink - files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy
Alameda CA 94502
510/567-6700

Hazardous Materials Inspection Form

II, III

Site ID # _____ Site Name Former Copper Inc Today's Date 7/23/96
Site Address 1200 E 12th St
City Oak Zip 94606 Phone _____

_____ MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

_____ I. Haz. Mat/Waste GENERATOR/TRANSPORTER

_____ II. Hazardous Materials Business Plan, Acutely Hazardous Materials

III. Under ground Storage Tanks Removal

* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

Comments:

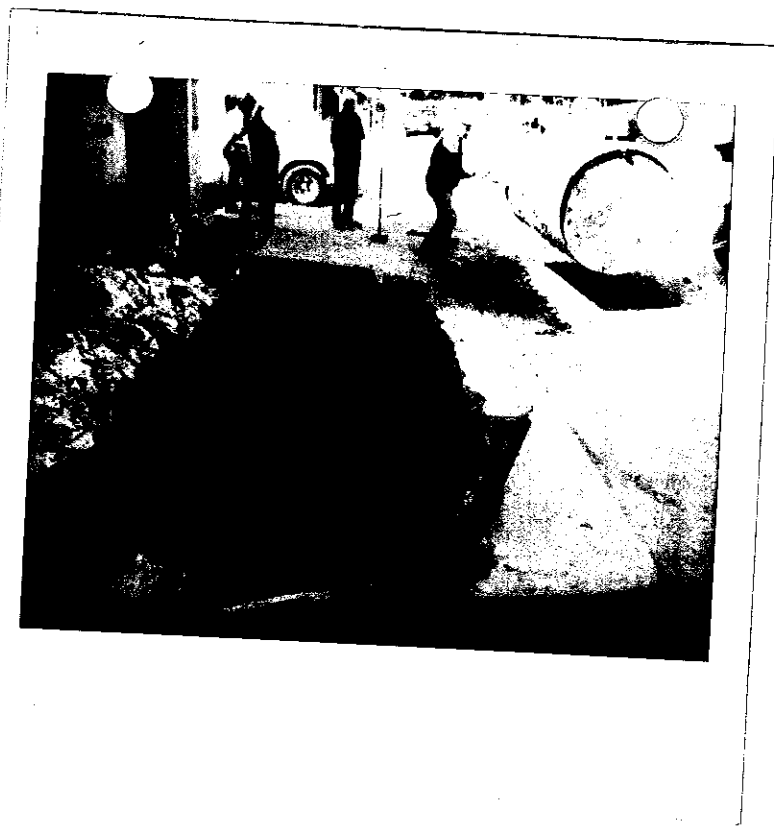
Spools will be disposed to landfill
Pit will be backfilled w/ AB rock to grade to
avoid an open pit alongside the street
- Pls cap all pipes extending into pit
- When island is demolished & removed plse
contact me to witness dispenser samples
- Pls have sples for TPTHg, BTEX + lead

510-567-6765

Contact Alan P. Alt
Title Project Mgr
Signature _____

Inspector B. Chan
Signature B. Chan

II, III



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH
 ENVIRONMENTAL PROTECTION DIVISION
 1131 HARBOR BAY PARKWAY, RM 250
 ALAMEDA, CA 94502-6577
 PHONE # 510/567-6700
 FAX # 510/337-9335

B. Chan
 Project Specialist
 6/21/76
 note address in fee

ACCEPTED

Underground Storage Tank Closure Permit Application
 Alameda County Division of Hazardous Materials
 1131 Harbor Bay Parkway, Suite 250
 Alameda, CA 94502-6577

These closure/removal plans have been received and found to be acceptable and essentially meet the requirements of State and Local Health Laws. Changes to your closure plans indicated by this Department are to assure compliance with State and local laws. The project proposed herein is now released for issuance of any required building permits for construction/destruction.

One copy of the accepted plans must be on the job and available to all contractors and craftsmen involved with the removal.

Any changes or alterations of these plans and specifications must be submitted to this Department and to the Fire and Building Inspections Department to determine if such changes meet the requirements of State and local laws. Notify this Department at least 72 hours prior to the following required inspections:

- Removal of Tank(s) and Piping
- Sampling
- Final Inspection

Issuance of a) permit to operate, b) permanent site closure, is dependent on compliance with accepted plans and all applicable laws and regulations.

THERE IS A FINANCIAL PENALTY FOR NOT OBTAINING THESE INSPECTIONS:

Contact Specialist:

UNDERGROUND TANK CLOSURE PLAN

*** * * Complete according to attached instructions * * ***

1. Name of Business Former Cooper Tire Shop
 Business Owner or Contact Person (PRINT) Bob Baston

2. Site Address 1200-East 12th Street
 City Oakland Zip 94606 Phone 510-569-2252

3. Mailing Address 61 Skyway Lane
 City Oakland, CA. Zip 94619 Phone 510-569-2252

4. Property Owner Bob Baston
 Business Name (if applicable) _____
 Address 61 Skyway Lane
 City, State Oakland, CA. Zip 94619

5. Generator name under which tank will be manifested
Bob Baston

EPA ID# under which tank will be manifested C A C 0 0 1 1 0 9 8 5 6

6. Contractor Bernabe and Brinker, Inc.
Address 2240 Wood Street
City Oakland, CA. 94607 Phone 510-451-3482
License Type* A - Haz ID# 610617

*Effective January 1, 1992, Business and Professional Code Section 7058.7 requires prime contractors to also hold Hazardous Waste Certification issued by the State Contractors License Board.

7. Consultant (if applicable) James E. Brinker
Address 2240 Wood Street
City, State Oakland, CA. 94607 Phone 510-451-3482

8. Main Contact Person for Investigation (if applicable)
Name James E. Brinker Title Cnsultant/Contractor
Company Bernabe and Brinker, Inc.
Phone 510-451-3482

9. Number of underground tanks being closed with this plan 2
Length of piping being removed under this plan 40 feet
Total number of underground tanks at this facility (**confirmed with owner or operator) 2 (two)

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**** Underground storage tanks must be handled as hazardous waste ****

a) Product/Residual Sludge/Rinsate Transporter

Name Waste Oil Recovery Systems EPA I.D. No. CAD000626515
Hauler License No. 843 License Exp. Date July 31, 1996
Address 6401 Leona Street
City Oakland, State CA Zip 94605

b) Product/Residual Sludge/Rinsate Disposal Site

Name Dememno-Kerdoon EPA ID# CAT080013352
Address 2000 North Alameda
City Compton State CA Zip 90222

c) Tank and Piping Transporter

Name Erickson Inc. EPA I.D. No. CAD009466392
Hauler License No. 0019 License Exp. Date May 5, 1997
Address 55 Parr Blvd.
City Richmond State CA Zip 94801

d) Tank and Piping Disposal Site

Name Erickson Inc. EPA I.D. No. CAD009466392
Address 55 Parr Blvd.
City Richmond State CA Zip 94801

11. Sample Collector

Name John Alt
Company Epigene International
Address 38750 Paseo Padre Parkway
City Fremont State CA Zip 94536 Phone 510-791-1986

12. Laboratory

Name McC Campbell Analytical
Address 110-2nd Avenue South #7
City Pacheco State CA Zip 94533
State Certification No. 1644

13. Have tanks or pipes leaked in the past? Yes[] No[] Unknown[x]

If yes, describe. _____

14. Describe methods to be used for rendering tank(s) inert:

CO2, Dry Ice 50,000 gallon

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be permanently plugged.

The Bay Area Air Quality Management District, 415/771-6000, along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of a combustible gas indicator to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas indicator on-site to verify that the tank is inert.

15. Tank History and Sampling Information *** (see instructions) ***

Tank		Material to be sampled (tank contents, soil, groundwater)	Location and Depth of Samples
Capacity	Use History include date last used (estimated)		
500 gallon	Leaded gasoline Empty for the last 20 years	soil Groundwater	2 feet below the bottom of the tank If Possible
500 gallon	Leaded Gasoline Empty for the last 20 years	Soil	2 feet below the bottom of the tank

One soil sample must be collected for every 20 linear feet of piping that is removed. A ground water sample must be collected if any ground water is present in the excavation.

Excavated/Stockpiled Soil

<p>Stockpiled Soil Volume (estimated)</p> <p>50 cu./yards</p>	<p>Sampling Plan</p> <p>Composite 3 every 25 cu./yards</p>
--	---

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting.

Will the excavated soil be returned to the excavation immediately after tank removal? [] yes [x] no [] unknown

If yes, explain reasoning _____

If unknown at this point in time, please be aware that excavated soil may not be returned to the excavation without prior approval from Alameda County. This means that the contractor, consultant, or responsible party must communicate with the Specialist IN ADVANCE of backfilling operations.

16. Chemical methods and associated detection limits to be used for analyzing samples:
 The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed.
 See attached Table 2.
17. Submit Site Health and Safety Plan (See Instructions)

Contaminant Sought	EPA or Other Sample Preparation Method Number	EPA or Other Analysis Method Number	Method Detection Limit
TPH Gasoline BTX&E	GCFID (5030) 8020 or 8240		1 ppm gas
TPH AND BTX&E	<i>OR</i> 8260		1ppb BTX&E
<i>Total lead</i>		<i>AA or ICAP</i>	

18. Submit Worker's Compensation Certificate copy

Name of Insurer State Workmen's Comp.

19. Submit Plot Plan ***** (See Instructions) *****

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery.

The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.

22. Submit a closure report to this office within 60 days of the tank removal. The report must contain all information listed in item 22 of the instructions.

23. Submit State (Underground Storage Tank Permit Application) Forms A and B (one B form for each UST to be removed) (mark box 8 for "tank removed" in the upper right hand corner)

I declare that to the best of my knowledge and belief that the statements and information provided above are correct and true.

I understand that information, in addition to that provided above, may be needed in order to obtain approval from the Environmental Protection Division and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

CONTRACTOR INFORMATION

Name of Business Bernabe and Brinker, Inc.

Name of Individual James E. Brinker

Signature _____ Date June 20, 1996

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business Former Cooper Tire Shop

Name of Individual Bob Baston

Signature [Handwritten Signature] Date June 20, 1996

Submit Worker's Compensation Certificate copy

Name of Insurer State Workmen's Comp.

19. Submit Plot Plan ***** (See Instructions) *****

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery.
The written report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report (ULR) form.

22. Submit a closure report to this office within 60 days of the tank removal. The report must contain all information listed in item 22 of the instructions.

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I declare that to the best of my knowledge and belief that the statements and information provided above are correct and true.

I understand that information, in addition to that provided above, may be needed in order to obtain approval from the Environmental Protection Division and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

CONTRACTOR INFORMATION

Name of Business Bernabe and Brinker, Inc.

Name of Individual James E. Brinker

Signature James E. Brinker Date June 20, 1996

PROPERTY OWNER OR MOST RECENT TANK OPERATOR (Circle one)

Name of Business Former Cooper Tire Shop

Name of Individual Bob Baston

Signature Robert B. Baston Date June 20, 1996