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September 20, 2011

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SUBJECT: RESPONSIBLE PARTY PERJURY STATEMENT FOR ALAMEDA COUNTY FTP WEBSITE FOR THE LETTER REPORT (SEPTEMBER 19, 2011) REQUESTING UST SITE CLOSURE FOR THE UNDERGROUND STORAGE TANK INVESTIGATION AREA (I.E. THE FORMER GLOVATORIUM) LOCATED AT 3820 MANILA Ave., Oakland, California 94611

To Alameda County Environmental Health,

"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."

Sincerely,

Stuart Depper

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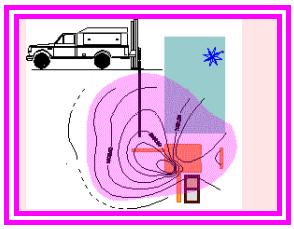

September 19, 2011

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SUBJECT: LETTER REPORT REQUESTING UST SITE CLOSURE FOR THE UNDERGROUND STORAGE TANK INVESTIGATION AREA (I.E. THE FORMER GLOVATORIUM) LOCATED AT 3820 MANILA Ave., Oakland, California 94611

Jerry,

This technical report, requests UST site closure, and is submitted on behalf by the property owner, Stuart Depper, of the former Glovatorium.

To date, approximately two million dollars ($2,000,000) has been expended on corrective action for this site over the past 14 years. The site is comprised of a 20,000 square foot commercial property situated on a main thoroughfare in the City of Oakland.

A commercial property situated on a main thoroughfare in the City of Oakland should have provided leases for small businesses and jobs for local citizens. Furthermore, the City has had no benefit of the additional tax revenue from commercial activity for 14 years, during which time, the site was not leased.

Continued corrective action will merely prolong the economic underutilization this property imposes on the local community.

Although the Stoddard solvent discharged from the UST onsite is not a significant health threat, PCE has also been identified in the subsurface. So, it appears that the extensive cleanup that has been required, and completed to date, was to diminish the concentrations of PCE and related chlorinated solvents that were considered to be a health threat in the past. It has been long since established that the groundwater beneath the site has had no known beneficial uses to date which would impact human health. In summary, dissolved PCE has exhibited low and decreasing concentrations over many years in representative groundwater monitor wells at this UST site due to aggressive and effective cleanup activities and natural attenuation.

Residual PCE in soil has been greatly reduced by remediation efforts to the extent that it is not contributing significantly to the dissolved plume and does not pose a significant health threat to workers in a commercial zoning scenario.

A soil vapor survey performed at the residential properties down gradient of the site demonstrated that the chlorinated solvents beneath these properties are not likely to be a threat due to the intrusion to indoor air of PCE vapors due to a shallow cap of clayey soils which lies above the PCE contamination and below the slab beneath the houses. Dissolved benzene and MTBE have not been demonstrated to be significant constituents of concern because the concentrations have always been relatively low. This is most likely due to the fact that the USTs

at the site were primarily used to store Stoddard solvent and not routinely store fuels such as gasoline.

Interpretation of water quality data from representative groundwater monitor wells have been evaluated in this technical report for changing trends of dissolved concentrations of PCE in groundwater beneath the site. In addition, it appears that the dissolved TCE, a break down product of the PCE, should therefore decrease in concentration soon after the parent chemical, PCE, has diminished. Estimates of these decreasing trends indicate that these chlorinated solvents will reach water quality objective in a reasonable period of time.

Finally, the presence of free product is identified infrequently in more recent groundwater monitor events as it has been removed to the extent practicable during groundwater and soil cleanup activities.

Free product has been removed to the extent "practicable." According to the water code and State Board Resolution 92-49, the cost of cleanup should bear a reasonable relationship to the benefit to the safety of the people of California. Continued subsurface assessment of a small volume of mobile free floating Stoddard solvent product overlain by thick clayey soils, with low permeability, is a futile effort that should be abandoned.

There have been no active water supply wells, identified to date, within 2,000 feet of the site. Therefore it is unlikely that there is anyone in the vicinity of the site that is going to be drinking chlorinated solvent contaminated water. There are no other sensitive receptors in the area that will be coming into contact with the contaminated water from beneath the site (*Human Health Risk Assessment and Request for Closure, September 30, 2004, by SOMA, pages 16 thru 18*).

The environmental status of the site presented in this technical report is based upon technical reporting provided in the State Geotracker data base and the Alameda County ftp Website for the addresses specified in this report only which was available on the internet, prior to September 2011.

This report has been prepared in accordance with generally accepted environmental, geological and engineering practices. No warranty, either expressed or implied, is made as to the professional advice presented herein. The analyses, conclusions and recommendations contained in this report are based upon site conditions as they existed at the time of the investigation and they are subject to change. The conclusions presented in this report are professional opinions based solely upon visual observations of the site and vicinity, and interpretation of available information as described in this report. Franklin J. Goldman, recognizes that the limited scope of services performed in execution of this investigation may not be appropriate to satisfy the needs, or requirements of other state agencies, or of other users. Any use or reuse of this document or its findings, conclusions or recommendations presented herein, is done so at the sole risk of the said user.

Sincerely,

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