

John P. Cummings & Associates

Environmental Consultants HAZMAT

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File No. 0194022.00
September 29, 1994

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
Alameda County
Health Care Services Agency
Department of Environmental Health
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577

Re: Hiro's Nursery,
1630 - 162nd Avenue
San Leandro, CA

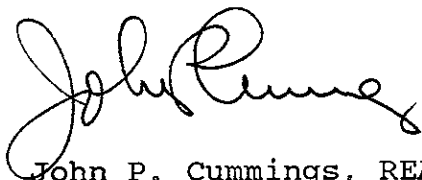
Dear Mr. Seery:

Mr. and Mrs. Fukushima sent the documents which you had sent to them with your letter dated 23 September 1994. I noted that for each submission, a copy of the Statement of Qualifications and Resumés of the parties doing or supervising the proposals, work and reports are required.

Please find enclosed a copy of The Statement of Qualifications for John P. Cummings and Associates (JPCA) with resumés for John N. Alt, CEG #1136 and John P. Cummings, Principal for the workplan for the subject property.

If there are any questions, please call me at 510-505-0722.

Sincerely,



John P. Cummings, REA, REP, CHMS
Principal

cc: Hiroshi Fukushima

Enclosures

INTRODUCTION

John P. Cummings and Associates (JPCA) is a small environmental consulting and engineering firm. The principal, John P. Cummings and the associates have over 150 years of experience in solving environmental problems for a variety of clients, including large and small businesses, legal firms, developers, banks, financial firms, local, state and federal government entities. This varied experience and special knowledge of the firm's principal and associates enable JPCA to solve problems of a widely diversified nature.

The firm specializes in design, development, evaluation, management and operation of methods to solve both solid waste and hazardous material problems. JPCA was developed to provide comprehensive environmental services with emphasis on cost and quality control.

JPCA has registered engineers, geologists, chemists and other scientists, as well as licensed general and hazardous material contractors, who are available to solve environmental problems for both public and private clients.

The following sections describe some of the experience, education and personnel capabilities in greater detail.

EXPERIENCE AND QUALIFICATIONS

JPCA has engineers, geologists, scientists, planners and other professionals with wide and diverse experience in environmental engineering, consulting and contracting.

Routine services offered by these professionals include the following:

- * Toxic and hazardous waste assessments related to real estate transactions
- * Real Estate site audits
- * Asbestos and Lead inspections and management
- * Asbestos and Lead abatement plans
- * Prepare Hazardous Material Management Plans (HMMP)
- * Underground Storage Tank (UST) Assessments and Removals
- * Soil and Groundwater Characterizations
- * Soil and Groundwater Remediations
- * Industrial Process Waste Minimization, Reduction and Recycling
- * Solid Waste Management, Resource Recovery and Waste Minimization
- * Physical and chemical sampling, testing, and analytical interpretation
- * Energy Audits
- * Storm water "runoff" plans
- * Environmental Permitting
- * Expert Witness
- * Hydrogeologic evaluations of hazardous and/or toxic sites
- * Environmental Impact Studies
- * Certified Clean-up and Remediation of Former Illegal Drug Operational sites.
- * Training for OSHA and EPA Compliance

REAL ESTATE SITE ASSESSMENTS

Most buyers and many lenders to reduce liability, currently require Phase I environmental audits to ascertain whether an environmental risk exists due to prior use of the real property. JPCA professionals have been performing chemical, toxic, hazardous and asbestos site assessments for these transaction for several years. These Phase I assessments were conducted for business of all sizes, banks, financial institutions, developers and others.

The site assessments conducted by JPCA include the search of governmental files, lists and records, questionnaires, telephone surveys, aerial photographic interpretation, field investigations, and a written report of the work. The report in a typical project of this type includes a summary, conclusions and recommendations.

If, after the initial phase is completed, JPCA will determine if additional investigation is recommended for the particular site. In some cases additional work is required. If contaminants are suspected to be present in the structure, on the surface or subsurface of a site, then sampling within the structure, drilling, soil and possibly groundwater samples are collected to characterize the parcel.

In cases where contaminants are found in the structure, soil or groundwater, JPCA will recommend and at the clients' request conduct remedial actions. The remedial action recommended will be the most cost efficient and time relative process which may be groundwater treatment, free product recovery, soil excavation, toxic/hazardous material removal or treatment.

In situations where asbestos containing materials (ACM) or lead are suspected, samples will be acquired and analysis completed. The methods for removal, isolation, abatement and/or management of these contaminants will be reported. JPCA will provide engineering oversight for abatement of these materials.

In cases where toxic/hazardous materials or wastes have been stored, spilled or leaked within a structure or contained in vessels on the property JPCA will manage the permitting, containerization, packaging, labelling, manifesting, transportation, and disposal of those materials. This process has been used for pesticide contaminated soils, automobile repair or servicing facilities, print shops and methamphetamine (illegal drug) laboratories, just to mention a few cases.

UNDERGROUND STORAGE TANKS

John P. Cummings was involved in Underground Storage Tanks (UST) and other storage vessels well before state and national attention began to focus on this issue. He was a fuels officer in the U S Air Force, for many years, responsible for fuels, lubricating oils and grease. He has been involved with the assessment, excavation removal and remediation of many UST sites. This experience includes UST that contained chemical as well as fuel products.

Several of the Associates have a wealth of experience in UST management, removal, replacement engineering, disposal and assessment for remedial work. JPCA will perform complete UST excavation, removal, characterization of the soil for contamination, if any, compact fill the UST excavation and pave site as needed.

JPCA has performed site assessments where abandoned UST were discovered. In these situations the removal of the UST and remediation (when required) was completed in a timely and cost effective way within the regulatory requirements for the site. The tanks were emptied, rinsed, filled with dry ice and transported from the site to a state licensed disposal facility. This was accomplished as quickly as possible to reduce construction delays or close of escrow complications. When possible, the extent of contamination (if any) from the leaking tanks was determined at the time of removal.

In many of the situations where JPCA is requested to work on a site, the UST was removed or destroyed in place and contamination exists or is suspected to exist in the soil and/or groundwater. JPCA conducts a characterization investigation of such a site to determine what contamination and the extent of such contamination in the soil and groundwater.

When contamination has been identified in the soil or groundwater, JPCA will propose, design, permit, install, operate, manage, evaluate and report on a remediation program to remove the contamination.

PERSONNEL

The Associates available to JOHN P. CUMMINGS and ASSOCIATES (JPCA) include many professionals who have interdisciplinary backgrounds, as well as multidisciplinary training and experience.

With the Associates, JPCA can develop a project team with appropriate experience, training and educational backgrounds to successfully solve the environmental tasks that are required for our clients on a custom basis.

Some of the Associates, with their qualifications, are listed below.

John P. Cummings, Principal, is a chemist, engineer and attorney. He is a California Registered Environmental Assessor, National Registered Environmental Professional and an EPA Certified Asbestos Inspector and Management Planner. He has performed innumerable site assessment with complete asbestos, lead, PCB, toxic and hazardous material characterization, for several major law firms, real property brokers, developers and national financial institutions as well as for individual property owners.

He has managed the removal of several hundred Underground Storage Tanks (UST). This work was for both private and government clients. Most recently he completed the removal, replacement and characterization of all the UST at Oakland Army Base.

Dr. Cummings is qualified with over thirty years of experience in hazardous/toxic waste project management and pollution abatement implementation. Beside holding a PhD. in Chemistry, a Masters in Civil Engineering and a JD in Law, he is a registered attorney and practiced environmental law. He has over 35 publications and is a patentee. His resume is attached.

John N. Alt, Senior Associate, is a California Certified Engineering Geologist (CEG #1136) with over twenty two years of experience in geological investigation and assessment. He has performed geological investigations focusing on providing innumerable site characterization identifying the type and the concentrations of contamination present in the subsurface soil and groundwater. He has ascertained subsurface water contamination migration based on the geologic conditions.

He has performed many real property site assessments for both commercial and residential projects.

Mr. Alt has worked on a myriad of projects both in the United States and other countries. These multidisciplinary projects required his geology, hydrology, seismology, geophysical and engineering experience and training,

Mr. Alt is also a Registered Geologist and a trained land surveyor who has authored or co-authored several scholarly publications.

James J. Hoblitzell, Associate Engineer, is a California Licensed General Engineering and Hazardous Substances Contractor. He is a California Registered Environmental Assessor and Hazardous Materials Technician. He is a Graduate of the U S Naval Academy.

Mr. Hoblitzell has extensive experience as a biomass consultant. He prepared the fuel studies directed the permitting for a 21 Megawatt wood burning co-generation facility. He has also been involved with the fuel preparation, transportation and logistics for more than ten other biomass co-generation facilities. He has over 20 years of general, building and hazardous material contractor experience. He has had innumerable projects which required the removal, transportation and disposal or remediation of hazardous wastes. He has managed over seventy emergency spill cleanups for railroads, trucking firms and governmental agencies. He has been the responsible contractor for the removal of over one thousand Underground Storage Tanks (UST).

He has several years construction loan officer experience with several financial institutions and was a director of a bank.

His principal location is in California but has worked in several other states and Mexico.

Hugh R. Rhys, Associate Engineer, is a California Registered Professional Engineer and a California Certified Environmental Planner.

Mr. Rhys has over twenty nine years of technical and management experience in applications engineering. He has both shop and field experience as well as design management for several waste to energy projects, solid waste processing with materials recovery and recycling of municipal and process wastes. He has designed bulk handling equipment and process equipment for solid wastes and biomass systems.

He has extensive experience in solid waste recovery, handling and process design. He was the engineer on the first Municipal Recovery Facility (MRF),

Mr Rhys has had assignments in Great Britain, Europe and the Far East. His principle place of business is in California but does travel to Canada as required.

He is responsible for about thirty process design and materials processing patents.

Kent A. Madenwald, Associate Engineer, is a California Registered Environmental Assessor, National Registered Environmental Professional and an EPA Certified Asbestos Inspector and Management Planner. He is a Registered Professional Engineer and Geologist. He has provided management of UST systems and removals for several large trucking terminals in California and the Western United States. He has developed remedial actions at several UST sites.

Mr. Madenwald has directed environmental remediation projects for contaminated groundwater in oilfields. He has designed and installed equipment for wastewater treatment in industrial laundries, completed equipment manuals for operating these treatment systems and developed abatement programs for boiler emissions.

He designed, operated and completed the bioremediation of over 5000 cubic yards of hydrocarbon contaminated soil. He designed and completed the remediation of 10,000 cubic yards of contaminated soil at a saving of some three million dollars to the client.

Carol M. Harper, Associate Scientist, has a Ph D. in biology with over 16 years experience in the preparation and defense of Environmental Impact Statements (EIS), Environmental Impact Reports (EIR), and Permitting Applications. She has developed supplemental materials in the NEPA evaluation process and for equivalent state programs. She has managed environmental assessments in 20 state and 4 countries ranging from water quality assessments to demilitarization of chemical weaponry.

Dr. Harper was the Project Scientist for Bechtel Corporation in the design of alternatives and preparation of a joint EIR/EIS for the treated wastewater disposal on South San Francisco Bay. This EIR/EIS was prepared for Region IX of the EPA and the South Bay Discharge Authority. Subsequent to the EIR/EIS approval, Dr. Harper directed, successfully, the preparation of a 5-year receiving water quality monitoring program and a NPDES permit renewal application.

Dr. Harper has been the Project Manager of several large scale environmental programs for both the public and private sector.

CLIENT REFERENCES

FOOTHILL THRIFT and LOAN
30343 Canwood Street, Suite 100
Agoura Hills, CA 91301
(818) 706-0131
Jonathan A. Grossman, Vice President

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Robert A. Buchman, Esq., Partner
Robert W. Shapiro, Esq., Partner

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Richard R. Dewey, Jr., President

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580 Market Street
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Robert P. Gates, Esq., Partner

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Dan Cort, President

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Pleasanton, CA 94588-3346
(510) 460-0900
Milton E. Righetti, Esq., Partner

John N. Alt

Consulting Geologist

EXPERTISE

Engineering Geologist
Site Characterization

ADDRESS

Epigene International
38750 Paseo Padre Parkway, Suite B-4
Fremont, Ca. 94536
(510)791-1986
FAX 791-3306

PROFESSIONAL HISTORY

Epigene International, Fremont, California, Principal Geologist, 1988-present
Aqua Resources, Inc., Berkeley, California, Principal Engineering Geologist, 1986-1988
Epigene, Inc., Fremont, California, Principal Geologist, 1984-1986
Woodward-Clyde Consultants, San Francisco, California, Senior Project Geologist,
1973-1984
United States Geological Survey, Engineering Geology Branch, Menlo Park, California,
Geologist, 1971-1973
Bryan and Associates, Norwalk, Connecticut, Land Surveyor, 1964-1968

PROFESSIONAL REGISTRATION

Registered Geologist: California (#3446)
Certified Engineering Geologist: California (#1136)

EDUCATION

San Jose State University, San Jose, California: Graduate Studies, Geology, 1971-1974
San Jose State University, San Jose, California: B.A. Geology. 1971
Paul Smith College, New York: A.A.S., Forestry, 1967

SUMMARY

Past experience has consisted of work on a wide variety of geology and engineering projects in the United States and around the world. These projects have been directed toward both environmental site characterization and providing geologic data and

interpretation for the siting, design, and licensing of: dams and hydroelectric projects; pipelines and storage tanks; solid waste landfills; nuclear power plant and nuclear waste disposal sites; industrial and residential development projects; and other engineered facilities.

Investigations have involved the assessment of soil and groundwater contamination, seismic and volcanic hazards, slope stability problems, foundation and excavation considerations, borrow material location and characteristics and adverse soil conditions including expansive soils and permafrost. Served as project manager for many of the projects both in the United States and abroad and coordinated multi-disciplinary projects involving geology, hydrology, seismology, geophysical and engineering investigations

REPRESENTATIVE EXPERIENCE

Over 20 years of experience in hydrogeology and engineering geology investigations. Over the past 8 years, many of these investigations have been directed toward the assessments and mitigation of soil and groundwater contamination. Selected examples are summarized below:

- o Project manager for Preliminary Assessment and Site Characterization investigations of a site located in Mountain View, California and included on the State Superfund List. The project involved defining the lateral and vertical extent of several plumes of industrial solvents and required the installation of monitoring, test and extraction wells screened in various aquifers underlying the site. Soil gas surveys were used to help define the extent of off-site migration of the shallow plume. A part of the project involved evaluating the contribution of up-gradient sources, to the groundwater contamination below the site. Preliminary Feasibility Studies were also carried out to assess cleanup alternatives for both contaminated soil and groundwater.
- o Involved in a Feasibility Study of a site in Sunnyvale, California that contained shallow groundwater contaminated with various solvents. The project involved the layout of extraction wells and the technical and economic review of various cleanup technologies. Two were selected for pilot testing.
- o Involved in a project to review the use of oils and solvents and help design procedures for recycling at the Subic Bay Naval Base in the Philippines.
- o Served as engineering geologist for the preparation of groundwater SWAT closure reports for landfill sites in Monterey, Calaveras and Placer counties.
- o Directed the installation of numerous vadose zone and groundwater monitoring wells. Collected soils and groundwater samples following quality control protocol in the collection and handling of the samples.

- o Carried out numerous environmental site assessments related to the conversion of agricultural or industrial property to residential and/or commercial use. Assessments included review of historical records, interpretation of aerial photographs, interviews, field reconnaissance, and sampling.

AFFILIATIONS

American Geophysical Union
Association of Engineering Geologists
Earthquake Engineering Research Institute
International Association of Engineering Geologists
Geological Society of America

PUBLICATIONS

Authored or co-authored numerous technical publications. A complete list is available upon request.

JOHN P. CUMMINGS, PH.D, R.E.A., R.E.P., J.D.

Professional Experience

Dr. Cummings is a chemist, environmental engineer, teacher and attorney who has over thirty years of experience in environmental project management, remedial design, with implementation of environmental programs and policies. He has a strong background in hazardous/toxic waste management, including pollution abatement implementation, solid waste management, resources recovery and recycling, asbestos assessment, lead audits and clean-up, legal aspects of OSHA and EPA litigation as well as product liability. He also has an extensive technical background in chemistry, ceramic, paper, and plastic materials. He is a patentee and authored over 40 papers.

Other experience includes:

- Completed over 130 site environmental assessments and developed remediation actions when required.
- Developed and managed the site safety plan, excavation, removal and disposition for over 200 underground storage tanks (UST). Then engineered and managed remediation programs when required.
- Expert witness on "Due Diligence" for Real Property Transfers, UST, soil and ground water remediation systems, hazardous waste projects.
- Completed over 20 Asbestos inspection, removal and compliance projects.
- Engineered, managed and evaluated over 35 contaminated soil remediation projects, including soil thermal treatment, bioremediation and Class I disposal.
- Taught at the University level Environmental Auditing Programs as well as courses in Chemistry, Law and Environmental Sciences.
- Consulted by industry on resource recovery or recycling, utilization of waste products, hazardous waste plans, handling, packaging, transportation and disposal of solid, hazardous and toxic materials, and environmental audits.
- Assisted in permitting of several solid waste facilities in California and other jurisdictions.
- Produced the County Hazardous Waste Management Plans and developed the Environmental Impact Reports for six Northern California counties.
- Developed risk assessment programs for two major industries

JOHN P. CUMMINGS (continued)

- Managed the Precision Tank Testing Program for a large Tank Testing Firm and has fifteen years experience as a Fuels Management Officer with the USAF.
- Prepared Preliminary Endangerment Assessments (PEA) of toxic/hazardous waste releases to comply with Dept. of Toxic Substances Control Regulations.
- Developed hazardous material reduction programs for several production operations.
- Performed recycling audits, system analysis, and source reduction programs for 15 facilities.
- Legal counsel for several small businesses for environmental legal matters including permitting, completion of abatement orders, and determination of compliance with federal, state, and local environmental regulation.
- Manager, Environmental Affairs - Responsible for Owens-Illinois environmental matters, permitting, recycling, resource recovery, hazardous solid waste management. Prime contact with customers and governmental agencies.
- Legal Counsel, Owens-Illinois, Inc. - Responsible for OSHA and EPA Compliance and Litigation. Worked extensively on asbestos defense litigation.
- Engineered, built, managed, and evaluated the first resource recovery Municipal Solid Waste Plant (MRF) for the EPA.
- Director of analytical services for Owens-Illinois, Inc.
- Responsible for several Air and Water Swats in conformance with the California Health and Safety Code Requirements
- Office Director and Vice President of an Environmental Engineering (consulting) Firm.
- Reviewed equipment for preparation (breakdown and sizing) of biomass for forest products and other waste to energy incineration.
- Reviewed possible use of the Susanville, CA incineration facility for medical waste disposal.
- Expert in glass melting, fining, batch operations, composition, furnace performance, raw material use, and abatement systems. He has been certified as a glass breakage expert by American Glass Research.

JOHN P. CUMMINGS (continued)

Education

B.S. - Chemistry, Saint Michael's College, Winooski, Vermont

M.C.E. - Environmental Engineering, University of Toledo, Toledo, Ohio

Ph.D. - Chemistry, University of Texas, Austin, Texas

J.D. - Law, University of Toledo, Toledo, Ohio

GRADUATE - Industrial College of the Armed Forces, Washington, D.C.

Affiliations

Sigma XI -RESA

American Chemical Society

American Society for Testing Materials

Solid Waste Association of North America (SWANA)

National Solid Waste Management Association

American Bar Association

Phi Alpha Delta

American Institute of Chemists

American Ceramic Society

Environmental Law Section, California Bar Association

Registrations and Certifications

Ohio Registered Attorney

California Registered Environmental Assessor

EPA Certified Asbestos Inspector and Management Planner

U.S. Board of Military Appeals Attorney

U.S. District Court Registered Attorney

40 Hour EPA Approved Hazardous Waste Operations Training

Certified for Emergency Response (CA Office of Emergency Services)

Registered Environmental Professional

8 Hour EPA Hazardous Waste Supervision Training

Nevada Registered Environmental Manager

Certified Hazardous Materials Supervisor (World Safety Organization)

Qualified for Self Contained Breathing Apparatus (SCBA)

04/15/94