



80047
ENVIRONMENTAL
PROTECTION
97 FEB 32 AM 9:00

CL
2op file



Pete Wilson
Governor

Cal/EPA
State Water
Resources
Control Board

FEB 27 1997

Division of
Clean Water
Programs

MELVIN KAUFFMAN
3515 YOSEMITE AVE W
LATHROP, CA 95330

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

UNDERGROUND STORAGE TANK CLEANUP FUND, CLAIM NO. 011819, FOR
SITE ADDRESS: 2552 SAN CARLOS AVE, CASTRO VALLEY 94546

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4307
FAX (916) 227-4530

The State Water Resources Control Board (State Board) is able to issue, pursuant to applicable regulations, the enclosed Letter of Commitment (LOC) in an amount not to exceed \$15,000. This LOC is based upon our review of the corrective action costs you reported to have incurred to date. The LOC may be modified by the State Board.

World Wide Web:
<http://www.swrcb.ca.gov/~cwphome/fundhome.htm>

It is very important that you read the terms and conditions in the LOC. The State Board will take steps to withdraw this LOC after 90 calendar days from the date of this letter unless you proceed with due diligence with your cleanup effort.

NOTE: You must also submit your first reimbursement request for the costs that you reported to have incurred within 90 calendar days from the date of this letter or submit a written explanation as to the status of the cleanup and when a reimbursement request can be expected. Failure to submit a request or an approved explanation may result in the removal of committed funds. Claims filed with the Underground Storage Tank Cleanup Fund far exceed the funding available and it is important that you make use of the funding that has been committed to your cleanup in a timely manner.

You are reminded that you must comply with all regulatory agency time schedules and requirements and you must obtain three bids for any required corrective action. Only corrective action costs required by the regulatory agency to protect human health, safety and the ~~envi~~environment can be claimed for reimbursement. Unless waived in writing, you are required to obtain preapproval of costs for all future corrective action work (form enclosed). If you have any questions on obtaining preapproval of your costs or the three bid requirement, please call Steve Marquez, our engineer assigned to claims in your Region, at (916) 227-0746. Failure to obtain preapproval of your future costs may result in the costs not being reimbursed.



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

FEB 27 1997


The following documents needed to submit your reimbursement request are enclosed:

- C "Reimbursement Request Instructions" package. Retain this package for future reimbursement requests. These instructions must be followed when seeking reimbursement for corrective action costs incurred after January 1, 1988. Included in the instruction package are samples of completed reimbursement request forms and spreadsheets.
- C "Bid Summary Sheet" to list information on bids received which must be completed and returned.
- C "Certification of Non-Recovery From Other Sources" which must be returned before any reimbursements can be made.
- C "Reimbursement Request" forms which you must use to request reimbursement of costs incurred.
- C "Spreadsheet" forms which you must use in conjunction with your reimbursement request.
- C "Claimant Data Record" (Std. Form 204) which must be completed and returned with your first reimbursement request.

We continuously review the status of all active claims. If you do not submit a reimbursement request or fail to proceed with due diligence with the cleanup, we will take steps to withdraw your LOC.

If you have any questions regarding the enclosed documents, please contact Cheryl Gordon at (916) 227-4539.

Sincerely,


Dave Deaner, Manager
UST Cleanup Fund Program

Enclosures

cc: Mr. Steve Morse
RWQCB, Region 2
2101 Webster St., Ste. 500
Oakland, CA 94612

Mr. Thomas Peacock
Alameda County EHD
1131 Harbor Bay Pkway, 2nd Fl.
Alameda, CA 94502-6577



Mark Out What Needs Changing and Hand to LOP Data Entry
(Name/Address changes go to Annual Programs Data Entry)

Insp:

AGENCY # : 10000 SOURCE OF FUNDS: F SUBSTANCE: 8006619
 StID : 2780 LOC:
 SITE NAME: (Former) EB Scaffolding Co. DATE REPORTED : 10/01/90
 ADDRESS : 2552 San Carlos Ave DATE CONFIRMED: 08/30/90
 CITY/ZIP : Castro Valley 94546 MULTIPLE RPs : Y

SITE STATUS

CASE TYPE: G CONTRACT STATUS: 4 PRIOR CODE:2A4 EMERGENCY RESP:
 RP SEARCH: S DATE COMPLETED: 07/14/92
 PRELIMINARY ASMNT: DATE UNDERWAY: DATE COMPLETED:
 REM INVESTIGATION: DATE UNDERWAY: DATE COMPLETED:
 REMEDIAL ACTION: DATE UNDERWAY: DATE COMPLETED:
 POST REMED ACT MON: DATE UNDERWAY: DATE COMPLETED:

ENFORCEMENT ACTION TYPE: 3 DATE ENFORCEMENT ACTION TAKEN: 09/27/93
 LUFT FIELD MANUAL CONSID: 3
 CASE CLOSED: DATE CASE CLOSED:
 DATE EXCAVATION STARTED : 08/30/90 REMEDIAL ACTIONS TAKEN: NT

RESPONSIBLE PARTY INFORMATION

RP#1-CONTACT NAME: Melvin E., Harry, &
 COMPANY NAME: Helen Kauffman
 ADDRESS: 3515 Yosemite Avenue
 CITY/STATE: Lathrop, C A 95330

RP#2-CONTACT NAME: Brian Burns
 COMPANY NAME: Theresa Burns
 ADDRESS: 2577 Nordell Avenue
 CITY/STATE: Castro Valley, C A 94546

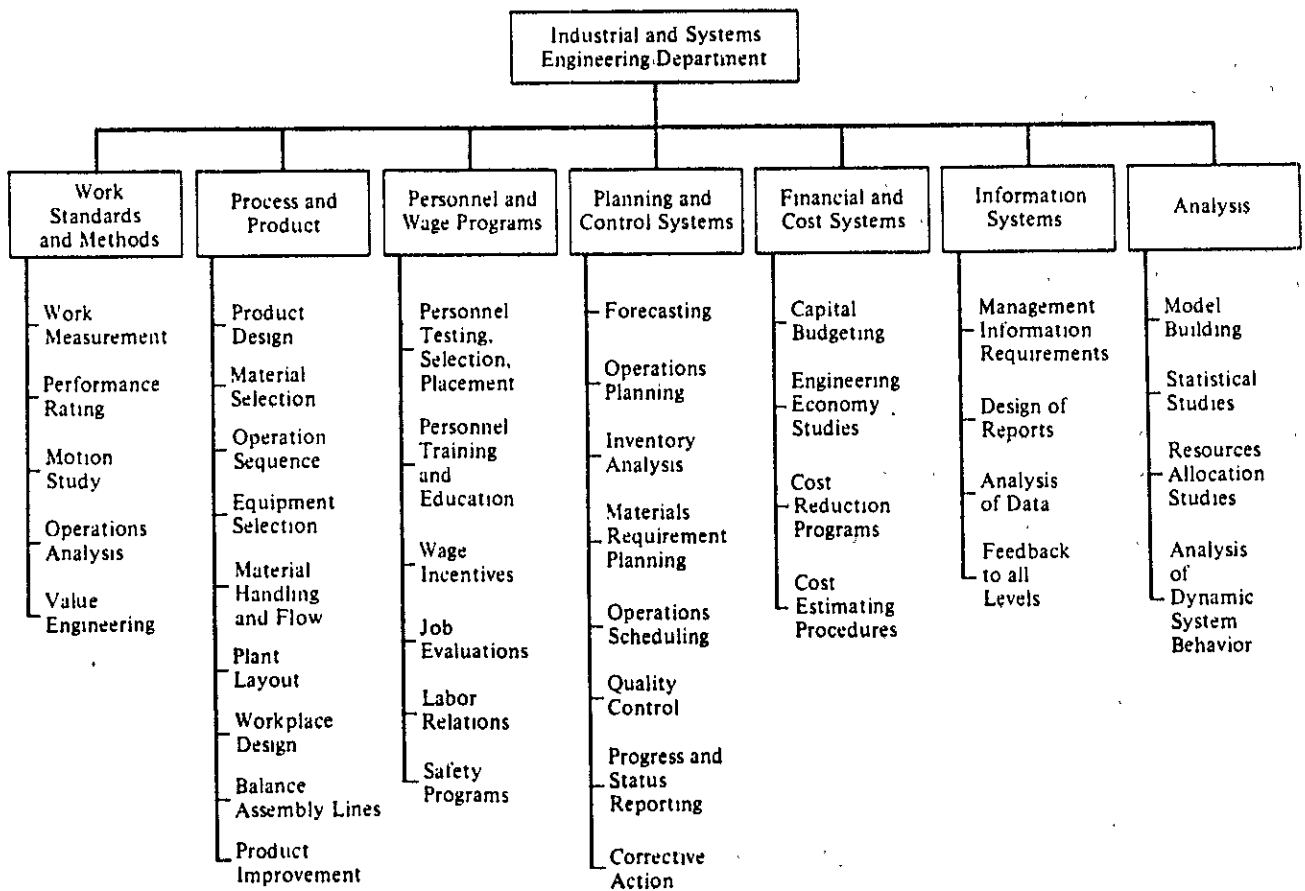
RP#3-CONTACT NAME: E.b. High Reach Equi
 COMPANY NAME: Co., Dba E. B. Scaffolding
 ADDRESS: P. O. Box 752
 CITY/STATE: Hayward, C A 94543

INSPECTOR VERIFICATION:

NAME _____ SIGNATURE _____ DATE _____

DATA ENTRY INPUT:

Name/Address Changes Only			Case Progress Changes	
ANNPGMS _____	LOP _____	DATE _____	LOP _____	DATE _____



Industrial and systems engineering department organized by major functional groupings.

ALCO
HAZMAT

94 APR 32 PM 12: 18

TO Scott Seery

SUBJECT 25520 San Carlos Ave
Castro Valley

MESSAGE

DATE 4-28-94

Have Been in conversation with Paul King since 4-15-94. As of
to-day I sent him some additional information by FAX. Should
hear from him next week will keep you informed.

SIGNED M. Kaufman

REPLY

DATE

SIGNED

INSTRUCTIONS TO RECEIVER

ALCO HAZMAT

LETTER OF COMMITMENT FOR REIMBURSEMENT OF COSTS

CLAIM NO: 011819

AMENDMENT NO: 0

CLAIMANT: MELVIN KAUFFMAN

BALANCE FORWARD: \$0

CO-PAYEE: NONE

THIS AMOUNT: \$15,000

JOINT CLAIMANT: NONE

NEW BALANCE: \$15,000

CLAIMANT ADDRESS: 3515 YOSEMITE AVE W
LATHROP, CA 95330

TAX ID/SSA NO: 521-26-1709

Subject to availability of funds, the State Water Resources Control Board (SWRCB) agrees to reimburse MELVIN KAUFFMAN (Claimant) for eligible corrective action costs at EAST BAY SCAFFOLDING 2552 SAN CARLOS AVE, CASTRO VALLEY, CA 94546 (Site). The commitment reflected by this Letter is subject to all of the following terms and conditions:

1. Reimbursement shall not exceed \$15,000 unless this amount is subsequently modified in writing by an amended Letter of Commitment.
2. The obligation to pay any sum under this Letter of Commitment is contingent upon availability of funds. In the event that sufficient funds are not available for reasons beyond the reasonable control of the SWRCB, the SWRCB shall not be obligated to make any disbursements hereunder. If any disbursements otherwise due under this Letter of Commitment are deferred because of unavailability of funds, such disbursements will promptly be made when sufficient funds do become available. Nothing herein shall be construed to provide the Claimant with a right of priority for disbursement over any other claimant who has a similar Letter of Commitment.
3. All costs for which reimbursement is sought must be eligible for reimbursement and the Claimant must be the person entitled to reimbursement thereof.
4. Claimant must at all times be in compliance with all applicable state laws, rules and regulations and with all terms, conditions, and commitments contained in the Claimant's Application and any supporting documents or in any payment requests submitted by the Claimant.
5. No disbursement under this Letter of Commitment will be made except upon receipt of acceptable Standard Form Payment Requests duly executed by or on behalf of the Claimant. All Payment Requests must be executed by the Claimant or a duly authorized representative who has been approved by the Division of Clean Water Programs.
6. Any and all disbursements payable under this Letter of Commitment may be withheld if the Claimant is not in compliance with the provisions of Paragraph 5 above.
7. Neither this Letter of Commitment nor any right thereunder is assignable by the Claimant without the written consent of the SWRCB. In the event of any such assignment, the rights of the assignee shall be subject to all terms and conditions set forth in this Letter of Commitment and the SWRCB's consent.
8. This Letter of Commitment may be withdrawn at any time by the SWRCB if completion of corrective action is not performed with reasonable diligence.

IN WITNESS WHEREOF, this Letter of Commitment has been issued by the SWRCB this 18th day of February, 1997.

STATE WATER RESOURCES CONTROL BOARD

BY *Dough Wilson*
Manager, Underground Storage Tank Cleanup Fund Program

BY *Susan Horn*
Chief, Division Administrative Services

STATE USE:
CALSTARS CODING:
0550 - 569.02 - 30530
\$ _____

2552 San Carlos Ave. Fire closed 5/20

DETAILED REVIEW CHECK LIST

Page 3

STIO 2780

2552 East Bay Scaffolding

Claim No: 011819

Claimant Name: Melvin Kauffmann

COMPLIANCE DOCUMENTATION

DATE	ACTION/RESPONSE
8-30-90	One 550-gal. gas UST was removed. Sidewalk samples placed from 1st-9' as high as 2,000 ppm in one sample and 100 ppm to 140 ppm in other samples. County requested a preliminary site assessment.
1991-1994	County, Reg. Board and District Attorney's Office went back and forth identifying P.C. (See page 2) Court eventually identified Brian Burns (operator) as responsible for cleanup and ordered Burns to pay Kauffmann \$22,573.29. in cleanup costs and attorneys fees.
3/7/95	Kauffmann has not received payment for settlement ordered by the Court.
6/20/96	Case Closed - Kauffmann paid for cleanup. He never received money from Burns (per 1/16/97 telephone conversation) Burns filed bankruptcy.
	Summary of Corrective Action is attached.
	Prose Negligence has been ruled out by a technical review. See Request for Technical Review dated 1/21/97 signed by Patrick Wheeler stating "Get him in".

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE

- Claimant in Corrective Action Compliance
- Claimant NOT in Corrective Action Compliance
- Claimant NOT in Corrective Action Compliance - Recommend Rejection

LEAD AGENCY SIGNATURE

Cheyl Gordon

CLAIMS REVIEWER SIGNATURE

2-6-97

DATE

1/27/97

DATE

Post-It* Fax Note 7671

Date	2/6	# of pages	1
To	Tom Peacock	From	Cheyl Gordon
Company	Alameda County	Co.	Cleanup Fund
Phone	(510) 567-6782	Phone	(916) 227-4539
Fax	(510) 337-9335	Fax	(916) 227-4530

TRANSMIT REPORT

1997.02-06 16:03
510 337 9335
ALAMEDA CO EHS HAZ-OPS

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
801	916 227 4530	02-06 16:02	00' 50	01/01	OK		

7499402046

02/06/97 10:04 UST CLEANUP FUND + 510 337 9335

NO. 958 001

DETAILED REVIEW CHECK LIST

Page 3

5110 2780 2552 East Bay Scaffolding

Claim No: 011819	Claimant Name: Melvin Kauffman
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COMPLIANCE DOCUMENTATION	
DATE	ACTION/RESPONSE
8-30-90	One 550-gal gas UST was removed. Sidewall samples taken from 1 ft to 2,000 ppm in one sample and 1.00 ppm to 140 ppm in other samples. County requested a preliminary site assessment.
1991-1994	County, Reg. Board and District Attorney's Office went back and forth identifying files. (See page 2) Court eventually identified Brian Burns (operator) as responsible. Judgment and ordered Burns to pay Kauffman \$22,573.29 in cleanup costs and attorneys fees.
3/7/96	Kauffman has not received payment for settlement ordered by the Court.
6/20/96	Case closed - Kauffman paid for cleanup. He never received money from Burns (per 1/16/97 telephone conversation). Burns filed bankruptcy.
	Summary of corrective action is attached.
	Gross Negligence has been ruled out by a technical review. See Request for Technical Review dated 1/21/97 signed by Patrick Wheeler stating "Get him in".

CONFIRMATION OF CORRECTIVE ACTION COMPLIANCE

Post-It® Fax Note	7671	Date	2/6	# of pages	1
To	Tom Peacock	From	Cheryl Gordon		
Company	Alameda County	Co.	Cleanup Fund		

Mel Kauffman
3515 W. Yosemite Ave.
ENVIRONMENTAL Lathrop, CA 95330
PROTECTION

95 SEP 25 PM 4:42

September 20, 1995
Letter 0063.L7

Mr. Scott Seery
Alameda County Department of Environmental Health
Hazardous Materials Division
1131 Harbor Bay Parkway
Alameda, CA 94502

SUBJECT: SUBSURFACE INVESTIGATION REPORT TRANSMITTAL
Former East Bay Scaffolding Facility
2552 San Carlos Avenue
Castro Valley, California

Dear Mr. Seery:

You will find enclosed one copy of P&D Environmental's report 0063.R1 titled "Subsurface Investigation Report" dated September 20, 1995 for the subject site.

In accordance with recommendations set forth in the attached report, I request case closure.

Should you have any questions, please do not hesitate to contact me at (209) 858-4125.

Sincerely,


Mel Kauffman

Enclosure

PHK/dlk
0063.L7

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Environmental Protection Division
1131 Harbor Bay Parkway, #250
Alameda, CA 94502-6577
(510) 567-6700

August 23, 1995

STID 2780

Mr. Mel Kauffman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: 2552 SAN CARLOS AVENUE, CASTRO VALLEY

Dear Mr. Kauffman:

I have completed review of the August 21, 1995 P&D Environmental (P&D) work plan for the advancement of several borings at the subject site. These additional borings are proposed to corroborate the results of the June 16, 1995 field activities during which shallow bedrock was encountered before reaching ground water. Depth to bedrock will be confirmed during this subsequent work.

The cited P&D work plan has been accepted with the condition that if ground water is encountered, samples will be collected and analyzed for the presence of gasoline-range compounds.

Please call me at 510/567-6783 when field work is scheduled to begin or should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Jun Makishima, Acting Director
Paul King, P&D Environmental

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, Assistant Agency Director

March 27, 1995

Alameda County
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

CC458C

STID 2780

Mr. Melvin Kauffman
True Fit manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: 2552 SAN CARLOS AVENUE, CASTRO VALLEY

Dear Mr. Kauffman:

I am in receipt and have completed review of the March 13, 1995 P & D Environmental (P&D) *Groundwater Investigation Workplan* for the installation of a single monitoring well at the referenced site. This work plan has been accepted as submitted.

Please note that the accepted P&D work plan supersedes a previously-accepted work plan prepared by Certified Environmental Consulting, Inc. (CEC), dated March 1992. Implementation of the CEC work plan was one of several requirements articulated in the September 27, 1993 correspondence from the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued following the July 27, 1993 Pre-Enforcement Review Panel meeting.

Field work should commence within 45 days. Please inform me such work has been scheduled. I may be reached at 510/567-6783.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Agency Director
Gil Jensen, Alameda County District Attorney's Office
Kevin Graves, RWQCB
Ed Laudani, Alameda County Fire Department
Paul King, P & D Environmental

MEMORANDUM

DATE: March 27, 1995

TO: Larry Blazer, Alameda County District Attorney's Office

FROM: Scott Seery, ACDEH

SUBJ: Brian Burns dba East Bay Scaffolding / East Bay High Reach
Equipment Company, 252 San Carlos, Castro Valley
2552

As we discussed last week, I calculated the civil penalties per HSC § 25299 associated solely with Mr. Burns's failure to actively participate in complying with a request for submittal of technical reports documenting the results of an assessment at the referenced site. This request for technical reports was articulated in RWQCB correspondence dated September 27, 1993 issued in the wake of the July 27, 1993 *Pre-Enforcement Review Panel (PERP)* meeting regarding this site, and was based on the fact that a work plan had already been approved but not yet implemented. The assessment work never performed. Hence, in the absence of such work, no reports were issued.

Mr. Burns was sent the 9/27/93 RWQCB correspondence via normal carrier directly from the RWQCB. Mr. Burns was also personally served with the same RWQCB correspondence on April 13, 1994 during a meeting in the DA's office. It is reasonable to assume Mr. Burns was already in receipt of the subject RWQCB technical report request before being personally served. However, to be completely reasonable and, arguably, to have a defensible position, the following penalty calculations are based on a 45 day grace period (as articulated in the RWQCB letter) from the date of service:

§ 25299(a) - Any operator of an UST system shall be liable for a civil penalty of not less than \$500 or more than \$5000 for each UST for each day of violation for any of the following:

(a)(6) - violation of...any regulation adopted by the board..

Violation period: May 28, 1993 (45 days after service) - March 30, 1995 = 307 days

Penalty: \$153,500 - \$1,535,000

The foregoing penalties ignore:

- 1) uncovering and repairing the subject UST absent ACDEH approval (§ 2620(b), 2661, 23CCR)
- 2) operating an UST w/o permit (§ 2620(b), 2711, 2712, 23CCR)
- 3) failure to appropriately monitor (§ 2620(d), 2641, 23CCR)

Lary Blazer

RE: East bay Scaffolding

March 27, 1995

Page 2 of 2

Additionally please find attached documents from the Chapter 7 bankruptcy file for the Burnses dba Bay Area High Reach. In review of the file, it appears the debtors were involved in one or more traffic accidents. It also appears that a wrongful death judgement was rendered against them for a sizable sum.

MELVIN E. KAUFFMAN
3515 W. YOSEMITE AVE.
LATHROP, CA 95330

March 7, 1995

DEPARTMENT OF ENVIRONMENTAL HEALTH
80 SWAN WAY ROOM 200
OAKLAND, CA 94621

ATTN: MR. SCOTT SEERY

DEAR SCOTT;

I HAVE JUST RECEIVED THE ENCLOSED NOTICE FROM THE OFFICE OF NORMOYLE & NEWMAN. WHERE IN BRIAN BURNS, THERESA BURNS AND HIS NEW COMPANY " BAY AREA HIGH REACH" ARE FILING BANKRUPTCY.

IT WAS MY UNDERSTANDING IN THE MEETING OF APRIL 13, 1994 AT THE DISTRICT ATTORNEY'S OFFICE WITH GIL JENSEN, IF MR BURNS DID NOT PURSUE THE CLEANUP OF 2552 SAN CARLOS AVENUE, THAT MR JENSEN WOULD DO WHATEVER WAS NECESSARY INCLUDING THE OVERTURN OF HIS OTHER BANKRUPTCY TO GET MR. BURNS TO FULFILL HIS OBLIGATION AS DESIGNATED BY THE COURT.

IT ALSO IS MY UNDERSTANDING THAT FILING BANKRUPTCY DOES NOT RELIEVE ONE OF HIS OBLIGATIONS FOR ENVIRONMENTAL CLEANUP.

TO DATE I HAVE WRITTEN LETTERS, ONE JUNE 10, 1994 TO BRIAN BURNS CONCERNING THE EXPENDITURE OF \$280.00 FOR SPECIFICATIONS, \$852.12 FOR THE STATE WATER RESOURCES BOARD. ANOTHER LETTER JULY 7, 1994, WHICH YOU HAVE COPIES, THERE HAS BEEN NO REPLY.

TO DATE BRIAN BURNS OWES \$28,555.21 FOR CLEAN UP COSTS AS PER COURT ORDER #H161761-6, COUNTY OF ALAMEDA. PLUS THE FOLLOWING:

COURT ORDER.....	\$ 28,555.21
WATER RESOURCES BOARD.....	852.12
WATER RESOURCES BOARD.....	88.55
NEW SPECIFICATIONS.....	280.00
NEW PLAN.....	400.00
NEW CONTRACT.....	7,500.00
TOTAL	\$ 37,675.88

ENVIRONMENTAL
ACTION

ENVIRONMENTAL
ACTION

99 MAR 13 PM 3:57

I AM SENDING A COPY OF THIS LETTER TO GIL JENSEN, I AM
HOPING WE CAN GET SOME ACTION, I NEED YOUR HELP.

VERY TRULY YOURS,
Mel Kauffman
MEL KAUFFMAN

enclosures

cc: Gil Jensen

MEI KAUFFMAN
3515 W. Yosemite Ave.
Lathrop, CA 95330

February 17, 1995

Alameda County Health Agency
80 Swan Way Room 200
Oakland, Ca 94621

ATTN: Scott Seery
Chmn

Dear Scott;

I have given the job of preparing another plan and the installation of the well to Paul King. He will be starting very shortly.

However, Brian Burns does not have a phone anymore. Do you know of his whereabouts, or would the D.A., Gil Jensen know where to get a hold of him?

Very Truly Yours,


(Mel Kauffman)

100
L. ZIMAT

55 FEB 24 PM 1:58

Mel Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95330

February 17, 1995

Alameda County Health Agency
80 Swan Way Room 200
Oakland, Ca 94621

ATTN: Scott Seery
Chmn

Dear Scott;

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However, Brian Burns does not have a phone anymore. Do you know of his whereabouts, or would the D.A., Gil Jensen know where to get a hold of him?

Very Truly Yours,


(Mel Kauffman)

LCC
HAZMAT

55 FEB 24 PM 1:58

ALCO
HAZMAT
94 SEP -7 PM 3:31

MELVIN E. KAUFFMAN
3515 W. YOSEMITE AVE.
LATHROP, CA 95330

SEPTEMBER 2, 1994

ALAMEDA COUNTY HEALTH AGENCY
80 SWAN WAY ROOM 200
OAKLAND, CA 94621

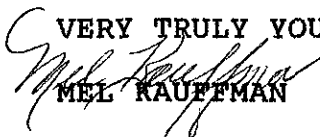
ATTN: MR SCOTT SEERY

DEAR SCOTT;

AN UPDATE ON MY LETTER OF AUGUST 2, 1994. PAUL KING HAS RETURNED AND SUBMITTED A BID ON THE BID SPECIFICATIONS. I AM GOING OVER THEM NOW.

I STILL HAVE NOT RECEIVED A REPLY TO CORRESPONDENCE TO BRIAN BURNS. I WOULD APPRECIATE ANY HELP OR SUGGESTIONS YOU MIGHT HAVE OR SHOULD I CONTACT THE DISTRICT ATTORNEY?

VERY TRULY YOURS,


MEL KAUFFMAN

MK/jab

Melvin E. Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95330

ALCO
HAZMAT
94 AUG -5 PM 12:00

August 2, 1994

Alameda County Health Agency
80 Swan Way Room 200
Oakland, CA 94621

ATTN: Mr. Scott Seery

Dear Scott;

To date I have received bids from Azure Environmental & BSK & Associates, I am waiting on one more. Bids were based on the bid specifications as drawn up by Paul King of P&D Environmental. It is my understanding Paul will not be back until Aug.15, 1994, he was to give me a bid to do the work also.

I am sure you have received copies of the last two letter I wrote to Brian Burns. As of this date I have not had a reply to my letters. With your help I think a reminder from Gil Jensen would be appropriate to get some action. In our meeting the 13th of April, Gil Jensen was very specific with Brian, if he didn't cooperate he would over turn his bankruptcy and or file a suit for a felony. This might be the only way to get Brian Burn's attention.

Very Truly Yours,


Mel Kauffman

MELVIN E. KAUFFMAN
3515 W. YOSEMITE AVE.
LATHROP, CA 95330

ALCO
HAZMAT

94 JUL 12 PM 3:23

JULY 7, 1994

COPY

BRIAN BURNS
P.O. BOX 752
HAYWARD, CA 94541

RE: 2552 SAN CARLOS AVE

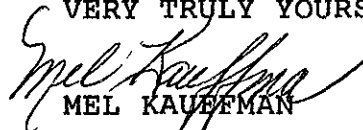
DEAR SIR:

I HAVE NOT RECEIVED A REPLY TO MY LETTER OF JUNE 10, 1994 OR ANY MONEY TO PAY FOR WORK COMPLETED.

I HAVE SUBMITTED FOR BIDS TO THE FOLLOWING CONTRACTORS, AZURE ENVIRONMENTAL, BSK & ASSOCIATES, FIRST ENVIRONMENTAL GROUP AND APPLIED REMEDIAL SERVICE. I ANTICIPATE SOME BIDS BY THE END OF THE MONTH.

HOWEVER, I DO NEED THE MONEY TO PROCEED WITH THE PROJECT FOR WORK DONE AND THE WORK TO FOLLOW. PLEASE REMIT IMMEDIATELY.

VERY TRULY YOURS,


MEL KAUFFMAN

cc: Scott Seery
Alameda County Health

ALCO
HAZMAT

94 JUN 13 PM 2:27

MELVIN E. KAUFFMAN
3515 W. YOSEMITE AVE.
LATHROP, CA 95330

COPY

JUNE 10, 1994

BRIAN BURNS
P.O. BOX 752
HAYWARD, CA 94541 .

RE: 2552 SAN CARLOS AVE.

DEAR SIR;

I HAVE RETAINED MR. PAUL KING OF P & D ENVIRONMENTAL TO PREPARE BID DOCUMENTS FOR THE INSTALLATION OF ONE MONITORING WELL AND QUARTERLY SAMPLES FOR ONE YEAR, COPY ENCLOSED. UPON RECEIVING THIS DOCUMENT I WILL BE ABLE TO PUT IT OUT FOR BID. WE NEED THESE BIDS TO QUALIFY FOR STATE CLEAN UP FUNDS.

ALONG WITH THE CONTRACT WITH PAUL KING, NOT EXCEED \$280.00, I RECEIVED AND INVOICE FROM THE STATE WATER RESOURCES CONTROL BOARD FOR \$852.12.

I WOULD APPRECIATE YOUR CHECK TO ME, TO PAY THESE TWO ACCOUNTS, BY RETURN MAIL.

I WILL KEEP YOU INFORMED AS SOON AS I GET THE BIDS IN AS TO OUR NEXT STEP

VERY TRULY YOURS,


MEL KAUFFMAN

ENCLOSURE

CC: MR SCOTT SEERY
ALAMEDA COUNTY HEALTH

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

STID 2780

March 28, 1994

Brian and Theresa Burns
2577 Nordell Avenue
Castro Valley, CA 94546

RE: (FORMER) EAST BAY SCAFFOLDING, 2522 SAN CARLOS AVENUE,
CASTRO VALLEY

Dear Ms. and Mr. Burns:

You have been requested by the Alameda County District Attorney's Office to appear at a meeting to discuss your case. The cited meeting has been scheduled for Wednesday, April 13, 1994, and will convene at 2:00 PM in the office of the District Attorney, located at 7877 Oakport Street, Suite 400, Oakland.

Please call me at 510/271-4530 should you have any questions.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Steven Ritchie, RWQCB
Mel Kauffman
William H. Broach

MEMORANDUM

DATE: March 18, 1994

TO: Gil Jensen, Alameda County District Attorney

FROM: Scott Seery *SS*

SUBJ: East Bay Scaffolding, 2552 San Carlos Avenue, Castro Valley

I spoke with Mel Kauffman today following the meeting you, Tom Peacock and I had yesterday. Mr. Kauffman, the property owner, informed me that he expected a bid proposal to arrive from one consultant, BSK & Associates, in the next week or so. Apparently BSK's delay was a result of the project person having to fulfill a jury duty obligation. The second firm from which Mr. Kauffman had solicited a bid reportedly did not chose to submit a bid, nor return his phone calls. I supplied Mr. Kauffman with the names of approximately 5 other environmental consultants and their phone numbers. I asked that he keep me apprised of his success in the next few weeks.

Mr. Kauffman also said that the law firm which had represented him at the time of and leading up to the civil judgement against RP Brian Burns, Normoyle & Newman, will not return his phone calls, and has not for several months. Mr. Kauffman has reportedly made numerous calls to the firm in order to speak with the firm's principle, Mr. Normoyle. The attorney which had handled the case, and who represented Mr. Kauffman at the PERP on July 27, 1993, Michael Abbott, apparently left the firm months some ago. Mr. Abbott was to have handled the submittal of the SB2004 fund application on Mr. Kauffman's behalf and seek means for collecting judgement from RP Burns, according to Mr. Kauffman.

I gave Mr. Kauffman the phone number for the SWRCB SB2004 office so that he can request an application packet. I also informed Mr. Kauffman that a "NOV" will be sent to RP Burns.

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 2780

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

March 18, 1994

Mr. Brian Burns
2577 Nordell Avenue
Castro Valley, CA 94546

Ms. Theresa Burns
2577 Nordell Avenue
Castro Valley, CA 94546

William H. Broach
Trustee in Bankruptcy #92-44891
East Bay Scaffolding Inc.
1990 N. California Blvd., #26
Walnut Creek, CA 94596

East Bay High Reach Equipment Company
dba East Bay Scaffolding
and a Successor Corporation
P.O. Box 752
Hayward, CA 94543

RE: 2552 SAN CARLOS AVENUE, CASTRO VALLEY

NOTICE OF VIOLATION

Dear Ms. Burns and Messrs. Burns and Broach:

On September 27, 1993, the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued a letter in which you were legally designated responsible parties (RP), as defined under Section 2720 of Article 11, Title 23, California Code of Regulations. A copy of this RWQCB letter was attached to covers from this office, sent via certified mail, dated September 29, 1993. Although only Mr. Broach and East Bay High Reach Equipment Company accepted the RWQCB notification transmitted via certified mail, all parties have been advised through direct notification from the RWQCB of the requirement to perform the assessment work mandated under provisions of the California underground storage tank law and regulations.

The cited September 27, 1993 RWQCB letter requests, under authority of California Water Code Section 13267(b), the assessment of soil and ground water pollution associated with leaks from the underground storage tank (UST) formerly located at this site. A technical report documenting this work was due within 45 days, or by November 11, 1993.

Ms. Burns, and Messrs. Burns and Broach
RE: 2552 San Carlos Ave., Castro Valley
March 18, 1994
Page 2 of 2

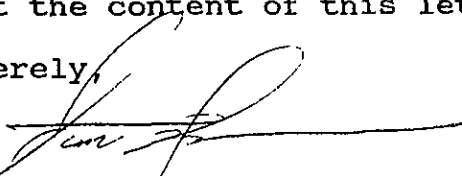
This date (November 11, 1993) has since passed, and no such work has been performed on your behalf, nor have you been in contact with this office to discuss the issues germane to this case.

This office had hoped that you would have taken the opportunity during this 45 day period to open channels of communication with your co-responsible parties, specifically Mr. Melvin Kauffman, to pursue a joint investigation. We understand that this has not occurred. For your information, Mr. Kauffman has been attempting to contract with a company to perform the cited assessment work, a clear demonstration of his intent and desire to fulfill his statutory responsibility to complete the assessment of the site. It is unfortunate that such intent has not been communicated to this agency on your behalf.

Please be advised that California Water Code Section 13267(b) provides for fines of up to \$1000 per day of delinquency. Please be further advised that your case has been referred to the appropriate authorities to pursue enforcement of the September 27, 1993 RWQCB directive.

Please contact me at 510/271-4530 should you have any questions about the content of this letter.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Edward Laudani, Alameda County Fire Department
Steven Ritchie, RWQCB

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

STID 2780

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

March 18, 1994

Mr. Brian Burns
2577 Nordell Avenue
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Case Number 95-40733 ts	United States Bankruptcy Court Notice of Commencement of Case under Chapter 7 of the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates (Individual or Joint Debtor No Asset Case)	
Date Case Filed 2/6/95		
In re Brian Burns, 547-45-0274, dba Bay Area High Reach Theresa Burns, 570-35-2461	Soc. Sec./Tax ID Nos.	Address of Debtor 2577 Nordell Ave. Castro Valley, CA 94546
Name and Address of Attorney for Debtor Dennis S. Reid 2001 Wayne Ave #203 San Leandro, CA 94577	Telephone Number (510) 895-2580	Name and Address of Trustee Richard J. Spear 405 14th St. #1000 Oakland, CA 94612-2795 Telephone Number (510) 465-4448
DATE, TIME AND LOCATION OF MEETING OF CREDITORS		
Date & Time: March 7, 1995 at 4:00 pm	Location:	Oakland - U.S. Trustee Office 1301 Clay St. #680 N. Oakland, CA 94612
DISCHARGE OF DEBTS		
Deadline to file a Complaint Objecting to Discharge of Debtor or to Determine Dischargeability of Certain Debts: 05/08/95		

At this time there appear to be no assets available from which payment may be made to unsecured creditors. Do not file a proof of claim until you receive notice to do so.

Commencement of Case. A petition for liquidation under Chapter 7 of the Bankruptcy Code has been filed in this court by or against the person or persons named above as the debtor, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with this court, including lists of the debtor's property, debts, and property claimed as exempt are available for inspection at the office of the clerk of the bankruptcy court.

Creditors May Not Take Certain Actions. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions, repossessions, or wage deductions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considered taking action against the debtor or the property of the debtor should review section 362 of the Bankruptcy Code and may wish to seek legal advice. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

Meeting of Creditors. The debtor (both husband and wife in a joint case) is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

Liquidation of the Debtor's Property. The trustee will collect the debtor's property and turn any that is not exempt into money. At this time, however, it appears from the schedules of the debtor that there are no assets from which any distribution can be paid to creditors. If at a later date it appears that there are assets from which a distribution may be paid, the creditors will be notified and given an opportunity to file claims.

Exempt Property. Under state and federal law, the debtor is permitted to keep certain money or property as exempt. If a creditor believes that an exemption of money or property is not authorized by law, the creditor may file an objection. An objection must be filed not later than 30 days after the conclusion of the meeting of creditors.

Discharge of Debts. The debtor is seeking a discharge of debts. A discharge means that certain debts are made unenforceable against the debtor personally. Creditors whose claims against the debtor are discharged may never take action against the debtor to collect the discharged debts. If a creditor believes that the debtor should not receive any discharge of debts under section 727 of the Bankruptcy Code or that a debt owed to the creditor is not dischargeable under section 523(a)(2), (4), or (6) of the Bankruptcy Code, timely action must be taken in the bankruptcy court by the deadline set forth above labeled "Discharge of Debts." Creditors considering taking such action may wish to seek legal advice.

Information. There is a \$15 search fee, payable in advance. No personal checks accepted. Direct all correspondence and proofs of claim to the address shown below. Please enclose a self-addressed stamped envelope.

U.S. Bankruptcy Court 1300 Clay St. P.O. Box 2070 Oakland, CA 94604	For the Court: Yvonne Evans Clerk of the Court	Date 02/09/95
--	--	---------------



B9A

of its use." He went on to say that a responsible party "also includes any owner of property from which an unauthorized release of a hazardous substance from an underground storage tank has occurred."

I believe that my letter of October 1, 1993 to Mr. Ritchie adequately explained why Mr. Broach, as trustee in bankruptcy of East Bay Scaffolding, Inc. was not and could not be a "responsible party" under the definitions sent to me by Mr. Ritchie. A bankruptcy trustee is only the representative of a bankruptcy estate. 11 U.S.C. §323. The trustee takes charge of property of the estate (which is defined at 11 U.S.C. §541), as of the date of the bankruptcy and distributes that property of the estate pursuant to 11 U.S.C. §726. Creditors are allowed to file claims under 11 U.S.C. §501, et seq. As indicated in my letter to Mr. Ritchie, the time for filing any claims expired. Since the writing of said letter, the case has now been closed.

Mr. Ritchie did not have the courtesy to respond to my letter, although I asked him to contact me if he had any questions. Your letter, which is entitled "Notice of Violation", indicates that you have referred this matter to the "appropriate authorities" to pursue enforcement of the September, 1993 RWQCB directive, and indicates that fines for up to \$1,000 per day of delinquency will be sought pursuant to California Water Code §13267(b). I first must call your attention to the fact that the cited code section does not make any such provision as set forth in your letter.

Strictly aside from that, you and Mr. Ritchie may know something about environmental law and enforcement of environmental law, but you obviously know absolutely nothing about bankruptcy law and the role of a bankruptcy trustee. If any kind of action or enforcement proceeding is commenced against Mr. Broach, I will find it necessary to commence proceedings to bring any necessary parties before a federal bankruptcy judge to halt any such proceedings against Mr. Broach, and to seek any possible sanctions.

Very truly yours,


KORNFIELD, PAUL & BUPP, P.C.

IRVING J. KORNFIELD

IJK:jw
encl.

cc: William Broach
Steven R. Ritchie, Executive Officer
Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Edward Laudani, Alameda County Fire Department

ALCO
HAZMAT

94 JAN 27 AM 11:33

Melvin E. Kauffman
3515 N. Yosemite Ave.
Lathrop, CA 95330

January 26, 1994

Alameda County Health Agency
Division of Hazardous Materials
80 Swan Way Room 350
Oakland, CA 94621

ATTN: Mr. Scott Seery

Dear Mr. Seery:

I was informed today by Frank Greguras of BSK Associates, Pleasanton, CA., he will need at least two more weeks to submit a proposal for the clean up. He is on jury duty for at least one more week.

I called Dave Brewer of the Resno Company, Fremont, CA., on Thursday 1-20-94 in regards to the estimate. As of today he has not returned my call.

Do you have a list of other contractors in the Castro Valley area? I would appreciate a list if you do.

Incidentally, the attorney I had used to collect from Brian Burns has never returned my calls or answered my correspondence.

Very Truly Yours,


Mel Kauffman 

MK/jab

KORNFIELD, PAUL & BUPP

A PROFESSIONAL CORPORATION

IRVING J. KORNFIELD
AARON PAUL
C. RANDALL BUPP
MERRIDITH A. SCHNEIDER
ERIC A. NYBERG

MARLENE G. WEINSTEIN
HOWARD S. RUTTEN

October 1, 1993

Steven R. Ritchie, Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, California 94612

Re: Your File No. 01-0537 & 2198.17
Property Address: 2552 San Carlos Avenue, Castro Valley, California

Dear Mr. Ritchie:

These offices are in receipt of a copy of your letter dated September 27, 1993, pertaining to water pollution located at 2552 San Carlos Avenue, Castro Valley, California. We represent William H. Broach, the bankruptcy trustee for East Bay Scaffolding, Inc. This bankruptcy case was filed on July 7, 1992 as a case under Chapter 7 of the Bankruptcy Code, and Mr. Broach was appointed on July 10, 1992.

As of the time of the filing of the bankruptcy, the debtor operated its business at 24829 Huntwood Avenue, Hayward, California. The bankruptcy schedules show no ownership of real property at 2552 San Carlos Avenue, Castro Valley as of the date of the filing nor any business operations being conducted at that address. The physical assets of the debtor were located at the Huntwood Avenue address. It appears that the debtor was operating at that location from approximately May 15, 1991 on.

From documents accumulated by this office in connection with our representation of the trustee, I have come across some documents indicating that the debtor did business at the San Carlos office prior to the filing of the bankruptcy. The latest date of any documents that I have showing that address is approximately mid 1990.

Under the Bankruptcy Code, an estate is created consisting of all legal and equitable interests of the debtor owned as of the date of the filing of the petition. The trustee is the officer of the estate charged with administering the estate's assets. At no time during the administration of the estate was Mr. Broach ever physically or legally in possession of or had any responsibility over the property located at 2552 San Carlos Avenue, Castro Valley, California. Therefore, we strongly disagree with your "finding" that Mr. Broach is a responsible party, which "finding" is contained in Page 2 of your letter. Frankly, I

ven R. Ritchie, Executive Officer
October 1, 1993
Page 2

can not even imagine what possible "evidence" you might have used to assert that he is such a "responsible party".

The bankruptcy case is due to close, and, so far as I know, the time for filing any claims therein has expired.

Please contact me if you have any questions, with regard to this matter.

Very truly yours,

KORNFELD, PAUL & BUPP, P.C.

IRVING J. KORNFELD

LJK:dlk

cc: William Broach

KORNFELD, PAUL & BUPP

A PROFESSIONAL CORPORATION

IRVING J. KORNFELD
AARON PAUL
C. RANDALL BUPP
MERRIDITH A. SCHNEIDER
ERIC A. NYBERG

MARLENE G. WEINSTEIN
HOWARD S. RUTTEN
CHARLES D. NOVACK

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist
Alameda County Health Case Services Agency
80 Swan Way, Room 200
Oakland, California 94621

March 31, 1994

ALCO
HAZMAT
APR 1 AM 11:30

Re: 2552 San Carlos Avenue, Castro Valley, California

Dear Mr. Seery:

William H. Broach, the Trustee in Bankruptcy for East Bay Scaffolding, Inc. (which case has now been closed) has turned over to me your letter dated March 18, 1994, which letter asserts that Mr. Broach is liable for the alleged violation for certain soil and ground water pollution to property at 2552 San Carlos Avenue, Castro Valley, California.

Our client received a letter dated September 27, 1993 from the California Regional Water Quality Control Board, and an additional copy of that letter was sent to Ronald Oliner, then an associate with our firm. On October 1, 1993, I responded to that letter, and, since Mr. Ritchie, the Executive Officer of the California Regional Water Quality Control Board, has undoubtedly not sent you a copy of that letter, I am enclosing one for you.

As indicated in that letter, Mr. Broach was the bankruptcy trustee for East Bay Scaffolding, Inc., which case was filed under Chapter 7 of the Bankruptcy Code on July 7, 1992. So far as I know, the case has recently been closed by the court.

When the bankruptcy was filed, the debtor operated its business at 24829 Huntwood Avenue, Hayward, California. The bankruptcy schedules show no ownership of real property at 2552 San Carlos Avenue, Castro Valley as of the date of the filing, nor any operations being conducted at that address. The physical assets of the debtor were located at the Huntwood Avenue address, and the debtor was operating at that location from approximately May 15, 1991. As I indicated in my letter to Mr. Ritchie, some documents I did come across indicate the debtor apparently did not conduct business at the San Carlos Avenue property from mid-1990 on.

Mr. Ritchie's September 1993 letter indicates that at a hearing held at your office on July 27, 1993, Mr. Broach, along with others, was allegedly found to be a responsible party as defined by Title 23 of the California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2720. Mr. Ritchie defined a "responsible party" as "any person who owned or operated the underground storage tank immediately before the continuation

Melvin E. Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95330

December 23, 1993

Alameda County Health Agency
Division of Hazardous Materials
30 Swan Way Room 330
Oakland, Ca 94621

ATTN: Mr. Scott Soory

Dear Mr. Soory:

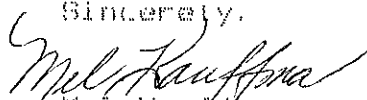
Enclosed you will find the most recent letter that I have sent to the attorney regarding the cleanup. I have not had any reply to the letter as of yet.

I have sent copies of the approved method of cleanup to the following companies for bid.

1. Pevna Company - Mr. Dave Brower
Fremont, CA
2. B&K Associates - Mr. Frank Greguras
Pleasanton, CA

As soon as the information is available I will contact you with the results. Please feel free to contact me at any time.

Sincerely,


Mel Kauffman

HKz:lab

ALCO
HAZMAT
93 DEC 27 PM 3:06

Melvin E. Kaufman
3515 W. Yosemite Ave.
Folsom, CA 95530

COPY

December 15, 1993

Normoyte & Newman
1700 Grandford Ave.
Suite A 349
Modesto, CA 95350

Dear Mr. Normoyte:

Having received no response to my letter dated November 10, 1993, and not being able to reach you by telephone, I called Friday 12-10-93. I was informed you were on the telephone. I left a message for you to call. I call Monday 12-13-93. I was informed you were on the telephone, left a message for you to call.

I am expressing my concern on services provided by your firm. A copy of the notice of official action by the San Francisco Bay Regional Water Quality Control Board, dated September 24, 1993 was sent to your office, on Monday 12-6-93. I was served personally by Mr. Scott Seery to comply with the clean up required or I am liable for penalties of up to \$1000.00 per day.

In reference to your call dated July 29, 1993, the telephone conversation with Michael Abbott was after he attended a meeting 7-27-93 in Oakland concerning this matter. He assured me that I would not have to worry about this situation as we have a court order defining who's responsibility the clean up belongs to.

On 7-29-93, I received a bill for \$286.00 for conference with me and the letter to Scott Seery. The next bill I received for services 7-16-93, 7-27-93, 8-11-93, 8-20-93, for calls, personal appearance to handle this matter \$1,270.49.

Michael Abbott was going to pursue collection of judgement and obtain information about a fund in Sacramento available to help pay cost of a cleanup. I received no such information. I did receive a card he started his own partnership of Abbott & Rowe.

I received a bill from you which I have not paid. See my letter of November 10, 1993.

MEMORANDUM

DATE: November 3, 1993

TO: Don Harris, Investigator, District Attorney's Office

FROM: Scott Seery, Hazardous Materials

SUBJ: East Bay Scaffolding, 2552 San Carlos Ave., Castro Valley -
RWQCB directives following Pre-Enforcement Review Panel findings

Last week I mentioned that two of the responsible parties (RP) subject to the RWQCB directives for assessment of the referenced site, failed to claim the notices from this office which were sent via certified mail. Yesterday the same letter mailed to the third of three RPs was also returned. All three letters were simply not claimed by the addressee. All now (apparently) require hand service.

Following are the names and addresses of the subject RPs:

Melvin Kauffman
c/o True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

Brian Burns
2577 Nordell Avenue
Castro Valley, CA 94546

Theresa Burns
2577 Nordell Avenue
Castro Valley, CA 94546

Please contact me if you need assistance or additional information.

cc: TP
GJ

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) East Bay Scaffolding)
2552 San Carlos Avenue)
Castro Valley, California)
)
)
)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

Dear Sirs:

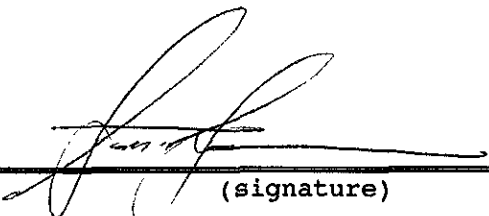
The attached **Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b)** has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this **Official Action**, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I **Scott Seery**, do hereby certify that I served

Brian Burns with a copy of the attached **Notice of Official Action** by the **Regional Board** by certified mailer # P 113 815 069

Dated: 9-29-93



(signature)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 SEP 28 PM 3:14

Brian Burns
2577 Nordell Ave.
Castro Valley, CA 94546

September 27, 1993
File: 01-0537 & 2198.17

Theresa Burns
2577 Nordell Ave.
Castro Valley, CA 94546

William H. Broach
Trustee in Bankruptcy #92-44891
East Bay Scaffolding Inc.
1990 N. California Blvd., #26
Walnut Creek, CA 94596

East Bay High Reach Equipment Company
dba East Bay Scaffolding
and a Successor Corporation
P.O. Box 752 Hayward, CA 94543

Melvin B. Kauffman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

**RE: Legal Designation of Responsible Party and Request for
Submittal of a Technical Report Resulting from the Alameda
County Department of Environmental Health's Pre-Enforcement
Review Panel Meeting on July 27, 1993**

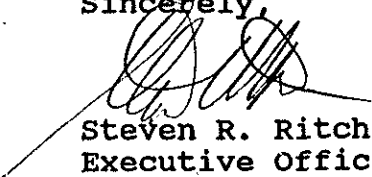
Dear Sirs:

It has been brought to my attention by Regional Board staff that a condition of soil and groundwater pollution exists on the property located at 2552 San Carlos Avenue, Castro Valley, as a result of an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23 Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

Enforcement Panel Meeting
Page 3 of 3

If you have any questions regarding the contents of this letter,
Please contact Mr. Seery, of ACHD, at (510) 271-4530.

Sincerely,



Steven R. Ritchie
Executive Officer

cc: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland
94621
Scott Seery, ACHD, 80 Swan Way, Suite 200, Oakland 94621
Michael Abbott, Esq., Normoyle & Newman, 1700 Standiford
Avenue, Suite A340, Modesto 95350
Ronald Oliner, Esq., 1999 Harrison Street, Suite 800, Oakland
94612

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Brian Burns
2577 Nordell Ave
Castro Valley, CA 94546

4a. Article Number

P 113 815 069

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

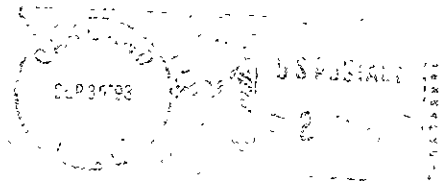
ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY

Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621

CERTIFIED

P 113 815 069

MAIL



UNCLAIMED
RETURNED TO SENDER
REFUSED

NTF
10-1
NOT FOR
FINAL NOTICE
RETURN

Brian Burns
2577 Nordell Ave
Castro Valley, CA 94546

93 OCT 25 PM 3:48

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) East Bay Scaffolding)
2552 San Carlos Avenue)
Castro Valley, California)
_____)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board


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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I **Scott Seery**, do hereby certify that I served
Theresa Burns with a copy of the attached **Notice of Official Action**
by the **Regional Board** by certified mailer # P 113 815 046.

Dated: 9-29-93



(signature)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 SEP 28 PM 3: 14

Brian Burns
2577 Nordell Ave.
Castro Valley, CA 94546

September 27, 1993
File: 01-0537 & 2198.17

Theresa Burns
2577 Nordell Ave.
Castro Valley, CA 94546

William H. Broach
Trustee in Bankruptcy #92-44891
East Bay Scaffolding Inc.
1990 N. California Blvd., #26
Walnut Creek, CA 94596

East Bay High Reach Equipment Company
dba East Bay Scaffolding
and a Successor Corporation
P.O. Box 752 Hayward, CA 94543

Melvin B. Kauffman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

**RE: Legal Designation of Responsible Party and Request for
submittal of a Technical Report Resulting from the Alameda
County Department of Environmental Health's Pre-Enforcement
Review Panel Meeting on July 27, 1993**

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It has been brought to my attention by Regional Board staff that a condition of soil and groundwater pollution exists on the property located at 2552 San Carlos Avenue, Castro Valley, as a result of an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23 Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

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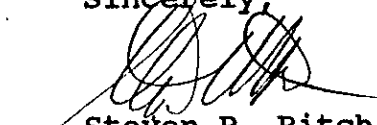
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Enforcement Panel Meeting
Page 3 of 3

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Please contact Mr. Seery, of ACHD, at (510) 271-4530.

Sincerely,



Steven R. Ritchie
Executive Officer

cc: Gil Jensen, ACDA, 7677 Oakport Street, Suite 400, Oakland
94621
Scott Seery, ACHD, 80 Swan Way, Suite 200, Oakland 94621
Michael Abbott, Esq., Normoyle & Newman, 1700 Standiford
Avenue, Suite A340, Modesto 95350
Ronald Oliner, Esq., 1999 Harrison Street, Suite 800, Oakland
94612

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- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

SS
I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Theresa Burns
2577 Nordell Ave
Castro Valley, CA 94586

4a. Article Number

P 113 815 046

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

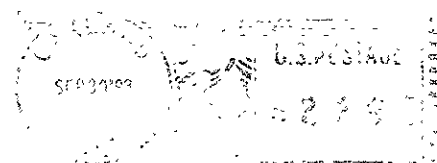
6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY

Hazardous Materials Program
80 Swan Way, Rm 200
Oakland, CA 94621

CERTIFIED
P 113 815 046
MAIL



UNCLAIMED
RETURNED TO SENDER
REFUSED

NYH
10-1

Theresa Burns
2577 Nordell Ave.
Castro Valley, CA 94546

NOTIFIED
FINAL NOTICE 10-6-93
RETURN 10-16-93

93 OCT 25 PM 3:48

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) East Bay Scaffolding)
2552 San Carlos Avenue)
Castro Valley, California)
_____)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

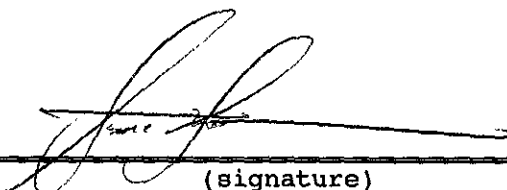
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify that I served
Theresa Burns with a copy of the attached Notice of Official Action
by the Regional Board by certified mailer # P 113 815 046.

Dated: 9-29-93



(signature)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 SEP 28 PM 3:14

Brian Burns
2577 Nordell Ave.
Castro Valley, CA 94546

September 27, 1993
File: 01-0537 & 2198.17

Theresa Burns
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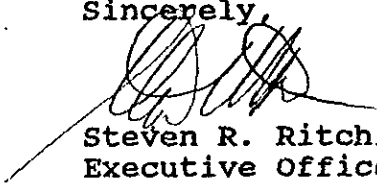
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Enforcement Panel Meeting
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55
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Consult postmaster for fee.

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Theresa Burns
2577 Nordell Ave
Castro Valley, CA 94586

4a. Article Number

P 113 815 046

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

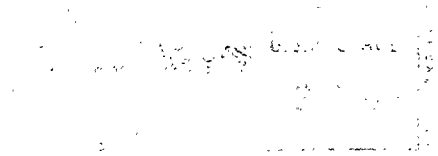
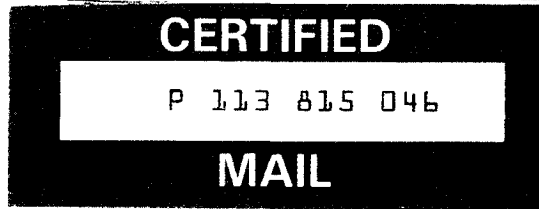
5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY

Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621



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RETURNED TO SENDER
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NYH
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) **By the San Francisco Bay**
(former) East Bay Scaffolding) **Regional Water Quality**
2552 San Carlos Avenue) **Control Board**
Castro Valley, California)

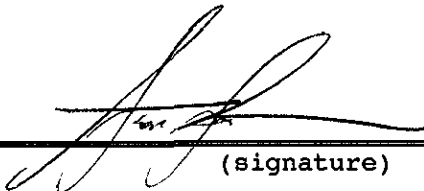
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I **Scott Seery**, do hereby certify that I served
Melvin Kauffman with a copy of the attached **Notice of Official
Action by the Regional Board** by certified mailer
P 113 815 050.

Dated: 7-29-93



(signature)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 SEP 28 PM 3:14

Brian Burns
2577 Nordell Ave.
Castro Valley, CA 94546

September 27, 1993
File: 01-0537 & 2198.17

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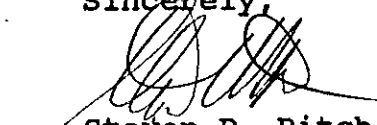
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Avenue, Suite A340, Modesto 95350
Ronald Oliner, Esq., 1999 Harrison Street, Suite 800, Oakland
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Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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- The Return Receipt will show to whom the article was delivered and the date delivered.

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1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Melvin Kauffman
 True Fit Manufacturing
 3515 W. Yosemite Ave
 Lathrop, CA 95330

4a. Article Number
 P 113 815 050

4b. Service Type

<input type="checkbox"/> Registered	<input type="checkbox"/> Insured
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

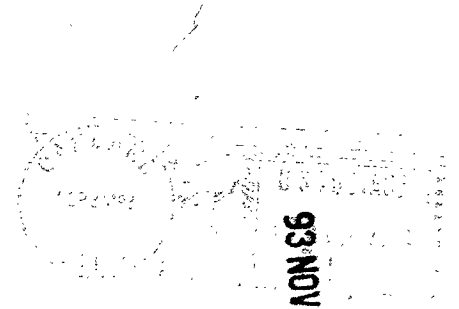
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Thank you for using Return Receipt Service.

ALAMEDA COUNTY
HEALTH CARE SERVICES AGENCY

Hazardous Materials Program
80 Swan Way, Rm. 200
Oakland, CA 94621

10-4-93
12/02 ✓
10-25



93 NOV -2 AM 10:57

RETURNED TO SENDER
REASON: CHECKED
Unclaimed
Attempted for non-pn
Insufficient Address
No such street number
No such office in state
Do not re-mail in this envelope

Melvin Kauffman
True Fit Manufacturing
3518 West Yosemite
Lathrop, GA 98330

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 SEP 28 PM 3: 14

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2577 Nordell Ave.
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September 27, 1993
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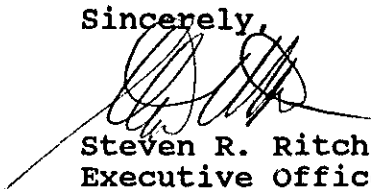
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Castro Valley, California) Control Board

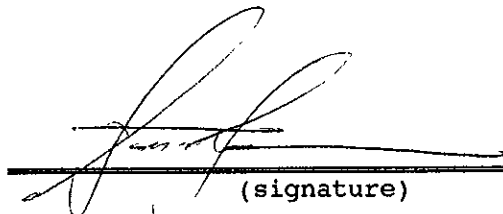
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I Scott Seery, do hereby certify that I served Brian Burns with a copy of the attached **Notice of Official Action** by the Regional Board by certified mailer # P 113 815 069

Dated: 9-29-83



(signature)

P 113 415 069



**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>Brian Burns</i>	
Street and No <i>2577 Nordell Ave.</i>	
P.O., State and ZIP Code <i>Castro Valley 94546</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

Alameda County Health Care Services Agency, Department of
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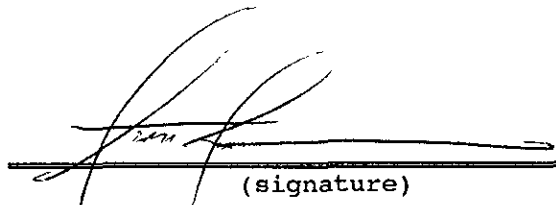
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I Scott Seery, do hereby certify that I served
William H. Broach with a copy of the attached Notice of Official
Action by the Regional Board by certified mailer # P 113 815 047.

Dated: 7-29-83



(signature)

SS

P 113 815 047



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to	William H. Broach	
Street and No	1990 N. Calif. Bl. #26	
P.O. State and ZIP Code	Walnut Creek, CA 94596	
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom Date, and Addressee's Address		
TOTAL Postage & Fees		\$
Postmark or Date		

PS Form 3800, June 1991

Is your RETURN ADDRESS completed on the reverse side?

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 William H. BROACH
 1990 N. Calif. Bl. #26
 WALNUT CREEK, CA 94596.

4a. Article Number
 #P 113 815 047

4b. Service Type
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery
 10-4

5. Signature (Addressee)

6. Signature (Agent)
 W. H. Broach, Trustee

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) East Bay Scaffolding)
2552 San Carlos Avenue)
Castro Valley, California)
_____)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

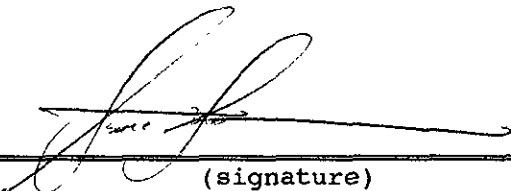
Dear Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify that I served
Theresa Burns with a copy of the attached Notice of Official Action
by the Regional Board by certified mailer # P 113 815 046.

Dated: 9-29-93



(signature)

P 113 815 046



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to <i>Theresa Burns</i>	
Street and No. <i>2577 Nordell Ave</i>	
P.O., State and ZIP Code <i>Castro Valley 94546</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

P 113 815 048



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to <i>E. B. High Reach Equip. Co.</i>	
Street and No. <i>P.O. Box 752</i>	
P.O., State and ZIP Code <i>Hayward, CA 94543</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*East Bay High Reach Equip
P.O. Box 752
Hayward, CA 94543*

4a. Article Number

P 113 815 048

4b. Service Type

- Registered
- Certified
- Express Mail
- Insured
- COD
- Return Receipt for Merchandise

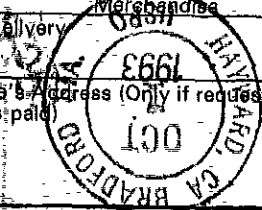
7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

Andy Dalton

8. Addressee's Address (Only if requested and fee is paid)



Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)	Notice of Official Action
(former) East Bay Scaffolding)	By the San Francisco Bay
2552 San Carlos Avenue)	Regional Water Quality
Castro Valley, California)	Control Board
<hr/>		

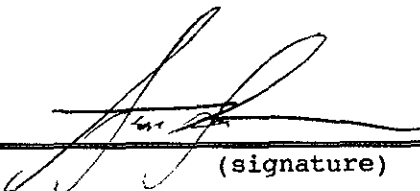
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify that I served
Melvin Kauffman with a copy of the attached **Notice of Official
Action by the Regional Board** by certified mailer
P 113 815 050.

Dated: 7-29-93



(signature)



P 113 815 050

Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to <i>Melvin Kauffman</i>	
Street and No. <i>3515 W. Yosemite Ave</i>	
P.O., State and ZIP Code <i>Lathrop, CA 95330</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) East Bay Scaffolding)
2552 San Carlos Avenue)
Castr Valley, California)
_____)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

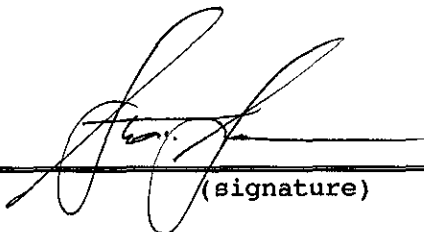
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify
that I personally served East Bay High Reach Equipment Company
with a copy of the attached **Notice of Official Action** by the
Regional Board.

Dated: 4-13-94



(signature)

- served @ the 4/13/94
meeting @ DA's office

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)
)
(former) East Bay Scaffolding)
2552 San Carlos Avenue)
Castr Valley, California)
)
)

Notice of Official Action
By the San Francisco Bay
Regional Water Quality
Control Board

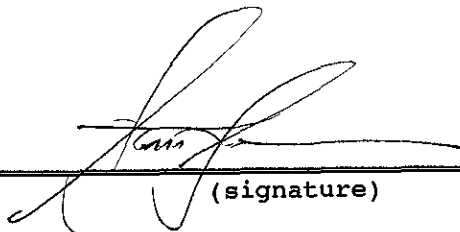
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I SCOTT STERY, do hereby certify
that I personally served Brian Burns with a copy of the attached
Notice of Official Action by the Regional Board.

Dated: 4-13-94



(signature)

- served @ the 4/13/94
meeting @ DA's office

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)	Notice of Official Action
)	By the San Francisco Bay
)	Regional Water Quality
East Bay Scaffolding)	Control Board
2522 San Carlos Avenue)	
<u>Castro Valley, California</u>)	

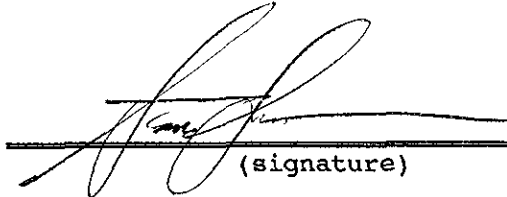
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Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Scott Seery, do hereby certify
that I personally served Melvin Kauffman with a copy of the
attached Notice of Official Action by the Regional Board.

Dated: 12/6/93



(signature)

MEMORANDUM

DATE: December 7, 1993

TO: Gil Jensen, Don Harris - Alameda County District Attorney's
Office

FROM: Scott Seery ^{SES}

SUBJ: East Bay Scaffolding, 2522 San Carlos Avenue, Castro Valley

Yesterday, December 6, 1993, I personally served Mel Kauffman a copy of the September 27, 1993 RWQCB letter requesting technical reports. A copy of the signed proof of service form is attached to this memo. Mr. Kauffman and I then discussed his case. I encouraged him to get his attorney involved with the case to implement whatever remedies are available to him to begin collecting the monetary judgement against Brian Burns, one of the other named RPs and former owner of East Bay Scaffolding. I also informed him of his potential eligibility for receipt of SB2004 funds.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

SAN FRANCISCO BAY REGION

2101 WEBSTER STREET, SUITE 500

OAKLAND, CA 94612

(510) 286-1255



93 SEP 28 PM 3:14

Brian Burns
2577 Nordell Ave.
Castro Valley, CA 94546

Theresa Burns
2577 Nordell Ave.
Castro Valley, CA 94546

William H. Broach
Trustee in Bankruptcy #92-44891
East Bay Scaffolding Inc.
1990 N. California Blvd., #26
Walnut Creek, CA 94596

East Bay High Reach Equipment Company
dba East Bay Scaffolding
and a Successor Corporation
P.O. Box 752 Hayward, CA 94543

Melvin B. Kauffman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: Legal Designation of Responsible Party and Request for
Submittal of a Technical Report Resulting from the Alameda
County Department of Environmental Health's Pre-Enforcement
Review Panel Meeting on July 27, 1993

Dear Sirs:

It has been brought to my attention by Regional Board staff that a condition of soil and groundwater pollution exists on the property located at 2552 San Carlos Avenue, Castro Valley, as a result of an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23 Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your co-operation in resolving these issues through normal correspondence.

September 27, 1993
File: 01-0537 & 2198.17

ALAMEDA COUNTY ENVIRONMENTAL HEALTH-HAZARDOUS MATERIALS DIVISION
LOCAL OVERSIGHT PROGRAM

PHONE 510-271-4530
FAX 510-569-4757

FACSIMILE COVER SHEET

DATE: 9-10-93 PAGES: 4 (incl. cover sheet)

TO: Rich Hiett
FAX: 286-1380

FROM: Scott Seery

SUBJECT: E.B. Scaffolding; July 27 "Pre Enforcement
Review Panel" — DRAFT letter

Rich -

Here's another copy of a letter re: The 2552 San Carlos site (East Bay Scaffolding), Castro Valley. I've actually added a bit to this draft this A.M. This is a better letter than the one sent last week. So... if the previous one has already been sent, so be it; however, if it hasn't, please have Steve sign this one instead.

Scott

(SECOND DRAFT)

August 12, 1993

Brian P. Burns
2577 Nordell Avenue
Castro Valley, CA 94546

Theresa Burns
2577 Nordell Avenue
Castro Valley, CA 94546

William H. Broach
Trustee in Bankruptcy #92-44891
East Bay Scaffolding Inc.
1990 N. California Blvd., # 26
Walnut Creek, CA 94596

East Bay High Reach Equipment Company
dba East Bay Scaffolding
and a Successor Corporation
P.O. Box 752 Hayward, CA 94543

Melvin B. Kauffman
True Fit Manufacturing
3515 Wets Yosemite Avenue
Lathrop, CA 95330

**RE: Legal Designation of Responsible Party and Request for
Submittal of a Technical Report Resulting from the Alameda
County Department of Environmental Health's Pre-Enforcement
Review Panel Meeting of July 27, 1993**

Dear Sirs:

It has been brought to my attention by Regional Board staff that a condition of soil and ground water pollution exists on the property located at 2552 San Carlos Avenue, Castro Valley, as a result of an underground storage tank release. The Alameda County Department of Environmental Health (ACHD) staff have requested technical reports from you to fulfill your obligations per California Code of Regulations, Title 23, Waters, Chapter 16, Underground Storage Tank Regulations, Article 11, Corrective Action Requirements. It is my understanding that ACHD staff were unsuccessful in eliciting your cooperation in resolving these issues through normal correspondence.

A Pre-Enforcement Review panel was held at the ACHD offices on July 27, 1993, attended by Mr. Rich Hiatt of my staff. Pursuant to the Regional Board's authority under Section 13267(b) of the California Water Code, you are hereby found to be a responsible party as defined by Title 23 of the California Code of Regulations, Division 3, Chapter 16, Article 11, Section 2720. A *Responsible Party* is "any person who owned or operated the underground storage tank immediately before the discontinuation of its use." A responsible party also includes any owner of property from which an unauthorized release of a hazardous substance from an underground storage tank has occurred.

As a Responsible Party, you are required to conduct both soil and ground water investigations to determine the extent of the environmental contamination resulting from the release. You are therefore directed to submit technical reports to address soil and ground water pollution at this site within 60 days of the date of this letter.

These technical reports should specifically address the following numbered items:

- 1) The results of the implementation of the (approved) March 1992 Certified Environmental Consulting, Inc. (CEC) site assessment workplan, or equivalent (pending approval of "equivalent" work plan);
- 2) Professional interpretation of data collected during this phase of the investigation and recommendations for additional work.
- 3) Adherence to a **quarterly** schedule of well monitoring/sampling and report submittal, at a minimum.

All work should adhere to the requirements articulated in August 10, 1990 The Tri-Regional Board Staff Recommendations for the Preliminary Evaluation and Investigation of Underground Storage Tank Sites and Article 11 of Title 23, Waters, California Code of Regulations.

I am hereby transmitting this request for a technical report to ACHD for service and continued case handling. You should be aware that failure on your part to submit the requested technical report, or a submittal received after the date specified in this request may result in fines up to \$1,000 per day of delinquency. Your response to this technical report request should be sent to Mr. Scott Seery, at ACHD. Please inform Mr. Seery at least three working days in advance of all field activities.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267(b). Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the Alameda County Department of Environmental Health, Hazardous Materials Division.

If you have any questions regarding the contents of this letter, please contact Mr. Seery, of ACHD, at 510/271-4530.

Sincerely,

Steven R. Ritchie
Executive Officer

cc: Gil Jensen, Alameda County District Attorney's Office
Scott Seery, Senior Hazardous Materials Specialist, ACHD
Michael Abbott, Esq., Normoyle & Newman
1700 Standiford Ave., Ste. A340, Modesto 95350
Ronald Oliner, Esq., 1999 Harrison St., Ste. 800
Oakland 94612

ALAMEDA COUNTY ENVIRONMENTAL HEALTH-HAZARDOUS MATERIALS DIVISION
LOCAL OVERSIGHT PROGRAM

PHONE 510-271-4530
FAX 510-569-4757

FACSIMILE COVER SHEET

DATE: 8-12-93

PAGES: 4 (incl. cover sheet)

TO: GIL JENSEN
FAX: 569-0505

FROM: SCOTT SERRY

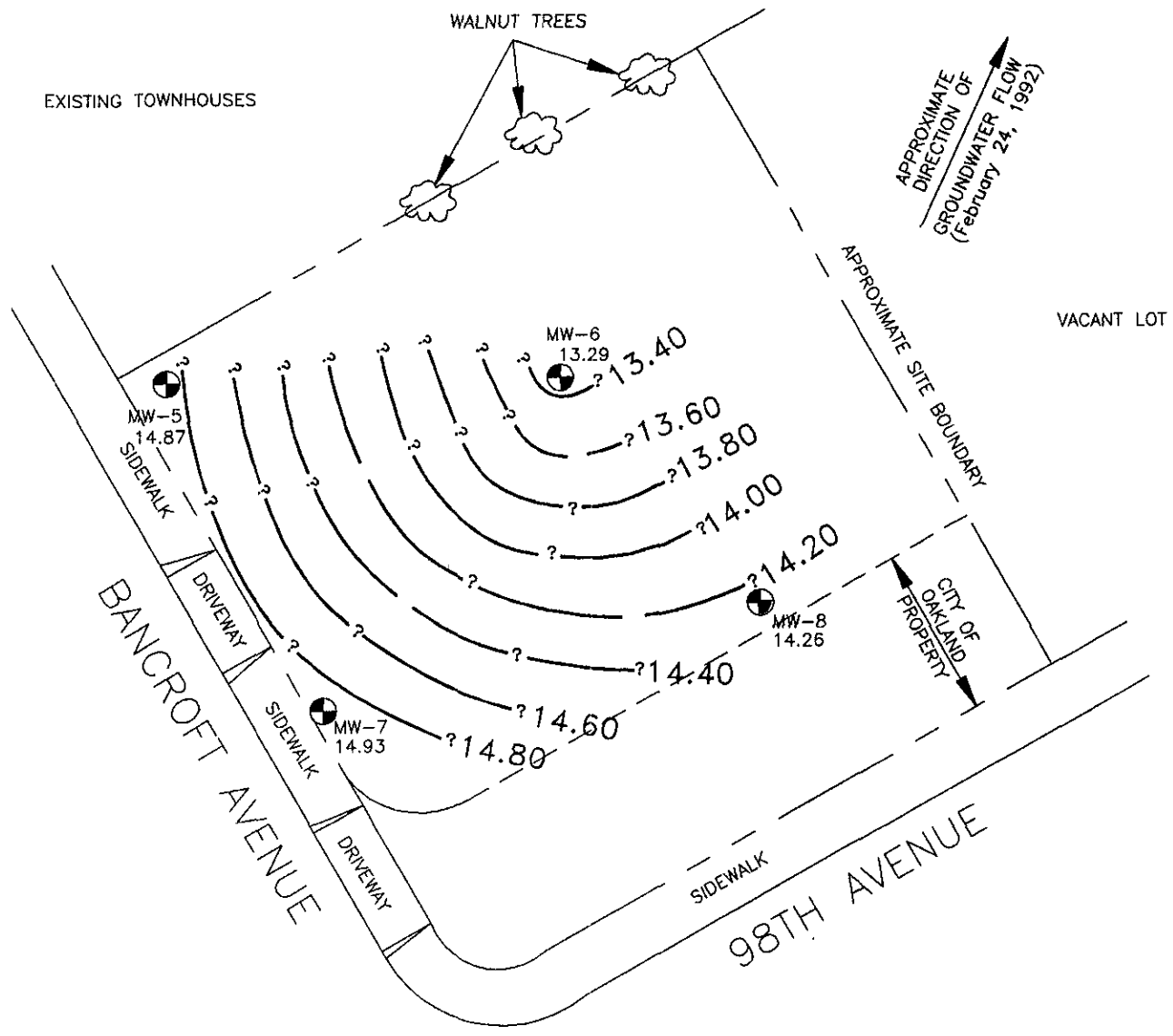
SUBJECT: East Bay Scaffolding, 2552 San Carlos

Gil:


Here's my version of the DRAFT letter to the RWQCB. Pg. 2 provides the elements of the required "technical report" and a 60 day deadline for submittal of the report. I also added the address of the subject site in the letter's opening paragraph.

During Rich Hiett's absence, to whom are we sending the DRAFT letters?

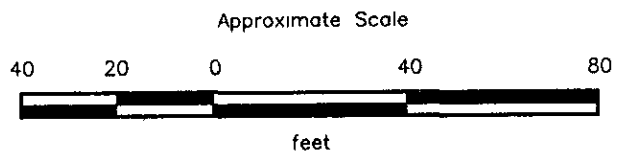
Scott



EXPLANATION

- 14.80 — = Line of equal elevation of groundwater above mean sea level (MSL)
- 14.93 = Elevation of groundwater in feet above MSL February 24, 1992
- MW-8  = Monitoring well (RESNA, 1990 and 1991)

Source: Locations of wells MW-5 through MW-7 were surveyed by Ron Archer Civil Engineer on 11/15/90. Location of well MW-8 was surveyed by Ron Archer Civil Engineer on 08/15/91.



RESNA

GROUNDWATER GRADIENT MAP
Former Unocal Station 4710
Bancroft and 98th Avenues
Oakland, California

PLATE
3

PROJECT 61016.03

ALAMEDA COUNTY ENVIRONMENTAL HEALTH-HAZARDOUS MATERIALS DIVISION
LOCAL OVERSIGHT PROGRAM

PHONE 510-271-4530
FAX 510-569-4757

FACSIMILE COVER SHEET

DATE: 7-23-93

PAGES: 2 (incl. cover sheet)

TO: Gil Jensen
FAX: 569-0505

FROM: Scott Seery

SUBJECT: July 27 REVIEW PANEL - E.B. Scaffolding
2552 San Carlos
Castro Valley

Gil -

Attached is a letter from The property owner's attorney. You may recall that this is the case where the RP secured a default judgement against his former tenant, Brian Burns dba East Bay Scaffolding, in Superior Court. The property owner, Mel Kauffman, was served his notice to appear at the July 27th review panel, as was the attorney for Brian Burns. My reading of Kauffman's attorney's letter would suggest that he will not come, and that there is belief that the RP's obligation under 23CCR and others has been relieved by this default judgement. Any suggestions?

Scott

LAW OFFICES OF
NORMOYLE & NEWMAN

A PROFESSIONAL LAW CORPORATION
1700 STANDIFORD AVENUE - SUITE 200
MODESTO, CALIFORNIA 95350
TELEPHONE (209) 521-9521 TELECOPIER (209) 521-4968

93 JUL 29 PM 1:46

MICHAEL C. NORMOYLE
RUSSELL A. NEWMAN
WYLIE P. CASHMAN
ERNEST M. SPOKES, JR.
MARY ANN AGUIRRE
MICHAEL L. ABBOTT
JOHN T. RESSO

PATRICK M. McGRATH
DAVID O. ROMANO, P.E.
Land Use Analysts

July 21, 1993

Scott Seery, CHMM
Senior Hazardous Materials Specialist
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, CA 94621

Re: Property at 2552 San Carlos Avenue, Castro Valley

Dear Mr. Seery:

I recently received a letter from my client, Mr. Mel Kauffman of Lathrop, California which he had received from your office regarding the remediation of potential environmental contamination at the above-referenced property ("the Property"). As I am aware you have been notified, Mr. Kauffman has secured a judgment in his action against Mr. Brian Burns and East Bay Scaffolding, one cause of action of which was for declaratory relief regarding the duty of Burns to clean up the contamination his company caused at the Property.

The Judgment obtained by Mr. Kauffman states that:

1. This Court declares and adjudges that Defendant is solely responsible for the remediation of contamination associated with the underground storage tank previously used by Defendant at 2552 San Carlos Avenue, Castro Valley, California (hereinafter "the Property").
2. Defendant is enjoined from further maintaining the nuisance condition on the Property and is ordered to abate said nuisance condition immediately. Defendant shall take all necessary steps to remediate the contamination associated with the underground storage tank at the Property.

The Superior Court has therefore declared that it is Brian Burns, not Mr. Kauffman, who is solely responsible for the remediation of the contamination at the Property. Additionally, Mr. Burns is in violation of an order of the Superior Court for his continued refusal to takes steps to abate the contamination.

Scott Seery
July 21, 1993,
Page 2


Mr. Kauffman will be pleased to assist in any way possible with Alameda County's efforts to require Mr. Burns to comply with the order of the Superior Court, a copy of which is enclosed herewith. Inasmuch as the Court has squarely denominated the party responsible for the contamination at the Property, however, I would urge you to look to Mr. Brian Burns to clean up the problem he alone has created.

Although Mr. Burns' company, East Bay Scaffolding, is in bankruptcy, Mr. Burns is not. He should be held accountable by Alameda County, and Alameda County should observe and enforce the decision of its Superior Court.

If you have any questions or comments, please give me a call. As in the other matters we have addressed together, I look forward to working with you to resolve the contamination issues at the Property.

Sincerely,

NORMOYLE & NEWMAN


Michael L. Abbott

mla\cr\2377.721

P 113 815 057

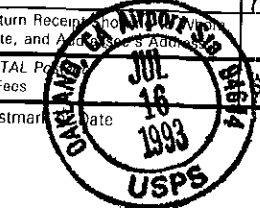


Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to <i>Melvin Kauffman</i>	
Street and No. <i>3515 W. Yosemite Ave</i>	
P.O., State and ZIP Code <i>Lathrop, GA 95330</i>	
Postage	<i>\$.29</i>
Certified Fee	<i>1.00</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.00</i>
Return Receipt Date, and Addressee's Address	
TOTAL Postage & Fees	<i>2.29</i>
Postmark Date	



P 113 815 070

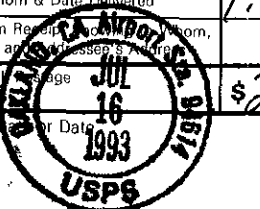


Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, June 1991

Sent to <i>Matthew Spielberg</i>	
Street and No. <i>21855 Redwood Rd</i>	
P.O., State and ZIP Code <i>Castro Valley, CA 94546</i>	
Postage	<i>\$.29</i>
Certified Fee	<i>1.00</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.00</i>
Return Receipt Date, and Addressee's Address	
TOTAL Postage & Fees	<i>2.29</i>
Postmark Date	



Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)

Proof of Service of

)
)
)

Notice of
Pre-Enforcement
Review Panel

(former) East Bay Scaffolding
2552 San Carlos Ave.
Castro Valley, CA 94546

I Scott SEERY, do hereby certify

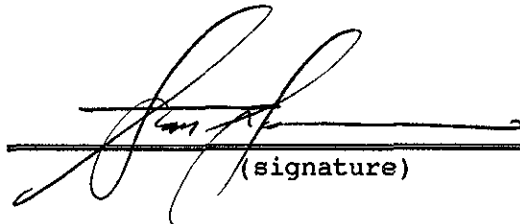
that I served Melvin Kauffman

with a copy of the attached **Notice of Pre-Enforcement Review**

Panel on July 16, 1993 by certified

mailer # P 113 815 057

Dated: 7-16-93


(signature)

SS

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Melvin Kauffman
 True Fit Manufacturing
 3515 West Yosemite Ave
 Lathrop, CA 95330

4a. Article Number
 P 113 815 057

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery
 7/19/93

5. Signature (Addressee)
 [Signature]

6. Signature (Agent)
 [Signature]

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

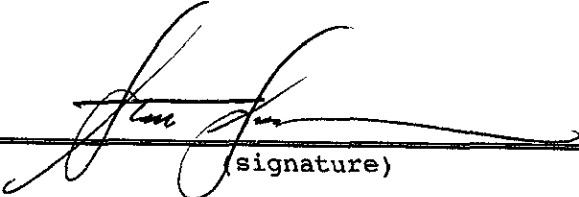
In Re The Property Known As :) Proof of Service of

)
)
)
(former) East Bay Scaffolding
2552 San Carlos Ave.
Castro Valley, CA 94546

Notice of
Pre-Enforcement
Review Panel

I Scott Seery, do hereby certify
that I served Brian Burns c/o Matthew Spielberg
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 16 - 1993 by certified
mailer # P 113 815 070

Dated: 7-16-93


(signature)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 Matthew Spielberg
 21855 Redwood Rd.
 Castro Valley, CA 94546
 STD 2780

4a. Article Number
 P 113 815 070

- 4b. Service Type
- Registered Insured
 - Certified COD
 - Express Mail Return Receipt for Merchandise

7. Date of Delivery
 7/19/83

5. Signature (Addressee)
 J. Palmer

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)
 Robert Drake

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

*** U.S. POSTAL SERVICE ***
 AIRPORT STA. 007
 OAKLAND CA. -94614-9991

CLERK #88
 DATE: 07/16/93 11:48:19 AM

110 P O METER 4.56
 TOTAL: \$ 4.56

*** THANK YOU ***

P 113 815 057

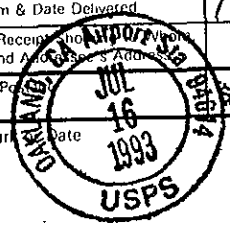


Receipt for Certified Mail

No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

Sent to <i>Melvin Kauffman</i>	
Street and No. <i>3515 W. Yosemite Ave</i>	
P.O., State and ZIP Code <i>Lathrop, CA 95330</i>	
Postage	\$ <i>2.29</i>
Certified Fee	<i>1.00</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.00</i>
Return Receipt Showing Date, and Addressee's Address	
TOTAL Postage & Fees	<i>2.29</i>
Postmark Date	<i>JUL 16 1993</i>

PS Form 3800, June 1991



P 113 815 070

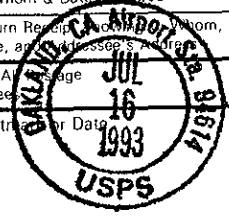


Receipt for Certified Mail

No Insurance Coverage Provided
 Do not use for International Mail
 (See Reverse)

Sent to <i>Matthew Spielberg</i>	
Street and No. <i>21855 Redwood Rd</i>	
P.O., State and ZIP Code <i>Castro Valley, CA 94546</i>	
Postage	\$ <i>2.29</i>
Certified Fee	<i>1.00</i>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	<i>1.00</i>
Return Receipt Showing Date, and Addressee's Address	
TOTAL Postage & Fees	<i>2.29</i>
Postmark Date	<i>JUL 16 1993</i>

PS Form 3800, June 1991



ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR
DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

STID 2780

May 25, 1993

Mr. Mel Kaufman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: (FORMER) EAST BAY SCAFFOLDING, 2552 SAN CARLOS AVENUE,
CASTRO VALLEY

Dear Mr. Kaufman:

The Department has not received the report documenting the results of the initial soil and water investigation at this site. This work was proposed in a Certified Environmental Consulting, Inc. (CEC) work plan dated March 1992. The cited CEC work plan was modified and approved in correspondence from the Department dated March 20, 1992. More than a year has passed since this approval was granted.

Please be reminded that the cited March 20, 1992 letter approving the scope of work at this site required that ground water elevations be measured and samples collected quarterly. Consistent with state underground storage tank regulations, reports were to be submitted quarterly until case closure.

Please contact the undersigned at 510/271-4320 to discuss the status of the initial assessment outlined in the cited CEC work plan, and the results of the additional monitoring and sampling occurring subsequent to the initial phase of this investigation.

Sincerely,


Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Rich Hiatt, RWQCB
Jim Ferdinand, Alameda County Fire Department
Brad Webb, Certified Environmental Consultants, Inc.
files

ALAMEDA COUNTY ENVIRONMENTAL HEALTH-HAZARDOUS MATERIALS DIVISION
LOCAL OVERSIGHT PROGRAM

PHONE 510-271-4530

FAX 510-569-4757

FACSIMILE COVER SHEET

DATE: 6-3-93

PAGES: 3⁷ (incl. cover sheet)

TO: Gil Jensen
FAX: 569-0505

FROM: Scott Seery

SUBJECT: STD 2780, (former) East Bay Scaffolding,
2552 San Carlos Ave.
Castro Valley

Gil -

Here are a couple documents, including the Superior Court judgement, we discussed. Please let me know your final, well honed approach for this case. Incidentally, I just received a copy of the judgement in response to the 5/25/93 letter from me to Mel Kauffman.

Scott

NORMOYLE & NEWMAN
A PROFESSIONAL CORPORATION
1700 STANDIFORD AVENUE
SUITE A-340
MODESTO, CA 95350
(209) 521-9521

1 Michael C. Normoyle, No. 10039
2 Michael L. Abbott, Esq., No. 148917
3 NORMOYLE & NEWMAN
4 1700 Standiford Avenue, Suite A-340
5 Modesto, CA 95350
6 (209) 521-9521

ENDORSED
FILED
ALAMEDA COUNTY

NOV 1 - 1992

RONALD G. OVERHOLT, Exec. Off./Clerk
By Lorraine Roh

7 Attorneys for Plaintiff
8 Melvin E. Kauffman

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
10 SOUTHERN DIVISION

11 MELVIN E. KAUFFMAN,) NO. H 161761-6
12)
13 Plaintiff,) JUDGMENT
14)
15 vs.)
16)
17 BRIAN P. BURNS, Individually)
18 and dba EAST BAY SCAFFOLDING)
19 COMPANY, and DOES 1 through)
20 50, inclusive,)
21)
22 Defendants.)

23 This cause came on for a hearing on October 16, 1992,
24 before the Honorable Richard Bartolini, presiding in Department 36
25 of the above-captioned Court, Michael L. Abbott of the law offices
26 of Normoyle & Newman appearing for Plaintiff Melvin Kauffman
27 (hereinafter "Kauffman".)

28 Defendant Brian Burns (hereinafter "Defendant") has been
served with the complaint and has failed to answer or respond to
it, and his default has been duly entered.

Upon evidence presented to the satisfaction of the Court,
and good cause appearing therefor:

IT IS ORDERED that Kauffman have and recover judgment
against Defendant as follows:

NORMOYLE & NEWMAN
A PROFESSIONAL CORPORATION
1700 STANDIFORD AVENUE
SUITE A-340
MODESTO, CA 95350
(209) 521-9521

1 1. This Court declares and adjudges that Defendant is
2 solely responsible for the remediation of contamination associated
3 with the underground storage tank previously used by Defendant at
4 2552 San Carlos Avenue, Castro Valley, California (hereinafter "the
5 Property").

6 2. Defendant is enjoined from further maintaining the
7 nuisance condition on the Property and is ordered to abate said
8 nuisance condition immediately. Defendant shall take all necessary
9 steps to remediate the contamination associated with the
10 underground storage tank at the Property.

11 3. Kauffman shall have and recover judgment from
12 Defendant in the sum of Fifteen Thousand Two Hundred Forty Seven
13 Dollars and Fifty-Nine Cents (\$15,247.59); attorney's fees in the
14 amount of Seven Thousand and Thirty-Four Dollars (\$7034.00); costs
15 of suit and disbursements in the sum of Two Hundred Ninety-One
16 Dollars and Seventy Cents (\$291.70); and interest on said judgment
17 at the legal rate from the date of judgment until the judgment is
18 satisfied.

19 Presented and Signed

20 Dated: October 29, 1992

RICHARD BARTALINI

Judge of the Superior Court

21
22
23
24 mla\pl\2377judg.kau
25
26
27
28

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST AGENCY DIRECTOR

STID 2780

May 25, 1993

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland CA 94621
(510) 271-4536

Mr. Mel Kaufman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: (FORMER) EAST BAY SCAFFOLDING, 2552 SAN CARLOS AVENUE,
CASTRO VALLEY

Dear Mr. Kaufman:

The Department has not received the report documenting the results of the initial soil and water investigation at this site. This work was proposed in a Certified Environmental Consulting, Inc. (CEC) work plan dated March 1992. The cited CEC work plan was modified and approved in correspondence from the Department dated March 20, 1992. More than a year has passed since this approval was granted.

Please be reminded that the cited March 20, 1992 letter approving the scope of work at this site required that ground water elevations be measured and samples collected quarterly. Consistent with state underground storage tank regulations, reports were to be submitted quarterly until case closure.

Please contact the undersigned at 510/271-4320 to discuss the status of the initial assessment outlined in the cited CEC work plan, and the results of the additional monitoring and sampling occurring subsequent to the initial phase of this investigation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott O. Seery', written over a horizontal line.

Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director
Gil Jensen, Alameda County District Attorney's Office
Rich Hiett, RWQCB
Jim Ferdinand, Alameda County Fire Department
Brad Webb, Certified Environmental Consultants, Inc.
files



QUICK REPLY LETTER 7-45332

QUILL CORPORATION GENERAL OFFICES, LINCOLNSHIRE, IL 60069-3621 LINCOLNSHIRE, IL • ONTARIO, CA • TORONTO, CANADA MADE IN U.S.A.

93 JUN 21 1993

TO ALAMEDA COUNTY HEALTH
80 SWAN WAY Rm 200
OAKLAND, Ca. 94621

SUBJECT EAST BAY Scaffolding
2552 SAN CARLOS AVE
CASTRO VALLEY, CA.

MESSAGE

DATE 6-2-93

ATTN: Scott Smedley CHAIR -

Dear Scott: Enclosed please find Court order, WHERE IN THE COURT
AD JUDGES BRIAN BURNS Solely Responsible FOR THE REMEDIATION OF
CONTAMINATION ASSOCIATED WITH THE UNDERGROUND STORAGE TANK.

SIGNED

M. Kaufman

REPLY

DATE

SIGNED

U.S. BANKRUPTCY COURT
1309 CLAY ST.
P.O. BOX 2070
OAKLAND, CA 94612-1425

**NOTICE OF COMMENCEMENT OF CASE
UNDER CHAPTER 7 OF THE
BANKRUPTCY CODE,
MEETING OF CREDITORS, AND FIXING OF DATES
(Corporation/Partnership No Asset Case)**

IN RE (NAME OF DEBTOR)
EAST BAY SCAFFOLDING, INC.
AKA/DBA: EAST BAY HIGH REACH EQUIP.CO.,

CASE NUMBER:
92-44891 JR

FILED:
7/07/92

SOC. SEC./TAX ID NOS.
94-2579552
P.O. BOX 752

MEETING OF CREDITORS

DATE: AUG. 5, 1992
HOUR: 3.30 P.M.
AT: OFFICE OF THE U.S. TRUSTEE
1401 LAKESIDE DR., 12TH FL.
SUITE A
OAKLAND, CA

HAYWARD, CA 94541

DEBTOR'S ATTORNEY
MATTHEW SPIELBERG
21855 REDWOOD ROAD

WILLIAM H. BROACH
1990 N. CALIFORNIA BLVD., #26

CASTRO VALLEY, CA 94546
TELEPHONE: 510-886-5751

WALNUT CREEK, CA 94596-3711
TELEPHONE: 510-946-1982

92 SEP 13 10 14 AM '92

AT THIS TIME THERE APPEAR TO BE NO ASSETS AVAILABLE FROM WHICH PAYMENT MAY BE MADE TO UNSECURED CREDITORS. DO NOT FILE A PROOF OF CLAIM UNTIL YOU RECEIVE NOTICE TO DO SO.

COMMENCEMENT OF CASE. A petition for liquidation under chapter 7 of the Bankruptcy Code has been filed in this court by or against the debtor named above, and an order for relief has been entered. You will not receive notice of all documents filed in this case. All documents filed with the court, including lists of the debtor's property and debts, are available for inspection at the office of the clerk of the bankruptcy court.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS. A creditor is anyone to whom the debtor owes money or property. Under the Bankruptcy Code, the debtor is granted certain protection against creditors. Common examples of prohibited actions by creditors are contacting the debtor to demand repayment, taking action against the debtor to collect money owed to creditors or to take property of the debtor, and starting or continuing foreclosure actions or repossessions. If unauthorized actions are taken by a creditor against a debtor, the court may penalize that creditor. A creditor who is considering taking action against the debtor or the property of the debtor should review section 362 of the Bankruptcy Code and may wish to seek legal advice. If the debtor is a partnership, remedies otherwise available against general partners are not necessarily affected by the commencement of this partnership case. The staff of the clerk of the bankruptcy court is not permitted to give legal advice.

MEETING OF CREDITORS. The debtor's representative, as specified in Bankruptcy Rule 9001(a)(5), is required to appear at the meeting of creditors on the date and at the place set forth above for the purpose of being examined under oath. Attendance by creditors at the meeting is welcomed, but not required. At the meeting, the creditors may elect a trustee other than the one named above, elect a committee of creditors, examine the debtor, and transact such other business as may properly come before the meeting. The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice to creditors.

LIQUIDATION OF THE DEBTOR'S PROPERTY. The trustee will collect the debtor's property, if any, and turn it into money. At this time, however, it appears from the schedules of the debtor that there are no assets from which any distribution can be paid to the creditors. If at a later date it appears that there are assets from which a distribution may be paid, the creditors will be notified and given an opportunity to file claims.

DO NOT FILE A PROOF OF CLAIM UNLESS YOU RECEIVE A COURT NOTICE TO DO SO

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 128 276

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

September 28, 1990

Mr. Mel Kauffman
True Fit Manufacturing Company
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: UNDERGROUND STORAGE TANK CLOSURE REPORT; EAST BAY SCAFFOLDING,
2552 SAN CARLOS AVENUE, CASTRO VALLEY: REQUEST FOR PRELIMINARY
SITE ASSESSMENT (PSA) PROPOSAL

Dear Mr. Kauffman:

This Department has completed review of the report of laboratory analyses, as submitted under SEMCO/James C. Bateman Petroleum Services, Inc. cover dated September 13, 1990. This report documents the analyses performed upon soil samples collected August 30, 1990 during the closure of one (1) fuel underground storage tank (UST) at the referenced site.

The results of laboratory analyses indicate that elevated levels of contamination are present in native soils in proximity to the tank. Concentrations of total petroleum hydrocarbons as gasoline (TPH-G) were as high as 2,000 parts per million (ppm) in sample #1 collected from the west sidewall of the excavation. Other samples collected from the UST pit ranged from 1.0 ppm at the bottom, to 140 ppm at the northeast wall.

Floating brown product was seen upon ground water welling into the pit; workers stated that this water was approximately at the midline of the tank when first uncovered. Other observations made during removal of this tank indicate native soil was discolored in a distinct "band" at the ground water interface. The distinct odor of gasoline was present. Additionally, a fresh coat of fiberglass resin covered the top half of the tank, likely evidence of an unauthorized repair of a leaking tank.

As a result of the noted observations made at the time of closure and the results of laboratory analyses, it is evident that an unauthorized release of hazardous materials from the UST system has occurred at this site. Consequently, you are requested to perform additional investigative work, in the form of a Preliminary Site Assessment (PSA), to ensure that there has not been an impact to ground water underlying this site.

SS

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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

<p>3. Article Addressed to:</p> <p>MR. MEL KAUFFMAN TRUE FIT MANUFACTURE 3515 W. YOSEMITE AVE LATHROP, CA 95330</p>	<p>4. Article Number</p> <p>P-062-128-276</p> <p>Type of Service:</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Registered</td> <td><input type="checkbox"/> Insured</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified</td> <td><input type="checkbox"/> COD</td> </tr> <tr> <td><input type="checkbox"/> Express Mail</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> </table> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	<input type="checkbox"/> Registered	<input type="checkbox"/> Insured	<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Registered	<input type="checkbox"/> Insured						
<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD						
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise						
<p>5. Signature - Address</p> <p>X Bookman</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>						
<p>6. Signature - Agent</p> <p>X</p>							
<p>7. Date of Delivery</p> <p>10-1-90</p>							

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

P 062 128 276

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to	
Street and No	
P.O. State and ZIP Code	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

Mr. Mel Kauffman
RE: 2552 San Carlos Avenue
September 28, 1990
Page 2 of 3

This requisite PSA will help to define the vertical and lateral impact upon ground water and soils resulting from any releases from the tank prior to its removal. The information gathered by this investigation will be used to determine an appropriate course of action to remediate the site. The PSA must be conducted in accordance with the RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks. The major elements of such an investigation are summarized in the attached Appendix A.

In order to proceed with a site investigation, you should obtain professional services of a reputable environmental/geotechnical firm. Your responsibility is to have the consultant submit for review a proposal outlining planned activities pertinent to meeting the criteria broadly outlined in this letter and the attached Appendix A.

This Department will oversee the assessment and remediation for this site. This oversight will include our review and comment on work proposals and technical guidance on appropriate investigative approaches. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7. The RWQCB may choose to take over as lead agency if it is determined following the completion of the initial assessment that there has been a substantial impact upon ground water.

This PSA proposal is due within 30 days of the date of this letter, **or by October 28, 1990**. Once this proposal has been reviewed and approved, **work should commence no later than November 28, 1990**. Accompanying this proposal must be an additional check payable to Alameda County totalling \$375 to offset expenses incurred by this Department during oversight of this project.

A report must be submitted within 30 days after the completion of this phase of work at the site. Subsequent reports must be submitted quarterly until this site qualifies for final RWQCB "sign off". Such quarterly reports are due the first day of the second month of each subsequent quarter (i.e., November 1, February 1, May 1, and August 1).

The referenced quarterly reports should describe the status of the investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.

Mr. Mel Kauffman
RE: 2552 San Carlos Avenue
September 28, 1990
Page 3 of 3

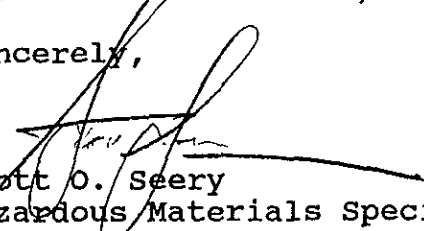
- o Status of ground water contamination characterization
- o Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation

All reports and proposals must be submitted under seal of a California-Registered Geologist, -Certified Engineering Geologist, or -Registered Civil Engineer. Please include a statement of qualifications for each lead professional involved with this project.

Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267 (b). Failure to respond or a late response could result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Should you have any questions about the content of this letter, please call me at 415/271-4320.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

enclosure

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DHS
Bob Bohman, Castro Valley Fire Department
Chuck Kiper, SEMCO
Brian Burns, East Bay Scaffolding, Inc.
files

SS #2780
P 386 338 426



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to MELVIN E., HARRY, & HELEN KAUFFMAN	
Street and No. 3515 YOSEMITE AVE.	
P.O. State and ZIP Code LATHROP CA 95330	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, June 1991

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: SS #2780 MELVIN E., HARRY, & HELEN KAUFFMAN 3515 YOSEMITE AVENUE LATHROP CA 95330	4a. Article Number P 386 338 426
5. Signature (Addressee) <i>[Signature]</i>	4b. Service Type: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise
6. Signature (Agent) <i>[Signature]</i>	7. Date of Delivery 10-13-94
	8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

94541 9244891-DEBTOR
U.S. BANKRUPTCY COURT
1300 CLAY ST.
P.O. BOX 2070
OAKLAND, CA 94612-1425

EAST BAY SCAFFOLDING , INC.
P.O. BOX 752

HAYWARD, CA 94541

|||||

UNITED STATES BANKRUPTCY COURT

P80005670 08

NORTHERN DISTRICT OF CALIFORNIA

CHAPTER: 07

IN RE: EAST BAY SCAFFOLDING, INC. CASE NUMBER: 92-44891 JR

P.O. BOX 752

SSN/ID: 94-2579552

HAYWARD, CA 94541

AKA: EAST BAY HIGH REACH EQUIP.CO.,

EAST BAY SCAFFOLDING, INC.
P.O. BOX 752

HAYWARD, CA 94541

IN RE:

DATE OF ORDER
FOR RELIEF:

EAST BAY SCAFFOLDING, INC.

JULY 7, 1992

EAST BAY HIGH REACH EQUIP.CO.

NOTICE OF APPOINTMENT OF TRUSTEE
AND APPROVAL OF BOND

YOU ARE HEREBY NOTIFIED THAT:

THE ABOVE NAMED DEBTOR(S) FILED A PETITION FOR RELIEF UNDER
CHAPTER 7 OF TITLE 11 U.S.C. OR AN ORDER FOR RELIEF HAS BEEN ENTERED
ON THE DATE SET FORTH FOLLOWING THE NAME; AND

WILLIAM H. BROACH HAS BEEN APPOINTED TRUSTEE OF THE ESTATE
OF SAID DEBTOR(S) BY THE UNITED STATES TRUSTEE, ANTHONY G. SOUSA.

DEBTOR(S) PURSUANT TO 11 U.S.C. SEC. 521 SHALL PROVIDE THE TRUSTEE
HEREIN WITH BANK STATEMENTS, CANCELLED CHECKS, TAX RETURNS OR OTHER DOCUMENTS
RELATING TO THE PROPERTY OF THE ESTATE UPON REQUEST OF THE TRUSTEE WITHIN
FIVE (5) DAYS OF SAID REQUEST.

WILLIAM H. BROACH AND THE BONDING COMPANY SHALL BE HELD
AND BOUND BY THE BOND FILED WITH THE OFFICE OF UNITED STATES TRUSTEE AND
THE COURT.

TRUSTEE - WILLIAM H. BROACH
1990 N. CALIFORNIA BLVD., #26

WALNUT CREEK, CA 94596-3711
510-946-1982

DATED: JULY 10, 1992

FOR THE COURT
PAUL C. KARNEY, JR., CLERK
UNITED STATES BANKRUPTCY COURT

NOTICE OF APPOINTMENT OF TRUSTEE
ANTHONY G. SOUSA
U.S. TRUSTEE, REGION 17

94541 9244891
U.S. BANKRUPTCY COURT
1300 CLAY ST.
P.O. BOX 2070
OAKLAND, CA 94612-1425

EAST BAY SCAFFOLDING , INC.
P.O. BOX 752

HAYWARD, CA 94541

|||||

1 UNITED STATES BANKRUPTCY COURT, NORTHERN DISTRICT OF

2 CALIFORNIA
3 FILED

4 In re EAST BAY SCAFFOLDING, INC.

Case No. 92-4-4891 JR

AUG 7 1992

5 BANKRUPTCY COURT
6 OAKLAND, CALIFORNIA

ORDER REGARDING FAILURE OF DEBTOR(S) TO APPEAR
7 AT FIRST MEETING OF CREDITORS

8 According to the Court's records, the debtor(s) in this case have
9 failed to appear at the first meeting of creditors required by U.S.C.
10 Section 341(a). A continued first meeting of creditors shall be held
11 at the Office of the U. S. Trustee, 1401 Lakeside Drive, 12th Floor,
12 Room 1260, Oakland, California on 9-2-92
13 at the hour of 3:30 p.m. DEBTOR(S) MUST ATTEND.

14 Pursuant to 11 U.S.C. Sections 102(1), 105(a) and 707(a), this
15 case will be dismissed without further notice or hearing if debtor(s)
16 fails to attend this continued first meeting, unless within 10 days after
17 9-2-92 (the continued first meeting date) the debtor(s)
18 or a party in interest files a written objection to dismissal and re-
19 quests a hearing.

20 AUG 07 1992

21 Dated: _____

22 
23 EDWARD D. JELLEN
24 Bankruptcy Judge
25 R. J. Jellen
26

owner: Melvin E. Kauffman
Harry ? Helen Kauffman
3515 W. Yosemite Ave.
Lathrop CA 95330

DATE: 7-14-92
TO : Local Oversight Program
FROM: SCSU
SUBJ: Transfer of Eligible Oversight Case

operator: Brian Burns
EB Scaffolding Co, Inc.
24829 Huntwood Ave
Hayward 94544

Site name: (former) East Bay Scaffolding
Address: 2552 San Carlos Ave city Castro Valley zip 94546

Closure plan attached? Y N DepRef remaining \$ _____

DepRef Project # _____ STID #(if any) 2980

Number of Tanks: 1 removed? Y N Date of removal 8/30/90

Leak Report filed? Y N Date of Discovery 8/30/90

Samples received? Y N Contamination: yes

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

Monitoring wells on site _____ Monitoring schedule? Y N

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

Briefly describe the following:

Preliminary Assessment pending

Remedial Action _____

Post Remedial Action Monitoring _____

Enforcement Action _____

Melvin E. Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95330

April 21, 1992

92 APR 21 01:14:09

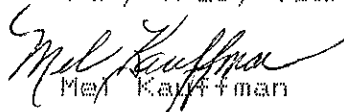
Mr. Scott O. Seery
Hazardous Material Specialist
Department of Environmental Health
Alameda County Health Services
80 Swan Way Room 200
Oakland, CA 94621

Dear Sir:

I have retained the services of Normoyle & Newman of Modesto to file suit against Brian Burns of East Bay Scaffolding. After numerous telephone calls and one written request, Mr Burns refuses to name his liability insurance carrier. His reasoning is if they should pay they would raise his premiums so high he would be forced out of business. He also violated his lease by not obtaining proper permits or by providing me with the insurance information.

The last estimate which was the minimum it would cost to complete the job in Castro Valley, was \$39,600.00. This is money I do not have ready available to proceed. A law suit against Brian Burns perhaps will get his attention to get this problem behind us. Thank you for your patience in this matter.

Very Truly Yours,


Mel Kauffman

ME/iab

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

March 20, 1992

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Mr. Mel Kaufman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

RE: PRELIMINARY SITE ASSESSMENT; 2552 SAN CARLOS AVENUE, CASTRO VALLEY

Dear Mr. Kaufman:

The Department is in receipt of the March 1992 Certified Environmental Consulting, Inc. (CEC) work plan for the excavation and treatment of fuel contaminated soil, and the installation of a single monitoring well at the referenced site. Our review was in context with a previous soil vapor survey conducted by CEC, as presented in their February 1991 report, and the technical requirements outlined in the SWRCB LUFT field manual and the San Francisco Bay RWQCB's August 10, 1990 Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites.

The March 1992 CEC work plan has been approved with the following stipulations:

- 1) Confirmatory samples collected from pit sidewalls following overexcavation should be in sufficient number to appropriately characterize the extent to which contaminants have been removed. The decision as to the number and location of such samples should be made in the field, and be based on observations of native soil conditions and field screening techniques.
- 2) Well(s) are to be surveyed to an established benchmark to an accuracy of 0.01 foot. Ground water elevations are to be measured to the same accuracy. All measurements must be converted to elevations relative to mean sea level (MSL).
- 3) The Alameda County Water Conservation and Flood Control District, Zone 7, is the well construction permit issuing agency for this site. They may be reached at 510/484-2600.

Mr. Mel Kaufman
RE: 2552 San Carlos Avenue, Castro Valley
March 20, 1992
Page 2 of 2

At this time, please adhere to a **quarterly** schedule of ground water sampling and elevation monitoring. Summary reports shall be submitted **quarterly** until this site is eligible for final "sign off" by the RWQCB. Such reports are due the first day of the second month of each subsequent quarter (i.e., May 1, August 1, November 1, and February 1). Hence, the next report is due for submittal May 1, 1992 and shall document the results of work conducted during the first quarter of 1992.

Please call me at 510/271-4530 should you have any questions.

Sincerely,



Scott O. Seery, CHMM
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Gil Jensen, Alameda County District Attorney's Office
Eddie So, RWQCB
Howard Hatayama, DTSC
Bob Bohman, Castro Valley Fire Department
Brad Webb, CEC
140 West Industrial Way
Benicia, CA 94510

Mel Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95330

March 17, 1992

Mr. Scott O. Seery
Hazardous Materials Specialist
Department Of Environmental Health
Alameda County Health Care Services
90 Swan Way, Room 200
Oakland, CA 94621

Dear Mr. Seery,

I have received, on March 14, 1992, a proposal from Certified Environmental Consulting Inc. I am in the process of review and will advise as soon as possible.

Very Truly Yours

Mel Kauffman
Mel Kauffman *JB.*

MK/jab

92 MAR 19 AM 10:59



**CERTIFIED
ENVIRONMENTAL
CONSULTING INC.**

March 12, 1992

REF: 92-129-662

Mr. Scott O. Seery
Hazardous Materials Specialist
Hazardous Materials Program
Department of Environmental Health
Alameda County Health Care Services Agency
80 Swan Way, Room 200
Oakland, CA 94621

Subject: Work Plan for Soil Excavation, Well Installation, Soil Remediation, and
Quarterly Groundwater Sampling at 2552 San Carlos Avenue, Castro Valley,
California

Dear Mr. Seery,

After having reviewed your letter of October 3, 1991 to Mr. Melvin Kaufman, Certified Environmental Consulting, Inc. (CEC) is pleased to submit a Draft Work Plan for the excavation of soil, the installation of one groundwater monitoring well, the treatment of gasoline-contaminated soil, and quarterly sampling of groundwater at 2552 San Carlos Avenue, Castro Valley, California.

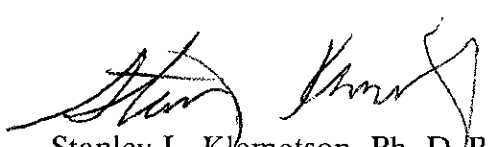
At this time, we plan to install one groundwater monitoring well in accordance with the California Regional Water Quality Control Board's Tri-Regional Board Staff Recommendations, published August 10, 1990. We would like to install the monitoring well within two weeks of closing the excavation.

A statement of qualifications for Stanley L. Klemetson, P.E., the California-registered professional in charge of the project, is enclosed.

If you have any questions, please do not hesitate to call.

Sincerely,


Bradford W. Webb
Project Geologist


Stanley L. Klemetson, Ph. D., P.E.
Vice President

BW/cc

Enclosures

91 OCT 16 AM 11:24

Melvin E. Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95530

October 14, 1991

Department of Environmental Health
80 Swan Way Room 200
Oakland, CA 94621

ATTN: Mr. Scott Seery

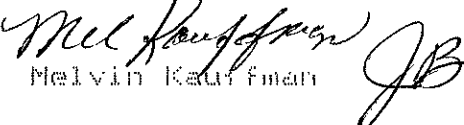
Dear Sir:

On October 11, 1991, I received your letter of October 3, 1991. It was my understanding when I sent you check #852 in the amount of \$432.00, dated April 4, 1991 and the corrected report from Stan Klemetson, that unless there was something seriously wrong, this case would be closed.

It is now five months later and you are requesting more technical information before a work plan can be approved. You are also requesting this information by November 3, 1991, which is 15 working days away.

I want to co-operate to resolve the problem, but I think the situation is at a position of overkill. I also believe that the person or persons who created the problem not just the land owner has a responsibility to help pay for the action they have taken, enforced through your agency.

Very Truly Yours


Melvin Kauffman

MK/jab

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health

Idqar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWCCB
Howard Hakayama, LISC
Rob Bolman, Castro Valley Fire Department
Stanley Klemetson, CEC



October 3, 1991

Mr. Melvin Kauffman
True Fit Manufacturing
3515 Yosemite Avenue
Lathrop, CA 95330

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

RE: PRELIMINARY SITE ASSESSMENT, 2552 SAN CARLOS AVENUE, CASTRO VALLEY

Dear Mr. Kauffman:

This Department is in receipt and has completed review of the February 1991 Certified Environmental Consulting, Inc. (CEC) report/proposal entitled, "Vapor Probe Investigations and Site Remediation Work Plan." This document describes the results of a limited soil vapor survey conducted by CEC on November 20, 1990, and includes recommendations for further work based on the results of that survey.

This Department agrees in principle to the general scope of work recommended in the February 1991 CEC report (i.e., soil excavation/treatment, monitoring well(s)). However, additional technical information is to be submitted before the work plan may be approved and implemented, as follows:

- 1) Submit a statement of qualifications for the California registered professional responsible for the project;
- 2) Soil remediation:
 - o The CEC proposal indicates that, based upon the results of the soil vapor survey, the excavation of contaminated soil is required only on "three sides of the former tank excavation." This may prove to be true. However, certain environmental and chemical factors often limit the effectiveness of soil vapor surveys to adequately assess relative concentrations of contaminants in the type of soils found at this site (silts and clays). The work plan should address the potential for soil contamination to be found elsewhere near the tank pit, and how its potential presence will be determined.
 - o Describe rationale for determining the appropriateness, in terms of both locations and number, of samples collected following soil excavation.
 - o Describe what will be done with the excavated soil following its treatment.

Mr. Melvin Kauffman

RE: 2552 San Carlos Avenue, Castro Valley

October 3, 1991

Page 2 of 3

- o Describe permitting requirements from BAAQMD and/or RWQCB for soil treatment options.

3) Well installation:

- o There may be sufficient ground water gradient information available from other investigations in this portion of Castro Valley to adequately site a single well at this site. Please submit the location and rationale for placement of a single well.

- o Describe the drilling method for construction of the monitoring well, including decontamination procedures.

- o Indicate date of expected drilling.

- o Indicate type, diameter, screen interval, and pack and slot sizing technique. Describe depth and type of seal.

- o Provide a schematic well construction diagram.

- o Describe well development method and criteria for determining adequacy of development.

- o Describe plans for disposal of drill cuttings and development water.

4) Ground water sampling plans:

- o Describe water level measurement procedures.

- o Describe methods employed for free product measurement, and the observation of sheen and odor.

- o Describe well purging procedures, and purge water disposal plans.

- o Describe sample collection, QA/QC, and chain-of-custody procedures.

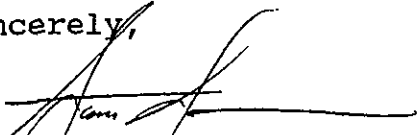
5) Provide a site-specific Site Safety Plan which adheres to the requirements of 29 CFR Part 1910. 120.

Please submit the requested information within 30 days of the date of this letter, or by November 3, 1991.

Mr. Melvin Kauffman
RE: 2552 San Carlos Avenue, Castro Valley
October 3, 1991
Page 3 of 3

Should you have any questions about the content of this letter,
please contact me at 510/271-4320.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DTSC
Bob Bohman, Castro Valley Fire Department
Stanley Klemetson, CEC
files

Stanley Klemetson
Certified Environmental
Consultants, Inc.
140 West Industrial Way
Bericia, CA 94510-1016

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



October 3, 1991

Mr. Melvin Kauffman
True Fit Manufacturing
3515 Yosemite Avenue
Lathrop, CA 95330

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

RE: PRELIMINARY SITE ASSESSMENT, 2552 SAN CARLOS AVENUE, CASTRO VALLEY

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This Department agrees in principle to the general scope of work recommended in the February 1991 CEC report (i.e., soil excavation/treatment, monitoring well(s)). However, additional technical information is to be submitted before the work plan may be approved and implemented, as follows:

- 1) Submit a statement of qualifications for the California registered professional responsible for the project;
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 - o The CEC proposal indicates that, based upon the results of the soil vapor survey, the excavation of contaminated soil is required only on "three sides of the former tank excavation." This may prove to be true. However, certain environmental and chemical factors often limit the effectiveness of soil vapor surveys to adequately assess relative concentrations of contaminants in the type of soils found at this site (silts and clays). The work plan should address the potential for soil contamination to be found elsewhere near the tank pit, and how its potential presence will be determined.
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 - o Describe what will be done with the excavated soil following its treatment.

Mr. Melvin Kauffman
RE: 2552 San Carlos Avenue, Castro Valley
October 3, 1991
Page 2 of 3

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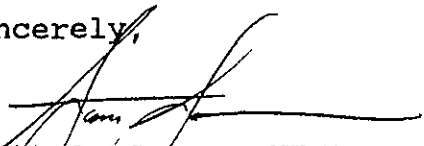
5) Provide a site-specific Site Safety Plan which adheres to the requirements of 29 CFR Part 1910. 120.

Please submit the requested information within 30 days of the date of this letter, or by November 3, 1991.

Mr. Melvin Kauffman
RE: 2552 San Carlos Avenue, Castro Valley
October 3, 1991
Page 3 of 3

Should you have any questions about the content of this letter,
please contact me at 510/271-4320.

Sincerely,



Scott O. Seery, CHMM
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Lester Feldman, RWQCB
Howard Hatayama, DTSC
Bob Bohman, Castro Valley Fire Department
Stanley Klemetson, CEC
files

Melvin E. Kauffman
3515 W. Yosemite Ave.
Lathrop, CA 95330

91
MAY 17
PM 11:26

April 24, 1991

Dept of Environmental Health
80 Swan Way Room 200
Oakland, CA 94621

ATTN: Mr. Scott Seery

Dear Sir;

Enclosed please find check # 852 for the sum of \$432.00 for site review. I have been waiting for the third revision to forward to you. There was some discrepancies in the previous two. Please don't review those, I will have the correct one sent to you as quickly as Stan Klemendson completes it for us.

Very Truly Yours,

Mel Kauffman
Mel Kauffman

MK/jab

2552 San Carlos Ave
Castro Valley 94546

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

February 13, 1991

Mr. Mel Kauffman
True Fit Manufacturing
3515 West Yosemite Avenue
Lathrop, CA 95330

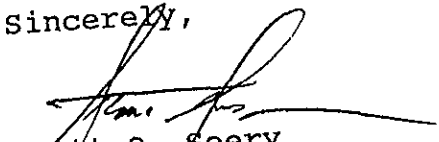
RE: (FORMER) EAST BAY SCAFFOLDING, 2552 SAN CARLOS AVENUE, CASTRO
VALLEY

Dear Mr. Kauffman:

This letter confirms our telephone conversation February 8, 1991 and this Department's receipt of your correspondence of the same date. As we discussed, an extension has been granted until **March 15, 1991** for the submittal of a preliminary site assessment (PSA) for the subject property. The conditions for the submittal of such a PSA, as outlined in the September 28, 1990 correspondence from this Department, must be followed.

Please contact this office at 415/271-4320 should you have any questions.

Sincerely,



Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
Bob Bohman, Castro Valley Fire Department
files

431 West Hatch Road
Modesto, California 95351
(209) 524-9653
FAX (209) 524-0503

1740 ^{30 Dec 18 6 11:43} Leslie Street
San Mateo, California 94402
(415) 572-8033
FAX (415) 572-9734

SEMCO
James C. Bateman Petroleum Services Inc.
General Engineering and Environmental Contractor
License NO. 449864 A, B, C-61, D-40
(800) 533-9293

Date: October 11, 1990

To: True Fit Manufacturing Co.
3515 West Yosemite
Lathrop, CA 95330

REGARDING:

Job Name: East Bay Scaffolding
Job Location: 2552 San Carlos Ave.
Castro Valley, Ca

WE ARE SENDING YOU THE FOLLOWING ITEMS:

Laboratory Analysis Chain of Custody
 Hazardous Waste Manifest Tank Disposition Record

Remarks: _____

Copy: Alameda County

Signed: _____



Please print or type. (Form designed for use on elite (12-pitch typewriter).)

12016

89891861
 IN CASE OF AN EMERGENCY OR SPILL, CALL THE NATIONAL RESPONSE CENTER 1-800-424-8802; WITHIN CALIFORNIA CALL 1-800-852-7550
 GENERATOR
 TRANSPORTER
 FACILITY

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No. CA00001976WUSTWICK16	Manifest Document No.	2. Page 1 of 1	information in the shaded areas is not required by Federal law.	
3. Generator's Name and Mailing Address EAST BAY SCAFFOLDING 255 SAN CARLOS EAST VALLEY 94546				A. State Manifest Document Number 89891861		
4. Generator's Phone 415-235-1393				B. State Generator's ID		
5. Transporter 1 Company Name Erickson, Inc.		6. US EPA ID Number CAD009466392		C. State Transporter's ID 106250		D. Transporter's Phone (415)235-1393
7. Transporter 2 Company Name		8. US EPA ID Number		E. State Transporter's ID		F. Transporter's Phone
9. Designated Facility Name and Site Address Erickson, Inc. 255 Parr Blvd. Richmond, Ca. 94801		10. US EPA ID Number CAD009466392		G. State Facility's ID CAD009466392		H. Facility's Phone (415)235-1393
11. US DOT Description (Including Proper Shipping Name, Hazard Class, and ID Number)				12. Containers No.	13. Total Quantity	14. Unit Wt/Vol
a. Waste empty storage tank NON-RCRA hazardous waste solid.				1	TP	1458 P
b.						
c.						
d.						
J. Additional Descriptions for Materials Listed Above 2 EMPTY UNWRAPPED GASOLINE TANKS ICED WITH 15# DRY ICE PER 1000 GAL CAP. + TANK RELATED ITEMS				K. Handling Codes for Wastes Listed Above 01		
16. Special Handling Instructions and Additional Information Keep away from sources of ignition. Always wear hardhats when working around U.S.T.'s						
18. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.						
Printed/Typed Name Chuck Kiper for East Bay Scaffolding		Signature <i>Chuck Kiper for East Bay Scaffolding</i>		Month Day Year 10 8 30 19 10		
17. Transporter 1 Acknowledgement of Receipt of Materials						
Printed/Typed Name RICK POLLASTORINI		Signature <i>Rick Pollastorini</i>		Month Day Year 10 8 30 19 10		
18. Transporter 2 Acknowledgement of Receipt of Materials						
Printed/Typed Name		Signature		Month Day Year		
19. Discrepancy Indication Space						
20. Facility Owner or Operator Certification of receipt of hazardous materials covered by this manifest except as noted in Item 19.						
Printed/Typed Name DONALD H. ROSSON JR		Signature <i>Donald H. Rossion Jr</i>		Month Day Year 10 8 30 19 10		

Do Not Write Below This Line

No 4347-12016
Semco

CERTIFICATE
Certified Services Company
255 Parr Boulevard
Richmond, California 94801

Day or Night
Telephone
(415) 235-1393

For: Erickson, Inc. Tank No.(s.) 4347 Location: Richmond Date: 9-5-90 Time: 9:00 a.m.

Test Method: Visual Gastech/1314 SMPN Last Product: Unleaded Gas

This is to certify that I have personally determined that the tank(s) in the following list are in accordance with the American Petroleum Institute and have found the condition of each to be in accordance with its assigned designation. This certificate is based

on conditions existing at the time the inspection herein set forth was completed and is issued subject to compliance with all qualifications and instructions.

Tank(s)	Condition
1- <u>550</u> Gal. Tank	Safe for Fire
	Oxy 20.9%
	LEL- Less than 0.1%

Remarks: _____

In the event of any physical or atmospheric changes affecting the gas-free condition of the above tanks, or if in any doubt immediately stop all hot work and contact the

undersigned. This permit is valid for 24 hours if no physical or atmospheric changes occur.

Standard Safety Designation:

Safe for Men: Means that in the compartment or space so designated (a) The oxygen content of the atmosphere is at least 19.5 percent by volume; and that (b) Toxic materials in the atmosphere are within permissible concentrations; and (c) In the judgment of the Inspector, the residues are not capable of producing toxic materials under existing atmospheric conditions while maintained as directed on the Inspector's certificate.

Safe for Fire: Means that in the compartment so designated (a) The concentration of flammable materials in the atmosphere is below 10 percent of the lower explosive limit; and that (b) In the judgment of the Inspector, the residues are not capable of producing a higher concentration than permitted under existing atmospheric conditions in the presence of fire and while maintained as directed on the Inspector's certificate, and further, (c) All adjacent spaces have either been cleaned sufficiently to prevent the spread of fire, are satisfactorily inerted, or in the case of fuel tanks, have been treated as deemed necessary by the Inspector.

The undersigned representative acknowledges receipt of this certificate and understands the conditions and limitations under which it was issued.
K. Hughes
Representative Title

[Signature]
Inspector

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer # P 062 127 956

February 1, 1991

Mr. Mel Kauffman
True Fit Manufacturing
3515 Yosemite Avenue
Lathrop, CA 95330

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

RE: EAST BAY SCAFFOLDING, 2552 SAN CARLOS AVENUE, CASTRO VALLEY

Dear Mr. Kauffman:

It has come to our attention that, as of this writing, you have not submitted a preliminary site assessment (PSA) proposal to this Department for review. The requisite PSA was originally requested in correspondence from this office dated September 28, 1990, and was due for submittal by October 28, 1990; field work was to have commenced no later than November 28, 1990. During a telephone conversation December 12, 1990, you indicated that some form of preliminary "drilling" had already been conducted by an unnamed consultant (presumably a screening technique, such as "Hydropunch" or soil vapor surveys), and that you were awaiting receipt of this report. The PSA proposal is currently 2 months overdue.

You are directed to submit the noted PSA proposal within 15 days of the date of this letter, or by February 16, 1991. Please be advised that this is a formal request for technical reports pursuant to California Water Code Section 13267 (b). Failure to respond or a late response will result in the referral of this case to the RWQCB for enforcement, possibly subjecting the responsible party to civil penalties to a maximum of \$1,000 per day. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by either this agency or the RWQCB.

Please contact this Department at 415/271-4320 should you have any questions regarding the content of this letter.

Sincerely,


Scott O. Seery
Hazardous Materials Specialist

cc: Rafat A. Shahid, Assistant Agency Director, Environmental Health
Edgar Howell, Chief, Hazardous Materials Division
Gil Jensen, Alameda County District Attorney's Office
Howard Hatayama, DHS
Lester Feldman, RWQCB
Bob Bohman, Castro Valley Fire Department
files

SS

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

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

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

3. Article Addressed to:
Mr. Mel Kauffman
TRUE FIT mfg.
3515 Yosemite Ave.
Lathrop, CA 95330

4. Article Number
P01 127 956

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
X

6. Signature - Agent
X *Joe Brubaker*

7. Date of Delivery
2-5-81

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

PS Form 3800, June 1985

Sent to	<i>Mr. Mel Kauffman</i>
Street and No.	<i>TRUE FIT mfg.</i>
P.O. or ZIP Code	<i>3515 Yosemite Ave</i>
Postage	<i>Lathrop, CA 95330</i>
Certified Fee	\$
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

P 062 127 956

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

CARRIER: Erickson, Trucking Inc. SCAC Carrier's No. Date 019

TO: LMC Corp. 600 S. 4th St. Richmond, Ca. 94805 Zip

FROM: Erickson, Inc. Shipper 255 Parr Blvd. Street Richmond, Ca. 94801 Zip

Route: _____ Vehicle Number _____

No. Shipping Units	HM	Kind of Packages, Description of Articles (IF HAZARDOUS MATERIALS - PROPER SHIPPING NAME)	HAZARD CLASS	I.D. Number	WEIGHT (Subject to correction)	RATE	LABELS REQUIRED (or exemption)
		NON-D.O.T. REGULATED MATERIAL NON-HAZARDOUS, GAS FREE UNDERGROUND					
		STORAGE TANKS FOR SCRAP.					
		60032/4184-72681/4324	NONE	N/A	N/A	N/A	NONE
		7267/4336-72689/4348					
		7266/4347-60032/4188-72688/4326					

Remit C.O.D. to: Address: City: State: Zip: _____

C.O.D. FEE: Prepaid Collect \$

COD Amt: \$ _____

NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$ _____ Per _____

RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of issue of this Bill of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each party at any time interested in all or any said property, that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment. Shipper hereby certifies that he is familiar with all the bill of lading terms and conditions in the governing classification and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation. Per Sharon Lowry

PLACARDS REQUIRED YES NO - FURNISHED BY CARRIER

PLACARDS SUPPLIED YES NO - FURNISHED BY CARRIER

DRIVER SIGNATURE: _____

SHIPPER: Erickson, Inc. CARRIER: _____

PER: Sharnan Lowry PER: _____

DATE: 9/5/90 DATE: 9-5-90

EMERGENCY RESPONSE TELEPHONE NUMBER: 415-235-1393

Manned 24 hours/day by a person with knowledge of the hazards of the material and emergency response information or who has access to a person with that knowledge.

FOR HELP IN CHEMICAL EMERGENCIES INVOLVING SPILL, LEAK, FIRE OR EXPOSURE CALL TOLL-FREE 1-800-424-9300 DAY OR NIGHT

Agent must detach and retain this Shipping Order and must sign the Original Bill of Lading 9-BLS-A3 (Rev 9/88)

THIS IS TO CERTIFY that the following described commodity was weighed, measured or counted by a weighmaster whose signature is on this certificate who is a recognized authority of accuracy as prescribed Chapter 7 (commencing with Section 12700) of Division 5 of the California Business and Professions Code, administered by the Division of Measurement Standards of the California Department of Food and Agriculture.



TICKET# 17076

MATL. 10201-1 UNP

PRICE / TON: \$ _____ PAY WEIGHT: 6600

TOTAL PRICE: \$ _____

WEIGHT ADJUSTMENT: 0 PERCENT: *****

INBOUND WEIGHT: 34680 Lbs.

CASH I.D.: _____ TRUCK NO. _____ LICENSE NO. 3F76197

DRIVER: _____

34680 (M) Gross Weight Lbs. 9/05/90- 10:37 FRT. CODE: 1 COST: \$ 0.00

28080 Tare Weight Lbs. 9/05/90- 11:42

6600 Net Weight Lbs.

SIGNATURE OF SELLER OR AGENT: _____

LMC METALS WEIGHMASTER

2-38449

FOR SALVAGE VEHICLE SALES: I hereby certify, under penalty of perjury, that any vehicles sold have been cleared for dismantling with the Department of Motor Vehicles.

HOLD HARMLESS AGREEMENT: Seller will indemnify and hold buyer harmless from damages, demands and liabilities, including reasonable attorney's fees, resulting from the breach of any warranty hereunder and driver agrees to be responsible for damage to vehicle during unloading.

BILL OF SALE: I warrant that I am the owner (or owner's representative) of the material described hereon and have the right to sell same, that it contains no hazardous material as defined by Federal or State law and that for payment hereby received, I sell and convey title to LMC METALS.

ALAMEDA COUNTY, DEPARTMENT OF
ENVIRONMENTAL HEALTH
Hazardous Materials Inspection Form

II, III

white -env.health
yellow -facility
pink -files

Site ID # _____ Site Name East Bay Scaffolding Today's Date 8/30/90

Site Address 2552 San Carlos

City Castro Valley Zip 94546 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:

On-site to witness tank closure. Tank inertness was verified by Fire Marshall Bohman of CVFD. The tank was a very unusual configuration in that it was a steel tank, fiberglass wrapped, with the bottom 1/2 coated with tar. Groundwater was welling into the pit. Upon removal of the pea gravel backfill, substantial product-impacted H₂O was evident, i.e., floating brown product. A distinct high water mark was noted about 3' B.G. around the inside perimeter of the hole. Two sidewall samples were collected: one (1) from the fill end of the tank, the other from the north sidewall below the short piping run. A water sample was also collected from the excavation since the excavation was pumped out, the excavation deepened, and then allowed to recharge. Native material had an odor of weathered gasoline, and appeared to be comprised of silty clay and clay. Excavation terminated @ 8.5' B.G. and sample collected. Here, fractured shaly bedrock fragments are evident w/in a silty mat.

II.A BUSINESS PLANS (Title 19)

- 1. Immediate Reporting 2703
- 2. Bus. Plan S/ds 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. MAT'L

- 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 sols |
| | 3) Daily Vadose
One time sols
Annual tank test |
| | 4) Monthly Gndwater
One time sols |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank tsg |
| | 8) Annual Tank Testing
Daily inventory |
| | 9) Other |
| New Tanks | <input type="checkbox"/> 7. Precls Tank Test 26480 |
| | Date: _____ |
| | <input type="checkbox"/> 8. Inventory Rec. 26490 |
| | <input type="checkbox"/> 9. Soil Testing 2645 |
| <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: _____ | |

No H₂O collected @ 8.5'

Contact: Chuck Kiper
Title: SEMCO V.D.
Signature: Chuck Kiper

Inspector: _____
Signature: [Signature]

II, III

8. Contact Person for Investigation

Name Chuck Kiper Title Vice-President
Phone 572-8033

9. Total No. of Tanks at facility 1

10. Have permit applications for all tanks been submitted to this office? Yes [] No []

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Transporter

Name Allied Petroleum EPA I.D. No. CAD 98065675128
Address P.O. Box 193
City Hilmar State CA Zip 95327

b) Rinsate Transporter

Name Allied Petroleum EPA I.D. No. CAD 98065675128
Address P.O. Box 193
City Hilmar State CA Zip 95327

c) Tank Transporter

Name ERICKSON EPA I.D. No. CAD 009466392
Address 255 Parr Blvd
City Richmond State CA Zip 94801

d) Contaminated Soil Transporter

Name ERICKSON EPA I.D. No. CAD 009466392
Address 255 Parr Blvd
City Hilmar State CA Zip 94801

12. Sample Collector

Name Chuck Kiper
Company Semco
Address 1741 Heshue St
City SAN MATEO State CA Zip 94402 Phone 572-8033

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity 550	Historic Contents (past 5 years) GASOLINE	Soil WATER	2 ft. Below FILL END OF TANK

14. Have tanks or pipes leaked in the past? Yes [] No [✓]

If yes, describe. _____

15. NFPA methods used for rendering tank inert? Yes [✓] No []

If yes, describe. HIGH PRESSURE HOT WATER. DETERGENT WASH; 20 lbs per 1000 gallons DRY ICE;
FINAL PURGE WITH AIR OR PER LOCAL F.D. REQUIREMENTS.

16. Laboratories

Name SUPERIOR ANALYTICAL
Address 1555 Burke - Unit 1
City SAN FRANCISCO State CA Zip 94124
State Certification No. 220

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
<p>TPH</p> <p>BTXE</p>	<p>GCFID (5030)</p> <p>8020 or 8240 (not certified for 8240)</p>	

18. Site Safety Plan submitted? Yes No

19. Workman's Compensation: Yes No

Copy of Certificate enclosed? Yes No

Name of Insurer FAIRMONT INSURANCE

20. Plot Plan submitted? Yes No

21. Deposit enclosed? Yes No

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results

I declare that to the best of my knowledge and belief 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 an approval from the Department of Environmental Health 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 will notify the Department of Environmental Health at least two (2) working days (48 hours) in advance to schedule any required inspections. 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.

Signature of Contractor

Name (please type) Chuck Kiper
Signature Chuck Kiper
Date 7/13/90

Signature of Site Owner or Operator

Name (please type) Mel Kaufman
Signature Mel Kaufman
Date 7/17/90

NOTES:

1. Any changes in this document must be approved by this Department.
2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.
3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.
4. A copy of your approved plan must be sent to the landowner.

UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A
SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)

INSTRUCTIONS

2. SITE ADDRESS

Address at which closure or modification is taking place.

5. EPA I.D. NO.

This number may be obtained from the State Department of Health Services, 916/324-1781.

6. CONTRACTOR

Prime contractor for the project.

7. OTHER

List professional consultants here.

12. SAMPLE COLLECTOR

Persons who are collecting samples.

13. SAMPLING INFORMATION

Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

16. LABORATORIES

Laboratories used for chemical and geotechnical analyses.

17. CHEMICAL METHODS:

All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

Sample Preparation Method Number - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

Analysis Method Number - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

NOTE:

Method Numbers are available from certified laboratories.

18. SITE SAFETY PLAN

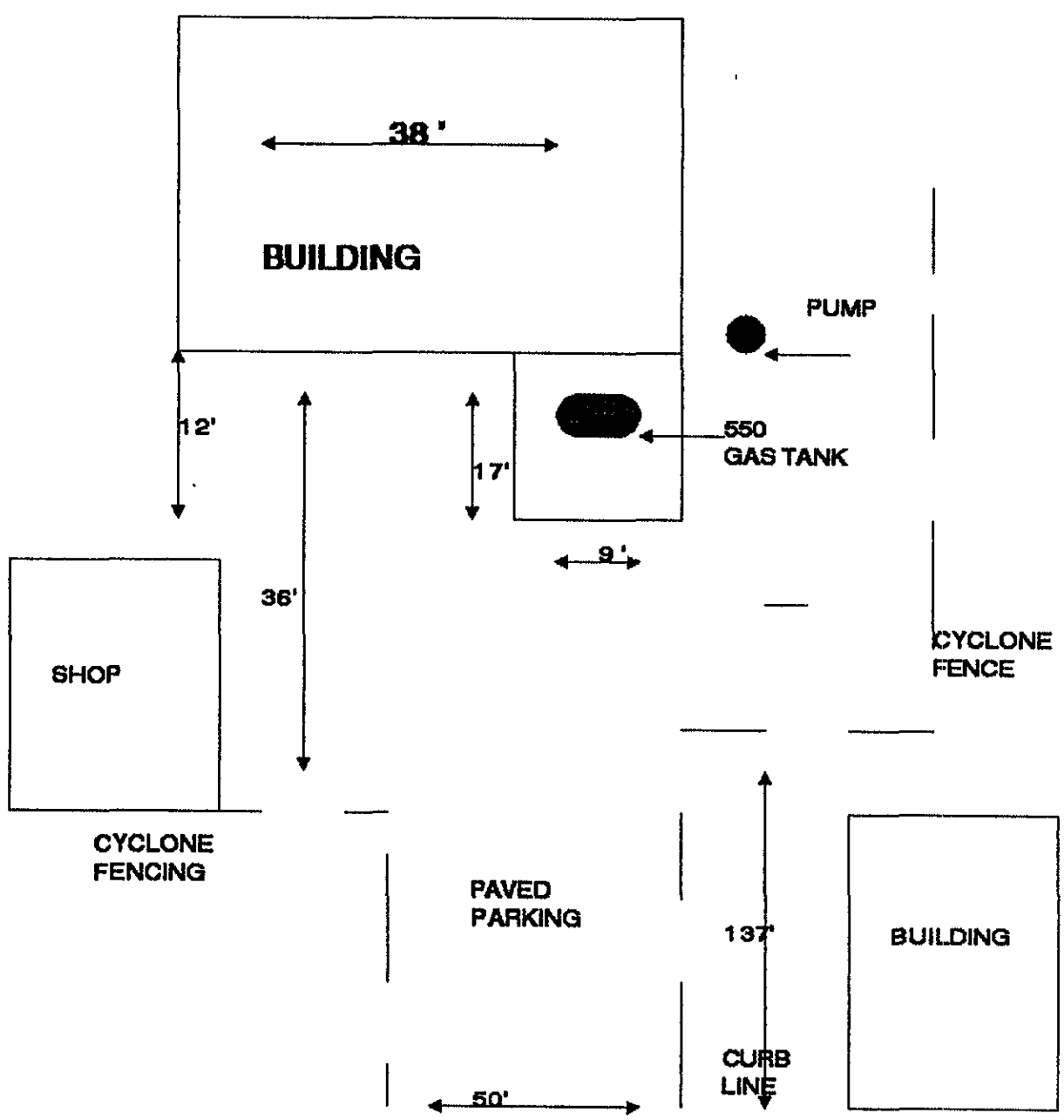
A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

The plan should consists of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale
- b) North Arrow
- c) Property Line
- d) Location of all Structures
- e) Location of all relevant existing equipment including tanks and piping to be removed
- f) Streets
- g) Underground conduits, sewers, water lines, utilities
- h) Existing wells (drinking, monitoring, etc.)
- i) Depth to ground water
- j) All existing tanks in addition to the ones being pulled



SAN CARLOS AVENUE

SITE PLAN

S E M C O
EAST BAY SCAFFOLDING CO 252 SAN CARLOS AVE. CASTRO VALLEY, CALIF.

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

10/3/89

PRODUCER

R. L. Stewart Ins. Agency
P.O. Box 1515
Oakdale, Ca. 95361

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

COMPANIES AFFORDING COVERAGE

CODE SUB-CODE

INSURED

Samco, Inc.
431 West Hatch Rd.
Modesto, Ca. 95351

- COMPANY LETTER **A** American Star Ins. Co.
- COMPANY LETTER **B** Fairmont Ins. Co.
- COMPANY LETTER **C**
- COMPANY LETTER **D**
- COMPANY LETTER **E**

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	ALL LIMITS IN THOUSANDS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR OWNER'S & CONTRACTOR'S PROT.	AMS 1-509826	10/1/89	10/1/90	GENERAL AGGREGATE	\$ 1,000
					PRODUCTS-COMPROPS AGGREGATE	\$ 1,000
					PERSONAL & ADVERTISING INJURY	\$ 1,000
					EACH OCCURRENCE	\$ 1,000
					FIRE DAMAGE (Any one fire)	\$ 50
					MEDICAL EXPENSE (Any one person)	\$ 5
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> GARAGE LIABILITY				COMBINED SINGLE LIMIT	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE	\$
	EXCESS LIABILITY <input type="checkbox"/> OTHER THAN UMBRELLA FORM				EACH OCCURRENCE	\$
					AGGREGATE	\$
B	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	F48637	9/5/89	9/5/90	STATUTORY	\$ 1,000 (EACH ACCIDENT)
						\$ 1,000 (DISEASE - POLICY LIMIT)
						\$ 1,000 (DISEASE - EACH EMPLOYEE)
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

All California Operations.

This certificate would be applicable to all jobs taking place during the policy term shown.

CERTIFICATE HOLDER

County of Alameda
80 Swan Way, Room 200
Oakland, Ca. 94621

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Roger S. L...

SEMCO

HEALTH & SAFETY

PLAN

HEALTH MONITORING AND SAFETY PROGRAM

To assure the health and safety of employees involved in hazardous waste operations, Semco Inc. has developed and implemented a Health and Safety Program.

This plan is based on Standard Operating Safety Guides (USEPA) and The Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities (NIOSH/OSHA/USGC/EPA).

Semco inc. employees must receive health and safety training prior to commencing work at sites where hazardous materials may be present and will be provided with periodic follow-up training as appropriate. Health and Safety training will include;

- * Health Monitoring Program
- * Review of General Chemical & Mechanical Dangers
- * Emergency Response
- * Decontamination
- * Documentation and Record Keeping
- * Updating of Health and Safety Plan
- * Reference Guides for Hazardous Materials

When appropriate, a site-specific safety plan will be implemented and will include the following:

- * Site history
- * Inventory of known chemicals (updated as possible)
- * Project organization
- * Work Plan review
- * Project documentation
- * Review of site safety rules (site safety rules will be updated as new information is available or after an accident of implementation of contingency plan)
- * Review of decontamination procedures
- * Proper use and care of personal protective equipment
- * Proper calibration and use of monitoring equipment
- * Emergency response procedures

1.0 HEALTH MONITORING PROGRAM

All drilling personnel and field staff must be enrolled in the Semco Inc. Health Monitoring Program, developed in conjunction with Industrial Medical Clinics of Anaheim, CA. This program consists of an initial medical examination to establish the employee's general health profile and provides important baseline laboratory data for comparative study. The scope of the initial comprehensive physical examination and laboratory testing routine is detailed in Table 1-0. Follow-up examinations are completed for all personnel enrolled in the health monitoring program on a semi annual basis, or more frequently if project assignments warrant testing following specific field activities. The level of potential exposure that Semco personnel are subjected to in carrying out hazardous waste work assignments are recorded by the individual and reviewed weekly by the site supervisor. The California Poison Control Center maintains a comprehensive reference library containing the current information concerning the carcinogenic, mutagenic, teratogenic and toxic characteristics of hazardous wastes.

1.1 REVIEW OF EXPOSURE SYMPTOMS

Symptoms of exposure to hazardous materials for each site will be reviewed in order to indicate to personnel the recognized signs of possible exposure to those materials. This information will be supplemented with a discussion of the need for objecting in the personal health assessment to account for normal reaction to stressful situations. The Site Safety Officer (the lead driller) will be watchful for outward evidence of changes in worker health. These outward symptoms may include skin irritations, skin discoloration, eye irritability, reduced libido, intolerance to heat or cold, or loss of appetite. Employees will routinely be asked to assess their general state of health during individual projects. At the end of each week, employees will briefly describe minor injuries and chemical experience (exposure potential at each job site). This description will be turned in with time records, reviewed by the corporate safety officer and filed in the employees medical file.

TABLE 1-0

HEALTH MONITORING PROGRAM INITIAL EXAMINATION

Physical Examination

- * medical history survey
- * medical examination
- * vision; near and distance vision, color vision
- * hearing; audiometry
- * radiologic: PA:LAT
- * electrocardiogram: 12 lead
- * spirometry

Lab Studies

- | | | |
|----------------------|-------------------|--------------------|
| * hematology | * blood chemistry | |
| - red blood count | - SMA 17 | - urinalysis |
| - white blood count | - electrolytes | - Papanicolaou |
| - hemoglobin | - creatinine | - cholinesterase |
| - hematocrit | - SGPT | level |
| - platelet | - carbon dioxide | - thyroid function |
| - indices | - cholesterol | test T3/T4 |
| - sedimentation rate | - serum iron | |

2.0 REVIEW OF GENERAL CHEMICAL AND MECHANICAL DANGER

A set of standard onsite safety practices will be enforced during site activities to reduce the risks associated with handling contaminated materials and dangers inherent with working near heavy machinery. These safety practices are divided into three categories: personal precautions, rig safety and general procedures and operations.

2.1 PERSONAL PRECAUTIONS

- 2.1.1 Any practice which increases the probability of hand-to-mouth transfer and ingestion of contaminated material will be prohibited in any area designated contaminated. Prohibited activities include eating, drinking, chewing gum or tobacco and smoking.
- 2.1.2 Hands and face will be thoroughly washed upon leaving the work area and before eating, drinking or any other activities.
- 2.1.3 Any excess facial hair which interferes with proper fit of the mask to face seal will be prohibited on personnel required to wear respirator protection. (while respirators are not typically required, work will be prepared to upgrade to Level "C" protection requiring the use of respirators.)
- 2.1.4 Unnecessary contact with contaminated or suspected contaminated surfaces will be avoided. Workers will be instructed to avoid walking through puddles, mud, or other discolored surfaces: kneeling on the ground; and leaning, sitting, or placing equipment on drums, containers, vehicles or the ground.
- 2.1.5 Medicine and alcohol can increase adverse effect from exposure to toxic chemicals. Therefore, prescribed medication will not be taken by personnel during field activities. Also, alcoholic beverage intake will not be tolerated immediately before or during field work.
- 2.1.6 The effects of heat stress in all personnel will be monitored by the Health and Safety Officer. Appropriate measures will be taken to remove any potential victim of heat stress from the work area, provide cooling to the body and provide plenty of liquids to replace body fluids.

2.2 RIG SAFETY

Semco, Inc. has incorporated the National Drilling Federation's (NDF/DCDMA/NDCA) "Drilling Safety Guide" as our mechanical hazards and rig safety guide. This booklet is required reading for all field personnel.

2.3 GENERAL PROCEDURES AND OPERATIONS

2.3.1 Entrance and exit to the site will be planned and emergency escape routes will be determined. Before drilling begins a working phone will be located and the most expeditious route to a hospital established. Site Specific Hazards will be discussed and the clients safety requirements will be adopted. Personnel will practice any unfamiliar procedures prior to performing them in the field. The number of personnel and pieces of equipment in the work area will be minimized to the extent that it compromises the effectiveness of site operations. Procedures for leaving a contaminated work area will be established prior to going onsite. Work areas and decontamination procedures will be established based on site conditions.

2.3.2 LEVELS OF PROTECTION

The level of personnel protective equipment required shall be determined by the type and levels of waste or spill material present at the site where project personnel may be exposed. In situations where the types of waste or spill material on-site are unknown or the hazards are not clearly established or the situation changes during onsite activities, the Site Safety Officer must make a reasonable determination of the level of protection that will assure the safety of drilling personnel until the potential hazards have been determined precisely through monitoring, sampling, informational assessment, or other reliable methods. Once the hazards have been determined, protective levels commensurate with the hazards shall be employed. Protection levels will be continuously evaluated to reflect any new information acquired.

The levels of protection utilized by SEMCO INC. are presented below:

Level A - Level A protection must be selected when the Site Safety Officer makes a reasonable determination that the highest available level of both respiratory and skin and eye contact protection is needed. It should be noted that while Level A provides maximum available protection, it does not protect against all possible hazards. Consideration of the heat stress that can arise from wearing Level A protection should also enter into the subtask leaders decision. (Comfort is not a decision factor, but heat stress will influence work rate, scheduling, and other work practices.)

Level B - The Site Safety Officer must select Level B protection when the highest level of respiratory protection is needed, but hazardous material exposure to the few unprotected areas of the body (i.e. the back of the neck) is unlikely.

Level C - The Site Safety Officer may select Level C when the required level of respiratory protection is known, or reasonably assumed to be, not greater than the level of protection afforded by full face air purifying respirators; and hazardous materials exposure to the few unprotected areas of the body. Level C requires carrying an emergency escape respirator.

Level D - Level D is the basic work uniform. Investigators and response personnel must not be permitted to work in civilian clothes. An emergency escape respirator may be required

Respiratory protection criteria and suitable protection gear are summarized in Table 2-1. Fit testing of safety equipment will be an important part of establishing adequate respiratory and dermal protection. Fit testing will be accomplished prior to site explorations and each individual will be assigned a fitted respirator for the duration of the project. These will be tagged for identification.

It should be recognized that most situations require a different combination of respiratory and dermal protective gear, e.g., where no splash protection is required but a high respiratory hazard is present. The site Safety Officer may elect a modification of the above.

TABLE 2-1
 PROTECTIVE GEAR
 (AIR QUALITY LEVELS IN PPM)

	Level D	Level C	Level B	Level A
Air Quality Above Background	0	0-5	5-500	500-1000
Respirator Type*	Escape	Full Face + Escape	SCBA	SCBA
Clothing				
o Boots	*	*	*	*
o Safety glasses or equivalent	*	*	*	
o Hard hat	*	*	*	
o Gloves, inner and outer	*	*	*	*
o Booties		*	*	*
o Coveralls	*	*	*	
o Chemical protective coveralls		*	*	
o Totally encapsulated suit				*

* Use of a respirator is allowed only where identification or organic vapor constituents has occurred and appropriate respirator cartridges have been obtained.

3.0 EMERGENCY RESPONSE

3.1 ON-SITE FIRST AID

All of Semco, Inc.'s Drill Rigs will be equipped with the following items at all times:

- an industrial first aid kit
- 2 ELSA 10 minute supplied Air Escape Mask
- 3 Half Mask respirators
- 3 Full Face respirators
- 10 pair Cartridges TC-21C-287 (organic vapors)
- 10 pair Cartridges TC-23C-450 (organic vapors, acid gases)
- 3 hard hats
- 5 safety glasses
- 30 pair disposable gloves
- 10 pair butyl rubber gloves
- 10 chem resist coveralls (coated Tyvek)
- 3 pair rubber boots with steel toes
- 2 fire extinguishers (co 2)
- 1 eye wash station (portable)

3.1.1 At least one person qualified to perform first aid will be present onsite at all times during work activity. This person will have earned a certificate in first aid training from the American Red Cross or will have received equivalent training.

3.1.2 Transportation to Emergency Treatment

A vehicle will be available at all times for use in transporting personnel to the hospital. Hospital routes shall be discussed prior to onsite activity.

3.1.3 Contingency Planning

Prior to commencement of onsite activities, field personnel will review safety considerations with the Site Safety Officer. The Site safety Officer is responsible for adherence to the designated safety precautions and for adherence to the designated safety precautions and assumes the role of SEMCO, INC'S on site coordinator with the client in an emergency response situation.

3.2 POTENTIAL HAZARDS

The potential hazards associated with hazardous waste site investigation included 1) accidents; 2) contact, inhalation or ingestion of hazardous materials; 3) explosion; and 4) fire.

3.2.1 Accidents

Accidents must be handled on a case by case basis. Minor cuts, bruises, muscle pulls, etc., will still allow the injured person to undergo reasonable normal decontamination procedures prior to receiving direct first aid. More serious injuries may not permit complete decontamination procedures to be undertaken, particularly if the nature of the injury is such that the victim should not be moved. The nature and degree of surface contamination at a site is generally low enough that emergency vehicles could reach the victim on site without undue hazard.

3.2.2 Contact and/or Ingestion of Hazardous Materials

Properly prescribed and maintained protective clothing and adherence to established safety procedures are designed to minimize these hazards. However, it is still a possibility that contact or ingestion of materials may occur. One possibility for contamination is the puncture of a buried drum of liquid during drilling operations which might cause the random distribution of the drum contents. Standard first aid procedures should be followed. The drilling rig will have a tank of water which may be useful in some circumstances, particularly to flush off any exposed skin areas. Eye wash bottles will also be maintained at the site in case of emergencies. In cases of ingestion or other than minor contact with known substances, the Poison Control Center and local hospital should be contacted and the victim brought there immediately for further treatment and observation.

3.2.3 Explosion

The drilling crew should be keenly aware of combustible gas meter readings and withdraw at an indication of imminently hazardous conditions. The detection of such conditions shall be reported to local agencies for potential execution of the evacuation plan should the situation be assessed as warranting such response.

3.2.4 Fire

The combustible gas meter will also warn of imminent fire hazards at borings. The greatest fire hazard at the site should be recognized as handling the methanol used for decontamination. No smoking or open flames are allowed in this area. Carbon Dioxide fire extinguishers will be kept at the drilling rig, and the decontamination area/field office. The Fire Department, previously informed of site activities, will be called as needed.

3.3 EVACUATION RESPONSE LEVELS

Evacuation responses will occur at three levels: (1) withdraw from immediate work area (100+ feet upwind); (2) site evacuation; (3) evacuation of surrounding area. Anticipated conditions which might require these responses are described below:

Withdrawal up-Wind (100 or more feet)

- o Sensing ambient air conditions as containing greater contaminant concentrations than guidelines allow for the type of respiratory protection being worn. The work party may return upon donning greater respiratory protection and/or assessing the situation as transient or past.
- o Breach in protective clothing or minor accident. The party may return when tear or other malfunction is repaired and first aid or decontamination has been administered.

3.5.1 Site Evacuation:

Upon determination of conditions warranting site evacuation, the work party will proceed upwind of the borehole and notify the security force, Site Safety Officer and the field office of site conditions. If the decontamination area is upwind and greater than 500 feet from the borehole, the crew will pass quickly through decontamination to remove contaminated outer suits. If the hazard is toxic gas, respirators will be retained. The crew will proceed to the field office to assess the situation. There the respirators may be removed (if the PI meter indicates an acceptable condition). As more facts are determined from the field crew, these will be relayed to the appropriate agencies.

3.5.2 Evacuation of Surrounding Area

When the Site Manager determines that conditions warrant evacuation of downwind residences and commercial operations, the local agencies will be notified and assistance requested. Designated onsite personnel will initiate evacuation of the immediate off site area without delay.

3.6 TRAINING

The attached matrix (Figure 3-1) indicated training received by on site personnel. All personnel should become familiar with this matrix to minimize response times.

4.0 DECONTAMINATION

4.1 PERSONNEL DECONTAMINATION PROCEDURE

A decontamination procedure will be carried out by all personnel leaving hazardous waste sites. Under no circumstances (except emergency evacuation) will personnel be allowed to leave the site prior to decontamination. Procedures for removal of protective clothing are as follows:

- o Drop tools, monitors, samples and trash at designated drop stations. These will be plastic containers or drop sheets.
- o Step into designated shuffle pit area and scuff feet to remove gross amounts of dirt from outer boots. If necessary, wash boots down with clear water in designated wash pit area.
- o Remove tape from boots and remove boots. Discard in drum container.
- o Remove outer gloves and place in container.
- o Remove hard hat and respirator and hang in the designated area.
- o Remove coveralls and discard in container.
- o Remove inner gloves and discard in container.
- o If the site required utilization of a decontamination trailer, all personnel would also shower before leaving the site at the end of the work day.

Note: Disposable items (coverall, inner gloves, and overboots) will be changed on a daily basis unless there is reason for changing sooner. Dual respirator canisters will be changed weekly unless more frequent changes are deemed appropriate by site surveillance data or personnel assessment.

A water hose and/or designated wash area will be available for wash down and cleaning purposes.

A schematic of a typical decontamination area is shown in Figure 4-1.

4.2 EQUIPMENT DECONTAMINATION

Equipment to be decontaminated during the project may include: (1) drilling rig and tools; (2) sample containers; (3) monitoring equipment; and (4) respirators.

All decontamination will be done by personnel in protective gear appropriate for the level of decontamination, determined by the Site Safety Officer. The decontamination work tasks will be split or rotated among support and work crews. Decontamination procedures within the trailer (if used) should take place only after other personnel have cleared the "hot area", moved to the clean area and the door between the two areas closed.

Miscellaneous tools and samplers will be dropped into a plastic pail, tub or other container. They will be brushed off and rinsed (outside, if possible) and transferred into a second pail to be carried to further decontamination stations. They will be washed with a trisodium phosphate or detergent solution, rinsed with acetone or methanol, rinsed with a trisodium phosphate or detergent solution and finally rinsed with clean water.

4.2.1 Drilling Rig and Tools

It is possible that the drill rigs will be contaminated during test pit/borehole activities. They will be cleaned with high pressure water or portable high pressure steam followed by soap and water wash and rinse. Loose material will be removed by brush.

4.2.2 Sample Containers

Exterior surfaces of sample bottles will be decontaminated prior to packing for transportation to the analytical laboratory. Sample containers will be wiped clean and placed in individual Zip-Loc bags at the sample site. It will be difficult to keep the sample containers completely clean. The samples will be further cleaned if necessary and transferred to a clean carrier and the sample identifies noted and checked off against the chain-of-custody record. The samples, now in a clean carrier, will be stored in a secure area prior to shipment.

4.2.3 Monitoring Equipment

Monitoring equipment will be protected as much as possible from contamination by draping, masking or otherwise covering as much of the instruments as possible with plastic without hindering the operation of the unit. The HNU meter, for example, can be placed in a clear plastic bag which allows reading of the scale and operation of the knobs. The HNU sensor can be partially wrapped, keeping the sensor tip and discharge port clear.

The contaminated equipment will be taken from the drop area and the protective coverings removed and disposed of in the appropriate containers. Any dirt or obvious contamination will be brushed or wiped with a disposable paper wipe and the used wipers discarded. The units will then be taken inside in a clean plastic tub, wiped off with damp disposable wipes and dried. The units will be checked, standardized and recharged as necessary for the next day's operation. They will then be covered with new protective coverings.

4.2.4 Respirators

Respirators will be decontaminated daily. Taken from the drop area, the masks will be disassembled, the cartridges set aside and the rest placed in a cleansing solution. (Parts will be precoded, e.g., #1 on all parts of mask #1). After an appropriate time within the solution, the parts will be removed and rinsed off with tap water. The old cartridges will be marked to indicate length of usage and will be discarded into the contaminated trash container for disposal when considered spent. In the morning the masks will be re-assembled and new cartridges installed if appropriate. Personnel will inspect their own masks to be sure of proper readjustment of straps for proper fit.

5.0 DOCUMENTATION AND RECORD KEEPING

Samples of field activity documentation forms are attached. Minimum documentation consists of:

- o daily field record kept by individuals
- o hazardous site surveillance record kept by Site Safety Officer
- o chain-of-custody records and lab results of samples collected
- o personal hazardous material exposure record

The Site Safety Officer is also responsible for immediate notification of SEMCO Inc's Health and Safety Coordinator in the event of personal injury.

6.0 UPDATING OF HEALTH AND SAFETY PLAN

Each individual involved in field operations is responsible for maintaining weekly safety sheets. If any deficiency is encountered in the Health and Safety Plan, a report will be prepared and forwarded to the Health and Safety Coordinator. The Site Safety Officer will immediately initiate necessary changes to improve protection of field staff.

Estimated Through January 31, 1991, the increase in price of 11/20/88 to 11/20/91
11/20/88
11/20/91
COMMERCIAL LEASE AND DEPOSIT RECEIPT
Mel Kauffman

RECEIVED FROM BRIAN F. Burns

the sum of \$ 5000.00 (Five Thousand and 00/100) DOLLARS),
 evidenced by check # 8973 as a deposit which, upon acceptance of this lease, shall belong to Lessor and shall be applied as follows:

	RECEIVED	PAYABLE PRIOR TO OCCUPANCY
Rent for the period from <u>April 1, 1988</u> to <u>April 30, 1988</u>	\$ <u>2500.00</u>	\$
Security deposit	\$	\$
Other <u>LAST MONTH</u>	\$ <u>2500.00</u>	\$
TOTAL	\$ <u>5000.00</u>	\$

In the event that this lease is not accepted by the Lessor within 1 days, the total deposit received shall be refunded.
 Lessee hereby offers to lease from Lessor the premises situated in the City of Castro Valley, County of Alameda,
 State of Calif., described as 2553 SAN CARLOS AVE.

upon the following TERMS and CONDITIONS:

- TERM:** The term hereof shall commence on April 1, 1988, and expire on MARCH 31, 1989
- RENT:** The total rent shall be \$ 30,000.00 payable as follows: TWO THOUSAND FIVE HUNDRED AND 00/100 (2500.00) PER MONTH, NO LATER THAN THE 15TH DAY OF EACH MONTH PRECEDING.

All rents shall be paid to Owner or his authorized agent, at the following address: MEL KAUFFMAN - 3575 W. YOSEMITE AVE
LATHROP, CA 94538
 or at such other places as may be designated by Owner from time to time.

- USE:** The premises are to be used for the operation of SHOP + STORAGE OF SCAFFOLDING and for no other purpose, without prior written consent of Lessor.
- USES PROHIBITED:** Lessee shall not use any portion of the premises for purposes other than those specified hereinabove, and no use shall be made or permitted to be made upon the premises, nor acts done, which will increase the existing rate of insurance upon the property, or cause cancellation of insurance policies covering said property. Lessee shall not conduct or permit any sale by auction on the premises.
- ASSIGNMENT AND SUBLETTING:** Lessee shall not assign this lease or sublet any portion of the premises without prior written consent of the Lessor, which shall not be unreasonably withheld. Any such assignment or subletting without consent shall be void and, at the option of the Lessor, may terminate this lease.
- ORDINANCES AND STATUTES:** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the premises, occasioned by or affecting the use thereof by Lessee. The commencement or pendency of any state or federal court abatement proceeding affecting the use of the premises shall, at the option of the Lessor, be deemed a breach hereof.
- MAINTENANCE, REPAIRS, ALTERATIONS:** Lessee acknowledges that the premises are in good order and repair, unless otherwise indicated herein. Lessee shall, at his own expense and at all times, maintain the premises in good and safe condition, including plate glass, electrical wiring, plumbing and heating installations and any other system or equipment upon the premises and shall surrender the same, at termination hereof, in as good condition as received, normal wear and tear excepted. Lessee shall be responsible for all repairs required, excepting the roof, exterior walls, structural foundations, and etc.

which shall be maintained by Lessor. Lessee shall also maintain in good condition such portions adjacent to the premises, such as sidewalks, driveways, lawns and shrubbery, which would otherwise be required to be maintained by Lessor.

No improvement or alteration of the premises shall be made without the prior written consent of the Lessor. Prior to the commencement of any substantial repair, improvement, or alteration, Lessee shall give Lessor at least **two (2) days written notice** in order that Lessor may post appropriate notices to avoid any liability for liens.

Lessee shall not commit any waste upon the premises, or any nuisance or act which may disturb the quiet enjoyment of any tenant in the building

- ENTRY AND INSPECTION:** Lessee shall permit Lessor or Lessor's agents to enter upon the premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time **within sixty (60) days** prior to the expiration of this lease, to place upon the premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the premises thereafter
- INDEMNIFICATION OF LESSOR:** Lessor shall not be liable for any damage or injury to Lessee, or any other person, or to any property, occurring on the demised premises or any part thereof, and Lessee agrees to hold Lessor harmless from any claims for damages, no matter how caused.
- POSSESSION:** If Lessor is unable to deliver possession of the premises at the commencement hereof, Lessor shall not be liable for any damage caused thereby, nor shall this lease be void or voidable, but Lessee shall not be liable for any rent until possession is delivered. Lessee may terminate this lease if possession is not delivered within 5 days of the commencement of the term hereof.
- INSURANCE:** Lessee, at his expense, shall maintain plate glass and public liability insurance including bodily injury and property damage insuring Lessee and Lessor with minimum coverage as follows: 500,000.00

Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage.

To the maximum extent permitted by insurance policies which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist.

- UTILITIES:** Lessee agrees that he shall be responsible for the payment of all utilities, including water, gas, electricity, heat and other services delivered to the premises.
- SIGNS:** Lessor reserves the exclusive right to the roof, side and rear walls of the Premises. Lessee shall not construct any projecting sign or awning without the prior written consent of Lessor which consent shall not be unreasonably withheld.
- ABANDONMENT OF PREMISES:** Lessee shall not vacate or abandon the premises at any time during the term hereof, and if Lessee shall abandon or vacate the premises, or be dispossessed by process of law, or otherwise, any personal property belonging to Lessee left upon the premises shall be deemed to be abandoned, at the option of Lessor.
- CONDEMNATION:** If any part of the premises shall be taken or condemned for public use, and a part thereof remains which is susceptible of occupation hereunder, this lease shall, as to the part taken, terminate as of the date the condemnor acquires possession, and thereafter Lessee shall be required to pay such proportion of the rent for the remaining term as the value of the premises remaining bears to the total value of the premises at the date of condemnation; provided however, that Lessor may at his option, terminate this lease as of the date the condemnor acquires possession. In the event that the demised premises are condemned in whole, or that such portion is condemned that the remainder is not susceptible for use hereunder, this lease shall terminate upon the date upon which the condemnor acquires possession. All sums which may be payable on account of any condemnation shall belong to the Lessor, and Lessee shall not be entitled to any part thereof, provided however, that Lessee shall be entitled to retain any amount awarded to him for his trade fixtures or moving expenses.
- TRADE FIXTURES:** Any and all improvements made to the premises during the term hereof shall belong to the Lessor, except trade fixtures of the Lessee. Lessee may, upon termination hereof, remove all his trade fixtures, but shall repair or pay for all repairs necessary for damages to the premises occasioned by removal.
- DESTRUCTION OF PREMISES:** In the event of a partial destruction of the premises during the term hereof, from any cause, Lessor shall forthwith repair the same, provided that such repairs can be made **within sixty (60) days** under existing governmental laws and regulations, but such partial destruction shall not terminate this lease, except that Lessee shall be entitled to a proportionate reduction of rent while such repairs are being made, based upon the extent to which the making of such repairs shall interfere with the business of Lessee on the premises. If such repairs cannot be made **within said sixty (60) days**, Lessor, at his option, may make the same within a reasonable time, this lease continuing in effect with the rent proportionately abated as aforesaid, and in the event that Lessor shall not elect to make such repairs which cannot be made **within sixty (60) days**, this lease may be terminated at the option of either party.

In the event that the building in which the demised premises may be situated is destroyed to an extent of not less than one-third of the replacement costs thereof, Lessor may elect to terminate this lease whether the demised premises be injured or not. A total destruction of the building in which the premises may be situated shall terminate this lease.

In the event of any dispute between Lessor and Lessee with respect to the provisions hereof, the matter shall be settled by arbitration in such a manner as the parties may agree upon, or if they cannot agree, in accordance with the rules of the American Arbitration Association.

- 18. INSOLVENCY:** In the event a receiver is appointed to take over the business of Lessee, or in the event Lessee makes a general assignment for the benefit of creditors, or Lessee takes or suffers any action under any insolvency or bankruptcy act, the same shall constitute breach of this lease by Lessee.
- 19. REMEDIES OF OWNER ON DEFAULT:** In the event of any breach of this lease by Lessee, Lessor may, at his option, terminate the lease and recover from Lessee: (a) the worth at the time of award of the unpaid rent which was earned at the time of termination; (b) the worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of the award exceeds the amount of such rental loss that the Lessee proves could have been reasonably avoided; (c) the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that Lessee proves could be reasonably avoided; and (d) any other amount necessary to compensate Lessor for all detriment proximately caused by Lessee's failure to perform his obligations under the lease or which in the ordinary course of things would be likely to result therefrom. Lessor may, in the alternative, continue this lease in effect, as long as Lessor does not terminate Lessee's right to possession, and Lessor may enforce all his rights and remedies under the lease, including the right to recover the rent as it becomes due under the lease. If said breach of lease continues, Lessor may, at any time thereafter, elect to terminate the lease. Nothing contained herein shall be deemed to limit any other rights or remedies which Lessor may have.
- 20. SECURITY:** The security deposit set forth above, if any, shall secure the performance of the Lessee's obligations hereunder. Lessor may, but shall not be obligated to apply all or portions of said deposit on account of Lessee's obligations hereunder. Any balance remaining upon termination shall be returned to Lessee. Lessee shall not have the right to apply the Security Deposit in payment of the last month's rent.
- 21. DEPOSIT REFUNDS:** The balance of all deposits shall be refunded within two weeks from date possession is delivered to Owner or his authorized Agent, together with a statement showing any charges made against such deposits by Owner.
- 22. ATTORNEY'S FEES:** In case suit should be brought for recovery of the premises, or for any sum due hereunder, or because of any act which may arise out of the possession of the premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.
- 23. WAIVER:** No failure of Lessor to enforce any term hereof shall be deemed to be a waiver.
- 24. NOTICES:** Any notice which either party may or is required to give, shall be given by mailing the same, postage prepaid, to Lessee at the premises, or Lessor at the address shown below, or at such other places as may be designated by the parties from time to time.
- 25. HOLDING OVER:** Any holding over after the expiration of this lease, with the consent of Lessor, shall be construed as a month-to-month tenancy at a rental of \$3,000.00 per month, otherwise in accordance with the terms hereof, as applicable.
- 26. TIME:** Time is of the essence of this lease.
- 27. HEIRS, ASSIGNS, SUCCESSORS:** This lease is binding upon and inures to the benefit of the heirs, assigns and successors in interest to the parties.
- 28. TAX INCREASE:** In the event there is any increase during any year of the term of this lease in the City, County or State real estate taxes over and above the amount of such taxes assessed for the tax year during which the term of this lease commences, whether because of increased rate or valuation, Lessee shall pay to Lessor upon presentation of paid tax bills an amount equal to 0% of the increase in taxes upon the land and building in which the leased premises are situated. In the event that such taxes are assessed for a tax year extending beyond the term of the lease, the obligation of Lessee shall be proportionate to the portion of the lease term included in such year.
- 29. COST OF LIVING INCREASE:** The rent provided for in paragraph 2 shall be adjusted effective upon the first day of the month immediately following the expiration of 0 months from date of commencement of the term and upon the expiration of each 0 months thereafter in accordance with changes in the U.S. Consumer Price Index for All Urban Consumers (1967 = 100) hereinafter called the "CPI." The monthly rent shall be increased to an amount equal to the monthly rent set forth in paragraph 2 multiplied by a fraction the numerator of which is the CPI for the second calendar month immediately preceding the adjustment date and the denominator of which is the CPI for the second calendar month preceding the commencement of the lease term. Provided, however, in no event shall the monthly rent be less than the amount set forth in paragraph 2.
- 30. OPTION TO RENEW:** Provided that Lessee is not in default in the performance of this lease, Lessee shall have the option to renew the lease for an additional term of 12 months commencing at the expiration of the initial lease term. All of the terms and conditions of the lease shall apply during the renewal term except that the monthly rent shall be the sum of \$2,650.00 which shall be adjusted in accordance with the cost of living increase provision set forth in paragraph 29. The option shall be exercised by written notice given to Lessor not less than 60 days prior to the expiration of the initial lease term. If notice is not given in the manner provided herein within the time specified, this option shall expire.
- 31. LESSOR'S LIABILITY:** The term "Lessor," as used in this paragraph, shall mean only the owner of the real property or a Lessee's interest in a ground lease of the premises. In the event of any transfer of such title or interest, the Lessor named herein (or the grantor in case of any subsequent transfers) shall be relieved of all liability related to Lessor's obligations to be performed after such transfer. Provided, however, that any funds in the hands of Lessor or Grantor at the time of such transfer shall be delivered to Grantee. Lessor's aforesaid obligations shall be binding upon Lessor's successors and assigns only during their respective periods of ownership.
- 32. ESTOPPEL CERTIFICATE:**
 (a) Lessee shall at any time upon not less than ten (10) days' prior written notice from Lessor execute, acknowledge and deliver to Lessor a statement in writing [1] certifying that this Lease is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Lease, as so modified, is in full force and effect), the amount of any security deposit, and the date to which the rent and other charges are paid in advance, if any, and [2] acknowledging that there are not, to Lessee's knowledge, any uncured defaults on the part of Lessor hereunder, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective purchaser or encumbrancer to the Premises.
 (b) At Lessor's option, Lessee's failure to deliver such statement within such time shall be a material breach of this Lease or shall be conclusive upon Lessee [1] that this Lease is in full force and effect, without modification except as may be represented by Lessor, [2] that there are no uncured defaults in Lessor's performance, and [3] that not more than one month's rent has been paid in advance or such failure may be considered by Lessor as a default by Lessee under this Lease.
 (c) If Lessor desires to finance, refinance, or sell the Premises, or any part thereof, Lessee hereby agrees to deliver to any lender or purchaser designated by Lessor such financial statements of Lessee as may be reasonably required by such lender or purchaser. Such statements shall include the past three years' financial statements of Lessee. All such financial statements shall be received by Lessor and such lender or purchaser in confidence and shall be used only for the purposes herein set forth.
- 33. COMMON AREA EXPENSES:** In the event the demised premises are situated in a shopping center or in a commercial building in which there are common areas, Lessee agrees to pay his pro-rata share of maintenance, taxes, and insurance for the common area.
- 34. ADDENDUM:** An addendum, signed by the parties, is attached, is not attached hereto.
- ENTIRE AGREEMENT:** The foregoing constitutes the entire agreement between the parties and may be modified only by a writing signed by both parties. The following Exhibits, if any, have been made a part of this lease before the parties' execution hereof:

The undersigned Lessee hereby acknowledges receipt of a copy hereof.

M.G.L. KAUFFMAN Agent
3575 W. YOSEMITE AVE - LATHROP Address
209-858-4225 Phone
 By M.G.L. Kauffman

DATED: 05-27-88
 _____ Lessee
 _____ Lessee
P.O. Box 752 Hayward Address
881-5877 Phone

ACCEPTANCE

The undersigned Lessor accepts the foregoing offer and agrees to lease the herein described premises on the terms and conditions herein specified. The Lessor agrees to pay to _____ the sum of \$ _____, the Agent in this transaction, for services rendered and authorizes Agent to deduct said sum from the deposit received from Tenant. This agreement shall not limit the rights of Agent provided for in any listing or other agreement which may be in effect between Owner and Agent. In the event Tenant shall purchase the property from Owner prior to the expiration of this lease, Owner agrees to pay the Agent a sales commission of _____% of the sale price.

The undersigned Lessor hereby acknowledges receipt of a copy hereof.

_____ Owner's Authorized Agent
 _____ Address
 _____ Phone
 By _____

DATED: _____
 _____ Lessor
 _____ Lessor
 _____ Address
 _____ Phone