

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

August 19, 2004

Mr. Chal Sulprizo  
Sulprizo Family LP  
2730 Peralta  
Oakland, CA 94607

Dear Mr. Sulprizo:

Subject: TOXICS Case RO0002489, Custom Alloy & Scrap Sales, 2711 Union St., Oakland,  
CA, 94607

Our records indicate that the current balance on the above-referenced TOXICS oversight account is -\$972.20. In order to continue to provide regulatory oversight we are requesting the submittal of a check made payable to Alameda County Environmental Health in the amount of \$3500.00. Please send your check to the attention of our Finance Department.

This initial deposit may or may not be sufficient to provide all necessary regulatory oversight. ACEH will deduct actual costs incurred based upon the hourly rate specified below. If these funds are insufficient, additional deposit will be requested. Otherwise, any unused monies will be refunded to you or your designee.

The deposit is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project is being debited at the Ordinance specified rate, currently \$160.00 per hour.

Please write "TOXICS" (the type of project), the site address and the AR# 0306018 on your check.

If you have any questions, please contact me at (510) 567-6862.

Sincerely,

  
Ariu Levi  
Division Chief

cc: D. Drogos, B. Chan

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

StID 269

April 20, 1999

Mr. Chal Suprizio  
Sulprizio Family LP  
2730 Peralta  
Oakland, CA 94607

**RE: Groundwater Sampling at 2711 Union and 2730 Peralta Streets**

Dear Mr. Sulprizio:

I was informed by your attorney Ms. Christine Noma, that you are the current property owner of both 2711 Union and 2730 Peralta Streets. As you recall, there was an ongoing subsurface investigation being conducted at 2711 Union Street, when the site was owned by Gardiner Manufacturing, Inc. The subsurface investigation must continue even though the property has changed hands.

A solvent plume has been identified that originated from 2711 Union Street. It also appears there is an off-site source that may be contributing to the solvent plume. As of today, the source of the upgradient and off-site contamination has not been determined. This office has requested the help of the Oakland Fire Department to identify potential responsible parties contributing to the solvent plume (see attached letter).

In the meantime, you are required to continue with the subsurface investigation and delineate the extent of the plume emanating from 2711 Union Street. This can be accomplished by sampling the on-site groundwater monitoring wells (namely Wells MW4, MW5 and MW6) at 2730 Peralta Street. Groundwater from these wells should be analyzed for chlorinated hydrocarbons, using EPA Method 8010 as well as TPHg, TPHd, MTBE and BTEX constituents.

The on-site groundwater monitoring wells at 2730 Peralta Street (MW4 through MW6) and MW-5 (on Peralta Street and installed for 2711 Union Street) should be sampled within 30 days of the date of this letter, or by **May 24, 1999**. A technical summary report is due 60 days upon completion of field work. Thereafter, these wells and those at 2711 Unions Street should be sampled on a semi-annual basis until further notice.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Leroy Griffin, Oakland Fire Department (w/o)  
Chris Noma, 1111 Broadway, 24<sup>th</sup> Floor, Oakland, CA 94607-4036 w/o  
Pat O'Brien, Custom Alloy, 2730 Peralta, Oakland, CA 94607 w/o

gardiner-11

LIST OF DEPOSIT REFUND WORK DEBITS - REPORT # 99-05

ProjN	ActivDat	Insp	Activity & Description	Hours	\$ Rate	Earned
Site#: 4418	StID: 269		Business: Gardiner Mfg. Co.			
			2711 Union St			
			Oakland CA 94607			
4418A	04/12/99	EC	77-Meetings, Consultations COMM-draft qmr ltr	1.	100.00	\$100.00
4418A	04/20/99	EC	77-Meetings, Consultations COMM-edit letter and send	0.3	100.00	\$30.00
Site Charges with 2 Line Items for				11.	hours comes to	1,100.00.
== == Overall Subtotal: 9 Line Items for				11.	hours = so far	\$1,100.00 == == == == =

ENVIRONMENTAL HEALTH  
 ADMINISTRATION  
 99 MAY 14 AM 10:45

\*\*\*\*\* Alameda County Department of Environmental Health \*\*\*\*\*  
 Deposit/Refund Account History

\*\* PROJECT INFORMATION \*\*

Project#: --4418H Date Open: 06/04/96 Date Closed:

Payor Information:

Site Information:

-----  
 DAVID J.WENDEL  
 1111 BROADWAY 24TH FLOOR  
 OAKLAND CA 94707

-----  
 GARDINER MANUFACTURING  
 2711 UNION ST  
 OAKLAND CA 94607

\*\* DEPOSIT HISTORY \*\*

Deposit Date	Receipt#	Amount Received
-----	-----	-----
06/04/96	773018	\$ 450.00
10/29/97	804748	\$ 2,000.00
09/22/98	787537	\$ 2,000.00
		-----
		\$ 4,450.00

\*\* WORKLOG HISTORY \*\*

Work Date	Insp	Activity Description / Time Spent (hrs)	Amount Charged
-----	-----	-----	-----
05/20/96	sh	consult w/Robert re:report	0.5 45.00
06/04/96		ADMINISTRATIVE CHARGE	1. 90.00
06/12/96	sh	reivew 4/96 report	1.5 135.00
06/14/96	sh	Review Plans/Reports	1.5 135.00
06/17/96	sh	letter re:work	2. 180.00
06/20/96	sh	consult w/Robert	0.4 36.00
10/22/96	js	mess.to Chris Noma	0.3 28.20
01/07/97	dk	Review Plans/Reports	0.7 65.80
01/13/97	DK	Review Plans/Reports	0.2 18.80
06/10/97	kt	Review Plans/Reports	0.3 28.20
09/05/97	pe	Review Plans/Reports	0.3 28.20
09/05/97	pe	Review Plans/Reports	0.3 28.20
09/26/97	ec	Review Plans/Reports	0.5 47.00
09/29/97	ec	Investigation in Office	1. 94.00
10/03/97	ec	Review Plans/Reports	0.8 75.20
10/10/97	ec	Review Plans/Reports	0.5 47.00
11/24/97	EC	Review Plans/Reports	2. 188.00
12/08/97	EC	Write Letters	2.8 263.20
02/03/98	EC	Meetings, Consultations	0.3 28.20
02/09/98	SH	Meetings, Consultations	0.5 47.00
02/19/98	EC	Meetings, Consultations	0.7 65.80
03/13/98	EC	Meetings, Consultations	0.4 37.60
03/23/98	ML	REVIEW PLANS/REPORTS,RISK ASSESSMENT	3. 282.00
03/27/98	EC	Review Plans/Reports	0.8 75.20
03/31/98	EC	Write Letters	0.8 75.20
05/11/98	EC	Meetings, Consultations	0.5 47.00
05/26/98	EC	Meetings, Consultations	0.8 75.20
07/13/98	EC	Meetings, Consultations	0.4 40.00

07/21/98	SH	Meetings, Consultations	0.3	50.00
07/21/98	EC	Meetings, Consultations	1.3	130.00
07/29/98	EC	Meetings, Consultations	0.5	50.00
07/31/98	EC	Meetings, Consultations	2.8	280.00
08/14/98	EC	Meetings, Consultations	0.4	40.00
10/07/98	EC	Meetings, Consultations	1.	100.00
10/08/98	EC	Meetings, Consultations	4.	400.00
10/21/98	EC	Meetings, Consultations	0.5	50.00
10/26/98	EC	Meetings, Consultations	0.7	70.00
10/30/98	EC	Meetings, Consultations	0.3	30.00
04/12/99	ec	Meetings, Consultations	1.	100.00
04/20/99	ec	Meetings, Consultations	0.3	30.00

-----  
 \$ 3,616.00

Balance:\$ 964.00

Amount Refunded: \$

Printed: 12/31/98

ec

\*\*\*\*\* Alameda County Department of Environmental Health \*\*\*\*\*  
Deposit/Refund Account History

\*\* PROJECT INFORMATION \*\*

Project#: --4418A    Date Open: 06/04/96    Date Closed:

Payor Information:

Site Information:

-----  
DAVID J.WENDEL  
1111 BROADWAY 24TH FLOOR  
OAKLAND CA 94707

-----  
GARDINER MANUFACTURING  
2711 UNION ST  
OAKLAND CA 94607

\*\* DEPOSIT HISTORY \*\*

Deposit Date	Receipt#	Amount Received
-----	-----	-----
06/04/96	773018	\$ 450.00
10/29/97	804748	\$ 2,000.00
09/22/98	787537	\$ 2,000.00
		-----
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05/20/96	sh	consult w/Robert re:report	0.5 45.00
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06/12/96	sh	reivew 4/96 report	1.5 135.00
06/14/96	sh	Review Plans/Reports	1.5 135.00
06/17/96	sh	letter re:work	2. 180.00
06/20/96	sh	consult w/Robert	0.4 36.00
10/22/96	js	mess.to Chris Noma	0.3 28.20
01/07/97	dk	Review Plans/Reports	0.7 65.80
01/13/97	DK	Review Plans/Reports	0.2 18.80
06/10/97	kt	Review Plans/Reports	0.3 28.20
09/05/97	pe	Review Plans/Reports	0.3 28.20
09/05/97	pe	Review Plans/Reports	0.3 28.20
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10/10/97	ec	Review Plans/Reports	0.5 47.00
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03/31/98	EC	Write Letters	0.8	75.20
05/11/98	EC	Meetings, Consultations	0.5	47.00
05/26/98	EC	Meetings, Consultations	0.8	75.20
07/13/98	EC	Meetings, Consultations	0.4	40.00
07/21/98	SH	Meetings, Consultations	0.3	30.00
07/21/98	EC	Meetings, Consultations	1.3	130.00
07/29/98	EC	Meetings, Consultations	0.5	50.00
07/31/98	EC	Meetings, Consultations	2.8	280.00
08/14/98	EC	Meetings, Consultations	0.4	40.00
10/07/98	EC	Meetings, Consultations	1.	100.00
10/08/98	EC	Meetings, Consultations	4.	400.00
10/21/98	EC	Meetings, Consultations	0.5	50.00
10/26/98	EC	Meetings, Consultations	0.7	70.00
10/30/98	EC	Meetings, Consultations	0.3	30.00
				-----
			\$	3,486.00

Balance:\$ 1,064.00

Amount Refunded: \$

LIST OF DEPOSIT REFUND WORK DEBITS - REPORT # 98-12

pg 1

ProjN	ActivDat	Insp	Activity & Description	Hours	\$ Rate	Earned
Site#: 4418			Business: Gardiner Mfg. Co.	2711 Union St Oakland CA 94607		
StID: 269						
4418a	10/26/98	EC	77-Meetings, Consultations COMM-ltr to leroy for solvent investigation	0.7	100.00	\$70.00
4418a	10/30/98	EC	77-Meetings, Consultations COMM-ask derek lee about monitoring. 1st need to find source then consider rmp	0.3	100.00	\$30.00
Site Charges with			2 Line Items for	1. hours comes to	\$100.00.	
== == Overall Subtotal:			2 Line Items for	1. hours = so far	\$100.00 == == == == =	

ENVIRONMENTAL HEALTH  
 ADMINISTRATION  
 98 DEC 16 PM 1:57



ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Environmental Health Services Administration  
1131 Harbor Bay Parkway, Suite 111  
Alameda, CA 94502-6577  
(510) 567-6855

November 23, 1998

James J. Cherry Esq.  
1849 Bonanza Street  
Walnut Creek, CA 94596

Dear Mr. Cherry:

Re: Gardiner Manufacturing Co. vs. Custom Alloy – Subpoena to Appear in Court

Enclosed please find a ledger card which delineates the expenditures incurred by Environmental Health Services in honoring your subpoena for one of our staff, Ms. Eva Chu. It should be noted that all of the expenditures, besides the 1.8 hours spent in reviewing the files, were necessitated by the fact that the employee and this Department were not informed of the fact that this case was settled prior to Ms. Chu's departure to the U.S. Bankruptcy Court in Oakland. Based upon the ledger card, it is now necessary to request that an additional \$38.16 be forwarded to cover the costs associated with this matter.

Should you have any questions or desire any clarification concerning this matter, please feel free to contact me at (510) 567-6855.

Very truly yours,

J. A. Trolan  
Finance Officer

Enclosure

JAT/sg  
custom alloy vs gardiner refund.doc

c: Eva Chu ✓  
Dick Pantages

Title:	Environmental Health Services
Purpose:	Actual Cost Of Honoring a Subpoena
Requested By:	James J Cherry Esq.
Period:	October 28, 1998 through November 2, 1998
Case:	Gardiner v Custom Alloy
Employee:	Eva Chu
Location:	U.S. Bankruptcy Court Oakland
Date:	November 2, 1998
Time:	9:30 AM

Date	Description	Hours	Miles Traveled	Costs
10/28/98	Prepared for Court Hearing	1.8		\$ 99.68
11/02/98	Travel to Court & Return - Case Settled *	1.5		83.07
11/02/98	Mileage		18	4.86
11/02/98	Parking			0.55
Costs Related to Subpoena				\$ 188.16
Payments Received:				(15.00)
				(135.00)
Amount Due				<u>\$ 38.16</u>
* Employee was not informed that case was settled prior to leaving place of business.				

To: Eva Chu

Date: 11/1/98 Time: 23:15:31

Page 1 of 2

**WENDEL, ROSEN, BLACK & DEAN**

ATTORNEYS AT LAW  
1111 BROADWAY  
OAKLAND, CALIFORNIA 94607

**VOICE (510-834-6600)**  
**FAX (510) 834-1928**

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PLEASE DELIVER TO: **Eva Chu**

FIRM:

FAX NUMBER: 1-510-337-9335

CLIENT CODE:

FROM: Christine K. Noma

DATE: 11/1/98

TIME: 23:02:08

NUMBER OF PAGES INCLUDING THIS SHEET: 2

MESSAGE:

Issued by the  
**UNITED STATES DISTRICT COURT**

Northern District of California  
Bankruptcy Court

**SUBPOENA IN A CIVIL CASE**

CUSTOM ALLOY SCRAP SALES, INC., a corporation  
and CHAL SULPRIZIO, an individual

V.

ARDNER MANUFACTURING COMPANY, a corporation, GENE  
TEASLEY aka EUGENE TEASLEY, an individual  
KLY NAMES COLLEGE, a nonprofit entity; and  
DES 1 through 20

CASE NUMBER: 95-43465 N  
Chapter 11

Adversary Proceeding No.  
95-4579 AN

D: Eva Chu - Alameda Health Care Services Agency  
Environmental Health, 1131 Harbor Bay Parkway, Ste. 250, Alameda, CA 94502-6577

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY United States Bankruptcy Court - Northern District - The Honorable Randall Newsome 1300 Clay Street, Room 220 Oakland, CA 94604-1426	COURTROOM 220
	DATE AND TIME 11/2/98 11 a.m.

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

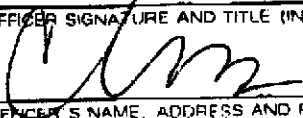
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
-------	---------------

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

SUBPOENING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney For Plaintiff	11/1/98
SUBPOENING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
Christine K. Noma (Bar No. 104751) WENDEL, ROSEN, BLACK & DEAN, LLP, 1111 Broadway, 24th Floor, Oakland, CA 94607	(510) 834-6600

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

If action is pending in District other than district of issuance, state district under case number

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

(510) 337-9335 (FAX)

StID 269

October 26, 1998

Mr. Leroy Griffin  
City of Oakland Fire Department  
Office of Emergency Services  
1605 Martin Luther King Jr Drive  
Oakland, CA 94612

**RE: Solvent Plume in the Vicinity of 28<sup>th</sup> Street and Union Street, Oakland, CA**

Dear Mr. Griffin:

Enclosed is the relevant portion of Aqua Science Engineers' September 1998 "Report of Upgradient Groundwater Sampling" documenting the area survey conducted in the vicinity of 28<sup>th</sup> Street and Union Street in Oakland, CA. The purpose of the referenced investigation was to determine if there is an upgradient source of solvents detected in groundwater at 2711 Union Street. Analytical results of groundwater collected from an upgradient site (Linford property at 2850 Peralta Street), which reportedly did not use solvents, identified elevated levels of TCE.

This letter is to request that your office conduct inspections in the vicinity to determine if there are potential sources for the solvents identified in groundwater. If there is evidence suggesting there may have been releases of solvents to the subsurface, you may refer those cases/sites to this office for environmental oversight.

Thank you for your assistance in this matter. If this office can help with the investigation or provide other technical support, please do not hesitate to call. I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

enclosure

c: Ms. Katy Meador, 740A 14<sup>th</sup> St, #250, San Francisco, CA 94114 (w/o)  
Mr. James Cherry, 1849 Bonanza Street, Walnut Creek, CA 94596 (w/o)  
Robert Kitay, Aqua Science, 2411 Old Crow Canyon Rd, Suite 4, San Ramon, CA 94583 (w/o)

gardiner-10

Case 817

Franklin  
987-9206

**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
ENVIRONMENTAL HEALTH SERVICES  
MEMORANDUM**

**DATE:** October 23, 1998  
**TO:** Dick Pantages  
**FROM:** J. A. Trolan  
**SUBJECT:** Subpoena to Appear in Bankruptcy Court – Custom Alloy Scrap Sales vs. Gardiner Manufacturing Co.

Enclosed please find a copy of the subject subpoena, which requests the personal appearance of Ms. Eva Chu on ~~November 2, 1998 at 9:30 AM.~~ After reviewing the documents and accepting the subpoena, I contacted the attorney of record, James J. Cherry, Esq.. I indicated to him that for a personal appearance there would have to be a \$150.00 up front fee, and that there was no mention of what documents, if any, should accompany Ms. Chu in a court appearance. Based upon this discussion, Mr. Cherry will forward an additional check in the amount of \$135.00 as a deposit, pending the calculation of actual costs of honoring the subpoena. In addition, he requested that Ms. Chu bring the applicable file(s) relative to the above businesses to the hearing on November 2, 1998.

In order to calculate the costs associated with Ms. Chu's appearance, it is necessary to request that the actual time involved in this matter, e.g., preparation for court hearing, travel time to the court, time while in court, and travel time returning to the office, needs to be documented. Also, the costs associated with the court appearance, e.g., bridge tolls, parking, mileage, etc., also need to be documented. After the court appearance the actual cost will be calculated and Mr. Cherry will either receive a refund or be requested to pay an additional sum of money.

Your assistance in this matter is appreciated.

Should you have any questions or desire any clarification concerning this matter, please feel free to contact me.

Enclosure

JAT/sg  
custom alloy vs gardiner.doc

c: Eva Chu ✓  
Tom Peacock



# United States Bankruptcy Court

Northern District of California

ENVIRONMENTAL HEALTH  
ADMINISTRATION  
98 OCT 23 AM 10:52

In re GARDINER MANUFACTURING CO., Debtor  
 CUSTOM ALLOY SCRAP SALES, Plaintiff  
 GARDINER MANUFACTURING CO. Defendant

Bankruptcy Case No. 95-43465 N  
 Adversary Proceeding No. 95-4579 AN

## SUBPOENA TO WITNESS IN AN ADVERSARY PROCEEDING

To: Ms. Eva Chu, Alameda County  
 Environmental Health Services  
 1131 Harbor Bay Pkwy., #250  
 Alameda, CA 94502-6577

YOU ARE COMMANDED to appear to testify in the above named adversary proceeding at the following place and time:

Address  U. S. Bankruptcy Court 1301 Clay Street Oakland, California	Room 220  Date and Time November 2, 1998
--	---

YOU ARE COMMANDED TO BRING with you the following documents and objects:  
 [If not applicable, enter "None"]

Subpoena issued on the request of: [Name of Party]  GARDINER MANUFACTURING CO.	Inquiries may be addressed to: [Attorney's name, address and phone]  James J. Cherry, Esq. 1849 Bonanza Street, Walnut Creek, Ca Telephone (925) 210-1510
---	--

*[Signature]*  
 Clerk of the Bankruptcy Court

By: \_\_\_\_\_ Date: 1998.10.22 14:16 #720 P.02/04  
 Deputy Clerk 510 268 1929 FROM: ERDMAN ATTORNEY SERVICE

ATTORNEYS MESSENGER SERVICE  
 510-893-3992  
 449-15TH ST., SUITE 101  
 OAKLAND, CA 94612

12559

DATE 10/23/98 91-119 1221(1)

PAY TO THE ORDER OF *Ms Eva Chu* \$ 15.00

*[Signature]*  
 WELLS FARGO BANK

FOR \_\_\_\_\_

0125590 0221011910515 0201470

Law Offices of  
**James J. Cherry**  
1849 Bonanza Street  
Walnut Creek, CA 94596-4317

Telephone  
(925) 210-1510

Facsimile  
(925) 210-0274

**FAX TRANSMISSION COVER SHEET**

TO : Mr. Jim Trolan, Alameda County  
Environmental Health Services

FAX NUMBER : 510-337-1139

REFERENCE : Custom Alloy v. Gardiner Manufacturing Co.  
Trial Subpoena for Eva Chu

DATE : October 23, 1998

FROM : James J. Cherry

FAXED PAGES : Two \_\_\_\_\_  
Number of Pages, Including this Cover Sheet

ORIGINAL :  will \_\_\_ will not follow via the U.S. Mail.

ENVIRONMENTAL HEALTH  
ADMINISTRATION  
98 OCT 23 PM 3:29

If you did not receive all of the pages or find they are illegible,  
PLEASE CALL US BACK IMMEDIATELY.

\*\*\*\*\*

[ ] If this box is checked: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this FAX is strictly prohibited. If you have received this FAX in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

\*\*\*\*\*

**REMARKS:**

To Dick  
C: Sewal  
Tona  
7/22 is respond  
PRU  
10/23/98



The Law Offices of  
**JAMES J. CHERRY**

1849 Bonanza Street  
Walnut Creek, California 94596-4317

Telephone  
(925) 210-1610

Facsimile  
(925) 210-0274

October 23, 1998

*VIA FAX TO 510-337-1139*

Mr. Jim Trolan  
Alameda County Environmental Health Services  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**RE: *Custom Alloy v. Gardiner Manufacturing Co.***  
***2711 Union Street, Oakland, CA***

Dear Mr. Trolan:

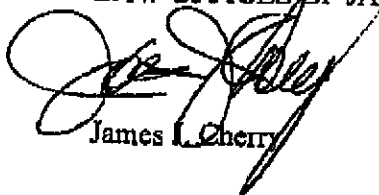
This is to confirm our telephone conversation in which I promised to send you a check in the amount of \$135.00 so that the total amount we have paid to cause Eva Chu to appear at the trial of the above-entitled action on Monday, November 2, 1998, is \$150.00.

You also informed me that I failed to check the appropriate box to indicate which documents I wish Ms. Chu to bring. Please ask her to bring with her all of the files concerning 2711 Union Street.

Thank you for your continued cooperation in this matter.

Sincerely,

LAW OFFICES OF JAMES J. CHERRY



James J. Cherry

JJC:mok

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

StID 269

October 8, 1998

Ms. Christine Noma  
Wendel Rosen Black & Dean  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, CA 94607-4036

**RE: 2711 Union Street, Oakland, CA**

Dear Ms. Noma:

I have completed reviewed your July 28, 1998 letter. Since then, we have communicated by telephone regarding the above referenced site. However, I thought it would be more appropriate to respond to your letter after additional groundwater data were collected.

In June 1998 a groundwater monitoring well, MW-5, was installed in Poplar Street, across from the subject property. Groundwater from this well was analyzed for chlorinated solvents. Analytical results exhibited higher concentrations of TCE than expected, suggesting that there may be another source for the contamination. In order to determine if there was a regional solvent plume and its extent and severity, I requested that offsite wells at 2850 Poplar Street (upgradient of subject property), and offsite wells at 2730 Peralta Street (downgradient of subject property) be sampled for chlorinated solvents. On August 24, 1998 groundwater from 2850 Poplar Street was sampled for chlorinated solvents. Your client, Custom Alloy, would not allow groundwater at 2730 Peralta Street to be sampled. Groundwater from 2850 Poplar contained up to 1,100ppb TCE. In addition, a drive-by survey was conducted by Aqua Science Engineers (ASE) to determine if an upgradient source of TCE may be identified. Several potential sources of solvent use and possible release to the subsurface were identified and need to be further investigated.

Your July 1998 letter had several comments on the investigation conducted to date. The following is our response to those comments:

Comment 1

"...in conducting the RBCA site assessment, Aqua Science used average concentrations in the groundwater wells for "representative concentrations." As a result, many of the risk calculations were based on representative concentrations much lower than those actually found on site. For example, the representative concentration of PCE was calculated by Aqua Science in its risk analysis at 310 ppb when in fact, the most recent level of concentration of PCE found in MW-3 was

4,400 ppb. Using the actual concentrations of PCE found at site in the risk analysis as opposed to the average concentration, the health risk would be exceeded for PCE groundwater volatilization to indoor air – RBCA  $3.1E+0$  (3100ppb) vs. 4,400 ppb in MW-3. This same criticism can be applied to the elevated levels of TCE – RBCA  $1.1 E+0$  (1400 ppb) vs. 2,000 ppb in MW-1.”

#### ACDEH Response

*Up to 4,400 ppb PCE was detected in groundwater from well MW-3 in June 1998. However, the RBCA analysis was performed in February 1998, before this data was collected. As you know, contaminant concentrations will vary over time, with changes in depth to groundwater, with various sampler and sampling techniques, with different laboratories, etc. For these reasons, it is acceptable to use average concentrations (from a specific timeframe) when conducting a risk assessment. In addition, a building is not constructed over one well point, therefore, a more accurate method of determining “representative concentrations” in groundwater beneath the property would be to average the groundwater concentrations throughout the property, rather than to select the maximum concentration of only one well point at any given time.*

#### Comment 2

“Aqua Science’s July 3, 1998, Off-Site Groundwater Assessment and Monitoring Report detected levels of TCE in the off-site well at 3,700 ppb which would exceed the health risk for groundwater volatilization to indoor air of  $1.4 E+0$ . Nevertheless, Aqua Science’s conclusion simply recommends further groundwater monitoring.”

#### ACDEH Response

*Well MW-5 has only been sampled once. In order to determine the validity of the TCE concentration, its value must be reproducible. Therefore, it is appropriate to conduct further groundwater sampling of well MW-5.*

Also in your July 1998 letter you requested further guidance as to the following issues:

1. Given the levels of vinyl chloride, TCE, and PCE in the groundwater, can a building be built on the site?

*Yes. At this time it appears vinyl chloride is the only compound posing a potential risk for on-site volatilization into an enclosed building using a very conservative risk model. A Tier III risk analysis can be conducted, or soil gas*

*vapors can be collected which may demonstrate that residual vinyl chloride does not pose a risk to human health.*

2. If so, what restrictions would be required on use?

*Undetermined.*

3. Would remediation have to be undertaken prior to construction activities on site?

*No.*

4. While the average concentration of other VOCs such as TCE and PCE over the entire site are below the risk assessment levels, would building restrictions and construction activities restrictions be placed on the site based upon specific elevated levels of groundwater contamination?

*No, but a site health and safety plan will be required for any construction/earth moving activities proposed at the site. Provided that excavation does not exceed 3' bgs, there should be no building or construction restrictions.*

5. Will deed restrictions be required on the site not only restricting the use of the property, but also restricting construction activities?

*Yes.*

6. What would the deed restrictions consist of?

*The site should be restricted to industrial or commercial use. Residential, daycare, or other sensitive receptor use will be restricted at the site.*

7. Would the construction of an enclosed warehouse and office building be prohibited?

*No. But a vapor barrier may mitigate potential vapor intrusion into buildings.*

8. Will the use of the site be restricted to outdoor, non-enclosed storage, i.e. similar to the present use?

*No.*

9. Is groundwater remediation contemplated for the site?

October 8, 1998  
re: 2711 Union St, Oakland, CA  
Page 4 of 4

*Undetermined. If there is evidence there is still a source at the site, additional remediation may be required*

10. As you know, generally, banks will not finance loans on properties that are contaminated until "site closure" or a "no further action" status is obtained on the site. What would be required to obtain no further action or site closure?

*At this time the RWQCB does not grant site closure for sites containing VOCs in excess of MCLs.*

11. Finally, will further remediation or investigation required for the threat of indoor TCE vapors into the adjacent office building?

*Additional groundwater data is required to determine if indoor TCE vapors poses a risk to human health. After two additional quarters of groundwater sampling, the data will be reviewed to determine the next course of action.*

12. What will that consist of?

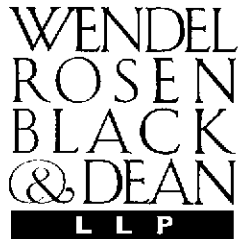
*If TCE concentrations exceed the established SSTLs, soil vapor gas samples can be collected within the adjacent office building. Or, a Tier III risk analysis can be performed.*

I hope this answers your concerns. If you would like to meet and discuss the future use of this site, I can be reached at (510) 567-6762.



eva chu  
Hazardous Materials Specialist

c: Ms. Katy Meador, 740A 14<sup>th</sup> St, #250, San Francisco, CA 94114  
Mr. James Cherry, 1849 Bonanza Street, Walnut Creek, CA 94596  
Robert Kitay, Aqua Science, 2411 Old Crow Canyon Rd, Suite 4,  
San Ramon, CA 94583



Attorneys at Law

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

Post Office Box 2047  
Oakland, CA 94604-2047

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

September 18, 1998

Tom Peacock  
Supervisor Hazardous Materials  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**Re: 2711 Union Street, Oakland, California**

Dear Mr. Peacock:

We are writing to you in the absence of both Eva Chu and Madulla Logan, the assigned Hazardous Materials Specialists on this site. This office represents the adjacent property owner Custom Alloy Scrap Sales and the potential purchaser of the real property located at 2711 Union Street. We understand that Eva Chu and Madulla Logan are on vacation until October 1, and that you will be reviewing this file in their absence.

Enclosed is a check in the amount of \$2,000 for the outstanding balance on the oversight for deposit.

By letter dated July 28, 1998, I sent to Ms. Chu a letter requesting responses to a number of questions with respect to restrictions on the development of the property in view of the elevated levels of vinyl chloride, TCE, and PCE in the groundwater. Enclosed is a copy of that letter to Ms. Chu. To date, Ms. Chu has not responded. In order to move forward with the acquisition of this property, the questions posed must be answered.

Note, a trial date is set in this matter for November 2, and 3. If we don't receive a response from your Department, immediately on these issues, we will have no choice but to subpoena the Department for deposition. We hope not to have to take this step as it is costly and time consuming. It would be much simpler to receive a written response to my letter.

SEP 21 1998 PM 4:05

Thank you for your immediate attention to the issues raised in my July 28, 1998, letter.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP



Christine K. Noma

CKN:srj

cc: James Cherry (w/encl.)

Robert E. Kitay, Senior Geologist (w/encl.)

September 18, 1998  
Page 3

WEN ROSEN, BLACK & DEAN, LLP

Robert E. Kitay  
Aqua Science Engineers, Inc.  
2411 Old Crow Canyon Road  
Suite 4  
San Ramon, California 94583





*Ask BAAQMD about incineration  
at 2711 Union.*

September 16, 1998/AB

Mr. Tom Peacock  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502

Dear Mr. Peacock:

Enclosed please find the report for the groundwater sampling at the upgradient Linford property related to the 2711 Union Street property. The results show that there is a significant upgradient source of TCE contamination, much larger than any potential contamination which may have resulted from an on-site source. As I mentioned on the telephone, there is a court date the first week in November related to this site. It is imperative that your agency makes a decision on what future work, if any, will be required at the site as soon as possible. This report is being mailed to you since our clients can't wait for Ms. Chu and Ms. Logan to return. Please review this report and provide us with your written opinion on the site status of this case as soon as possible. Your swift attention to this matter is appreciated. If you have any questions, please feel free to call me at (925) 820-9391.

Respectfully submitted,

AQUA SCIENCE ENGINEERS, INC.

Robert E. Kitay, R.G., R.E.A.  
Senior Geologist

cc: Ms. Katy Meador, 740A 14th Street, Suite 250, San Francisco, CA  
94114

Mr. James J. Cherry, 1849 Bonanza Street, Walnut Creek, CA 94596

Mr. William Wasco, 1 Kaiser Plaza, Suite 1545, Oakland, CA 94612

Ms. Christine Noma, Wendel, Rosen, Black & Dean, 1111 Broadway, 24th  
Floor, Oakland, CA 94607

ALAMEDA COUNTY  
HEALTH CARE SERVICES

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StID 269

August 4, 1998

Mr. Robert Kitay  
Aqua Science Engineers  
2411 Old Crow Canyon Rd, Suite 4  
San Ramon, CA 94583

**RE: Groundwater Sampling at 2711 Union St, Oakland, CA, and at Adjacent Properties**

Dear Mr. Kitay:

I have completed review of Aqua Science's July 1998 "Report of Off-Site Soil and Groundwater Assessment and Groundwater Monitoring Results" prepared for the above referenced site. This report documents the installation of an off-site groundwater monitoring well, (MW-5), and the monitoring/sampling of the new and existing on-site monitoring wells. The off-site well contained up to 3,700ppb TCE, 160ppb 1,1,1-TCA, 87ppb cis-1,2-DCE, and 43ppb 1,1DCE in groundwater. These concentrations were higher than expected, suggesting that there may be yet another source of VOCs in the vicinity.

In order to verify your suspicion that VOCs may be coming from another source, possibly from upgradient of the subject site, groundwater should be collected from wells MW-3 and MW-4 at 2850 Poplar Street. In addition, to delineate the downgradient extent of the VOC plume, groundwater should be collected from wells MW-4 and MW-6 at 2730 Peralta Street. Groundwater should be analyzed for VOCs using Method 8240. Please contact me if you have problems gaining access to these monitoring wells.

Finally, the newly installed well, MW-5, should be sampled quarterly for one year. The remaining on-site wells should be sampled on a semi-annual basis.

If you have any questions, I can be reached at (510) 567-6762.

A handwritten signature in black ink, appearing to read "eva chu".

eva chu  
Hazardous Materials Specialist

C: Mr. Eugene Teasley, c/o Mr. Claude Ames, 3667 Shafter Ave, Oakland, CA 94610  
Ms. Christine Noma, 1111 Broadway, 24<sup>th</sup> Floor, Oakland, CA 94607  
Ms. Katy Meador, 740A 14<sup>th</sup> St, #250, San Francisco, CA 94114  
Mr. James Cherry, 1849 Bonanza Street, Walnut Creek, CA 94596

gardiner-7

ALAMEDA COUNTY  
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StID 269

August 4, 1998

Mr. Robert Kitay  
Aqua Science Engineers  
2411 Old Crow Canyon Rd, Suite 4  
San Ramon, CA 94583

**RE: Correction to Text of July 31, 1998 Letter**

Dear Mr. Kitay:

Thank you for noting the mistake in my letter of July 31, 1998. Enclosed is the letter with the correction, namely, that onsite monitoring wells should be sampled on a semi-annual basis.

eva chu  
Hazardous Materials Specialist

C: Mr. Eugene Teasley, c/o Mr. Claude Ames, 3667 Shafter Ave, Oakland, CA 94610  
Ms. Christine Noma, 1111 Broadway, 24<sup>th</sup> Floor, Oakland, CA 94607  
Ms. Katy Meador, 740A 14<sup>th</sup> St, #250, San Francisco, CA 94114  
Mr. James Cherry, 1849 Bonanza Street, Walnut Creek, CA 94596

*enclosure*

ALAMEDA COUNTY  
HEALTH CARE SERVICES

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DAVID J. KEARS, Agency Director



StID 269

July 31, 1998

Mr. Robert Kitay  
Aqua Science Engineers  
2411 Old Crow Canyon Rd, Suite 4  
San Ramon, CA 94583

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**RE: Groundwater Sampling at 2711 Union St, Oakland, CA, and at Adjacent Properties**

Dear Mr. Kitay:

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In order to verify your suspicion that VOCs may be coming from another source, possibly from upgradient of the subject site, groundwater should be collected from wells MW-3 and MW-4 at 2850 Poplar Street. In addition, to delineate the downgradient extent of the VOC plume, groundwater should be collected from wells MW-4 and MW-6 at 2730 Peralta Street. Groundwater should be analyzed for VOCs using Method 8240. Please contact me if you have problems gaining access to these monitoring wells.

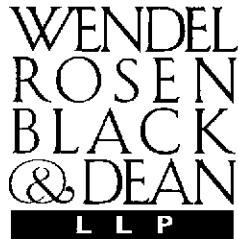
Finally, the newly installed well, MW-5, should be sampled quarterly for one year. The remaining on-site wells should **not** be sampled on a semi-annual basis.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

C: Mr. Eugene Teasley, c/o Mr. Claude Ames, 3667 Shafter Ave, Oakland, CA 94610  
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gardiner-7



Attorneys at Law

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

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Oakland, CA 94604-2047

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Fax: (510) 834-1928  
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July 28, 1998

**VIA TELECOPIER  
(510) 337-9335**

Ms. Eva Chu  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**Re: Site: Custom Alloy Scrap Sales  
2711 Union Street, Oakland, CA**

Dear Ms. Chu:

This office represents Custom Alloy Scrap Sales, Inc., the tenant using the property at 2711 Union Street, Oakland, California as a storage facility. As you know, the site is owned by Gardiner Manufacturing, which is presently in bankruptcy.

Custom Alloy is presently in litigation with Gardiner Manufacturing over a disputed option to purchase the property and the value of the property based upon the contamination at the site.

Aqua Science Engineers has been conducting soil and groundwater investigation at the site for roughly three years. During that time, they have found onsite groundwater contamination of significantly elevated levels of vinyl chloride up to as high as 170 ppb and most recently at 48 ppb in MW2 (6/15/98). In addition, TCE has been found in MW1 up to 2,000 ppb, 140 ppb in MW2 and 700 ppb in MW3. MW3 has also had PCE at up to 4,400 ppb. Elevated levels of cis 1, 2 DCE has also been detected as high as 440 ppb in MW2 (7/8/97) and most recently at 190 ppb (6/15/98).

On February 11, 1998, Aqua Science conducted a risk based analysis and found that vapor intrusion from groundwater to a potential on-site industrial building presented an unacceptable risk as to the vinyl chloride.

However, in conducting the RBCA site assessment, Aqua Science used average concentrations in the groundwater wells for "representative concentrations." As a result, many

of the risk calculations were based on representative concentrations much lower than those actually found on site. For example, the representative concentration of PCE was calculated by Aqua Science in its risk analysis at 310 ppb when in fact, the most recent level of concentration of PCE found in MW3 was 4,400 ppb. Using the actual concentrations of PCE found at site in the risk analysis as opposed to the average concentration, the health risk would be exceeded for PCE groundwater volatilization to indoor air – RBCA  $3.1E+0$  (3100 ppb) vs. 4,400 ppb in MW3. This same criticism can be applied to the elevated levels of TCE – RBCA  $1.4 E+0$  (1400 ppb) vs. 2,000 ppb in MW1.

While the average concentration is in some cases a legitimate approach to risk assessment, in view of the the fact that the differences between the wells are extremely varied, we are concerned that the RBCA analysis conducted does not provide sufficient guidance as to future development of the site.

Aqua Science's July 3, 1998, Off-Site Groundwater Assessment and Monitoring Report detected levels of TCE in the off-site well at 3,700 ppb which would exceed the health risk for groundwater volatilization to indoor air of  $1.4 E+0$ . Nevertheless, Aqua Science's conclusion simply recommends further groundwater monitoring.

However, indefinite groundwater monitoring does not provide any guidance as to the impact of the contamination on future uses of the site.

In order to value the property, we would appreciate your providing further guidance as to following issues.

1. Given the levels of vinyl chloride, TCE, and PCE in the groundwater, can a building be built on the site?
2. If so, what restrictions would be required on use?
3. Would remediation have to be undertaken prior to construction activities on site?
4. While the average concentration of other VOCs such as TCE and PCE over the entire site are below the risk assessment levels, would building restrictions and construction activity restrictions be placed on the site based upon specific elevated levels of groundwater contamination?
5. Will deed restrictions be required on the site not only restricting the use of the property, but also restricting construction activities?
6. What would the deed restrictions consists of?
7. Would the construction of an enclosed warehouse and office building be prohibited?

8. Will the use of the site be restricted to outdoor, non-enclosed storage, i.e. similar to the present use?

9. Is groundwater remediation contemplated for the site?

10. As you know, generally, Banks will not finance loans on properties that are contaminated until "site closure" or a "no further action" status is obtained on the site. What would be required to obtain no further action or site closure?

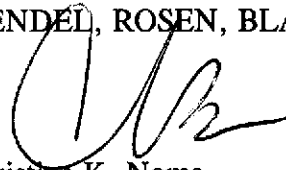
11. Finally, will further remediation or investigation required for the threat of indoor TCE vapors into the adjacent office building?

12. What will that consist of?

Thank you for your attention to this matter. Perhaps, a meeting can be scheduled to discuss the future of this site.

Very truly yours,

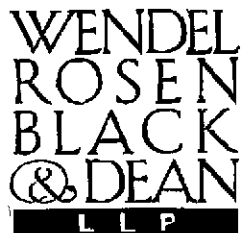
WENDEL, ROSEN, BLACK & DEAN, LLP



Christine K. Noma

CKN:srj

cc: Pat O'Brien  
James Cherry, Esq.  
Aqua Science Engineers



Attorneys at Law

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Oakland, CA 94604-2047

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Fax: (510) 834-1928  
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July 28, 1998

**VIA TELECOPIER**  
**(510) 337-9335**

Ms. Eva Chu  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

**Re: Site: Custom Alloy Scrap Sales**  
**2711 Union Street, Oakland, CA**

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On February 11, 1998, Aqua Science conducted a risk based analysis and found that vapor intrusion from groundwater to a potential on-site industrial building presented an unacceptable risk as to the vinyl chloride. *to indoor air*

However, in conducting the RBCA site assessment, Aqua Science used average concentrations in the groundwater wells for "representative concentrations." As a result, many



July 28, 1998  
Page 2

*but this was not detected until (6/25/98) after the RBCA was performed*

WENDEL, ROSEN, BLACK & DEAN, LLP

of the risk calculations were based on representative concentrations much lower than those actually found on site. For example, the representative concentration of PCE was calculated by Aqua Science in its risk analysis at 310 ppb when in fact, the most recent level of concentration of PCE found in MW3 was 4,400 ppb. Using the actual concentrations of PCE found at site in the risk analysis as opposed to the average concentration, the health risk would be exceeded for PCE groundwater volatilization to indoor air - RBCA 3.1E+0 (3100 ppb) vs. 4,400 ppb in MW3. This same criticism can be applied to the elevated levels of TCE - RBCA 1.4 E+0 (1400 ppb) vs. 2,000 ppb in MW1.

While the average concentration is in some cases a legitimate approach to risk assessment, in view of the the fact that the differences between the wells are extremely varied, we are concerned that the RBCA analysis conducted does not provide sufficient guidance as to future development of the site.

Aqua Science's July 3, 1998, Off-Site Groundwater Assessment and Monitoring Report detected levels of TCE in the off-site well at 3,700 ppb which would exceed the health risk for groundwater volatilization to indoor air of 1.4 E+0. Nevertheless, Aqua Science's conclusion simply recommends further groundwater monitoring. *Need verification / duplication application - samples.*

However, indefinite groundwater monitoring does not provide any guidance as to the impact of the contamination on future uses of the site. *Aqua Science said there are not enclosed building structures proposed, etc.*

In order to value the property, we would appreciate your providing further guidance as to following issues.

1. Given the levels of vinyl chloride, TCE, and PCE in the groundwater, can a building be built on the site?
2. If so, what restrictions would be required on use? *Rmp. Institutional control. Vapor proof lines. Engineer's control to remediate risks.*
3. Would remediation have to be undertaken prior to construction activities on site?
4. While the average concentration of other VOCs such as TCE and PCE over the entire site are below the risk assessment levels, would building restrictions and construction activity restrictions be placed on the site based upon specific elevated levels of groundwater contamination?
5. Will deed restrictions be required on the site not only restricting the use of the property, but also restricting construction activities?
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July 28, 1998

WENDEL, ROSEN, BLACK & DEAN, LLP

Page 3

8. Will the use of the site be restricted to outdoor, non-enclosed storage, i.e. similar to the present use?

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Thank you for your attention to this matter. Perhaps, a meeting can be scheduled to discuss the future of this site.

Very truly yours,

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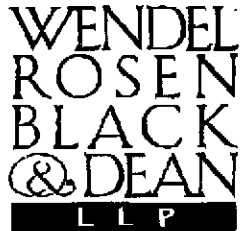
Christine K. Noma

CKN:srj

cc: Pat O'Brien  
James Cherry, Esq.  
Aqua Science Engineers

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\*\* TOTAL PAGE.04 \*\*



Attorneys at Law

1111 Broadway, 24th Floor  
Oakland, CA 94607-4036Post Office Box 2047  
Oakland, CA 94604-2047Telephone: (510) 834-6600  
Fax: (510) 834-1928  
info@wendel.com**FAX COVER LETTER**

July 27, 1998

<b>To:</b>	<b>Company:</b>	<b>Telephone:</b>	<b>Fax:</b>
Ms. Eva Chu	Alameda County Health Care Services Agency	(510) 567-6700	(510) 337-9335
<b>From:</b>	Christine K. Noma	<b>Number of Pages:</b> (including this page)	
<b>Client Code:</b>	1657.003		
<b>Regarding:</b>	Custom Alloy Scrap Sales		

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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StID 269

July 21, 1998

Mr. James Cherry  
1849 Bonanza Street  
Walnut Creek, CA 94596

**RE: Project #4418A, Add-on  
at 2711 Union Street, Oakland, CA**

Dear Mr. Cherry:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$2,000.00, payable to Alameda County, Environmental Health Services, within two weeks of receipt of this letter.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested, or any unused monies will be refunded to you or your designee.

The deposit/refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$100 per hour.

Please be sure to write the following identifying information on your check:

project #4418A/ Stid #269  
type of project (site mitigation, add-on), and  
site address (2711 Union St, Oakland)

If you have any questions, please contact me at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Mr. Eugene Teasley, c/o Mr. Claude Ames, 3667 Shafter Ave, Oakland,  
CA 94610  
Ms. Christine Noma, 1111 Broadway, 21<sup>st</sup> Floor, Oakland, CA 94607  
Ms. Katy Meador, 740A St, #250, San Francisco, CA 94114

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



ENVIRONMENTAL HEALTH SERVICES

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

StID 269

May 26, 1998

Mr. Robert Kitay  
Aqua Science Engineers, Inc  
2411 Old Crow Canyon Rd, Suite 4  
San Ramon, CA 94583

**RE: Workplan Approval for 2711 Union Street, Oakland, CA**

Dear Mr. Kitay:

I have completed review of your May 1, 1998 "Workplan for a Downgradient Groundwater Assessment" report for the above referenced site. The proposal to install a groundwater monitoring well across Poplar Street is acceptable. Although not proposed, you should submit the soil sample with the highest OVM reading to the laboratory for VOC analysis. If none of the screened samples indicate the presence of VOCs, then the soil sample collected just above the capillary fringe should be sent for laboratory analysis.

Field work should commence within 45 days of the date of this letter. If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Mr. Eugene Teasley, c/o Mr. Claude Ames, 3667 Shafter Ave, Oakland,  
CA 94610  
Ms. Christine Noma, 1111 Broadway, 21<sup>st</sup> Floor, Oakland, CA 94607  
Ms. Katy Meador, 740A St, #250, San Francisco, CA 94114  
Mr. James Cherry, 1849 Bonanza Street, Walnut Creek, CA 94596

The Law Offices of  
**JAMES J. CHERRY**  
1849 Bonanza Street  
Walnut Creek, California 94596

Telephone  
(925) 210-1510

Facsimile  
(925) 210-0274

April 6, 1998

Alameda County Health Care Services Agency  
Environmental Protection (LOP)  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577  
Attn.: Ms. Eva Chu

**RE: Offsite Groundwater Monitoring for 2711 Union Street, Oakland, CA**

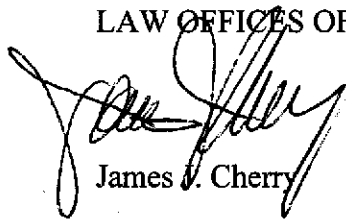
Dear Ms. Chu:

I am in receipt of your letter of March 31, 1998 to Mr. Robert Kitay of Aqua Science Engineers, Inc. I note that you do not seem to have received the change of address that I believe I sent you a few months ago. Please be advised that I have moved my offices from Oakland; my new address is as follows:

Law Offices of James J. Cherry  
1849 Bonanza Street  
Walnut Creek, CA 94596  
Telephone: 925-210-1510  
Facsimile: 925-210-0274

Sincerely,

LAW OFFICES OF JAMES J. CHERRY



James J. Cherry

JJC:mok

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



StID 269

December 8, 1997

Mr. Robert Kitay  
Aqua Science Engineers, Inc  
2411 Old Crow Canyon Rd, Suite 4  
San Ramon, CA 94583

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

RE: Risk Assessment for 2711 Union Street, Oakland, CA

Dear Mr. Kitay:

This letter is to summarize the points brought up in today's meeting with this Agency, Katy Meador and you. It was determined that a risk assessment for the determination of cleanup levels for the above referenced site would be appropriate at this time. The risk assessment should include the following:

1. soil concentrations to be used should be the average of all soil samples collected from above the mean depth to water;
2. groundwater data to be used should be the average concentration from all monitoring wells;
3. exposure pathways should include soil and groundwater volatilization to both indoor and outdoor air for an onsite commercial scenario. An 8 hour exposure rate may be used;
4. risk to construction workers must also be evaluated;
5. site cleanup levels should be for a  $10^{-5}$  risk; and,
6. groundwater data from wells MW-1 and MW-2 should be averaged to determine risk for an offsite commercial scenario.

And, in order to determine if the site has been adequately characterized, please provide the rationale for the location of each soil and groundwater sample collected to date.

If you have any questions, I can be reached at (510) 567-6762.

eva chu  
Hazardous Materials Specialist

c: Eugene Teasley, c/o Mr. Claude Ames, 3667 Shafter Ave  
Oakland, CA 94610  
Ms. Christine Noma, Wendel Rosen Black & Dean, 1111 Broadway,  
21st Fl, Oakland, CA 94607  
Ms. Katy Meador, 740A 14th Street, #250, San Francisco, CA  
94114  
Mr. James Cherry, 2030 Franklin, 5th Fl, Oakland, CA 94612  
gardiner.3

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



StID 269

November 24, 1997

Mr. James Cherry  
2030 Franklin St, 5th Fl  
Oakland, CA 94612

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

FAX (510) 337-9335

**RE: Historic Site Use in the Vicinity of 2711 Union Street,  
Oakland, CA**

Dear Mr. Cherry:

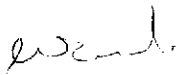
Thank you for the submittal of additional funds to oversee site remediation of the above referenced site.

Subsurface investigations performed to date have identified elevated TPH (up to 4,500ppm oil and grease and 4,300ppm TPH as diesel) and lead (up to 150ppm) in shallow soil (~3.5'bgs). In addition to TPH, elevated HVOCs (up to 1,800ppb PCE, 2,600ppb TCE, 440ppb 1,2-DCE and 170ppb vinyl chloride) have also been identified in groundwater beneath the site.

At this time a review of historic use (often called a Phase 1, Site Assessment) of the above chemicals of concern at sites within 1,000' of the subject site should be performed to determine if any of the contaminants identified may be coming from offsite; may be migrating offsite; or may be a regional problem.

Information gathered from this review will determine if additional investigations will be required to delineate the extent of the plume. If not, a risk analysis can then be use to determine acceptable cleanup levels for the site.

The Phase 1, Site Assessment Report is due to this office within 45 days of the date of this letter, **or by January 14, 1998**. If you have any questions, I can be reached at (510) 567-6762.

  
eva chu  
Hazardous Materials Specialist

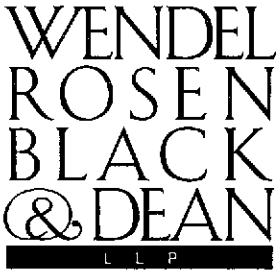


James Cherry  
re: 2711 Union St, Oakland  
November 24, 1997  
Page 2 of 2

c: Eugene Teasley  
c/o Mr. Claude Ames  
3667 Shafter Ave  
Oakland, CA 94610

Ms. Christine Noma  
Wendel Rosen Black & Dean  
1111 Broadway, 21st Fl  
Oakland, CA 94607

Ms. Katy Meador  
740A 14th Street, #250  
San Francisco, CA 94114



ATTORNEYS AT LAW  
1111 Broadway  
Twenty-Fourth Floor  
Oakland, California 94607

Please Reply To:  
Post Office Box 2047  
Oakland, California 94604-2047  
Telephone: (510) 834-6600  
Fax: (510) 834-1928

**TRANSMITTAL MEMO**

TO: Attention: Eva Chu  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway, Suite 250  
Alameda, CA 94502-6577

FROM: Tracy Green

RE: Additional Funds for Oversight at 2711 Union St., *pg 448A*  
Oakland, CA

DATE: October 24, 1997

ENCLOSURE(S): Check No. 1002 from Custall Trust Account in the  
amount of \$2,000 payable to Alameda County,  
Treasurer.

FOR YOUR: Pursuant to your October 6, 1997 correspondence to Mr.  
James Cherry

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP

By: Amanda S. Raphael  
Secretary to Tracy Green

cc: Barry Milgrom, Esq.

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION  
DEPOSIT / REFUND ACCOUNT SHEET

printed 10/31/97

SITE INFORMATION

Former Gardiner Mfg. Co  
2711 Union St  
Oakland 94607  
Site Contact:  
Site Phone : 510-444-4033

StID: 269 Site#: 4418  
PROJECT#: 4418B  
PROJECT TYPE:\*\*\* A \*\*\*  
INSP: Eva Chu  
ACCT. SHEET PG #: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Owner Contact:  
Owner Phone :

PAYOR INFORMATION

Wendel Rosen Black & Dean  
111 Broadway 24th Floor  
Oakland CA 94607 # 442  
Payor Contact:  
Payor Phone : 510-834-6600

Date	Action Taken	Time		Hours Spent/Depstd	Hour Balnce	Money Spent/Depositd	Money Balance
		In	Out				
_____	Balance from Prev. Page	.....	.....	.....	_____	.....	_____
10/29/97	Rcpt# 804748 Deposit of \$2,000.00 @ \$94/hour			+21.27		+\$2,000.00	_____
12/8/97	Meeting/ltr to RP			2.8			_____
2/3/98	conv w/ Kating			0.3			_____
3/27/98	Rev RBA			0.8			_____
3/31/98	Letter for add'l m/w			0.8			_____
5/26/98	Hot response w/p for dg m/w			0.8			_____
10/8/98	Rev. ltr prep			4.5			_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

UPON COMPLETION OF PROJECT

PROJ COMPLETED BY : \_\_\_\_\_ ATTACH:  State Forms A, B & C  
 Billing Adjustment\*  
DATE OF COMPLETION : \_\_\_\_\_ DATE SENT TO BILLING: \_\_\_\_\_  
TOTAL COST OF PROJECT: \_\_\_\_\_ REFUND AMOUNT: \_\_\_\_\_ Rev. 5/96

\* Billing adjustment forms needed when site is in our UST program.

Printed: 04/15/98

\*\*\*\*\* Alameda County Department of Environmental Health \*\*\*\*\*  
BILLING's WORKLOG: Total Deposit/Refund History for All Accounts at Site  
~~~~~

\*\* SITE INFORMATION \*\*

Site#: 4418 -- StID: 269 GARDINER MANUFACTURING  
Date Open: 06/04/96 2711 UNION ST  
Date Closed: OAKLAND CA 94607

\*\* PAYOR INFORMATION \*\*

> Project # --4418A for Payor # 442 DAVID J.WENDEL  
P.O.BOX 272, STATION#A  
WALNUT CREEK CA 94596

\*\* DEPOSIT HISTORY \*\*

| Proj#   | Deposit Date | Receipt# | Amount Received |
|---------|--------------|----------|-----------------|
| --4418a | 06/04/96     | 773018   | \$ 450.00       |
| --4418a | 10/29/97     | 804748   | \$ 2,000.00     |
|         |              |          | =====           |
|         |              |          | \$ 2,450.00     |

\*\* WORKLOG HISTORY \*\*

| Proj#   | Work Date | Activity Description       | Insp | Time (hrs) | Amount Charged |
|---------|-----------|----------------------------|------|------------|----------------|
| --4418a | 05/20/96  | consult w/Robert re:report | sh   | 0.5 /      | \$45.00        |
| --4418a | 06/04/96  | ADMINISTRATIVE CHARGE      |      | 1. /       | \$90.00        |
| --4418a | 06/12/96  | reivew 4/96 report         | sh   | 1.5 /      | \$135.00       |
| --4418a | 06/14/96  | Review Plans/Reports       | sh   | 1.5 /      | \$135.00       |
| --4418a | 06/17/96  | letter re:work             | sh   | 2. /       | \$180.00       |
| --4418a | 06/20/96  | consult w/Robert           | sh   | 0.4 /      | \$36.00        |
| --4418a | 10/22/96  | mess.to Chris Noma         | js   | 0.3 /      | \$28.20        |
| --4418a | 01/07/97  | Review Plans/Reports       | dk   | 0.7 /      | \$65.80        |
| --4418a | 01/13/97  | Review Plans/Reports       | DK   | 0.2 /      | \$18.80        |
| --4418a | 06/10/97  | Review Plans/Reports       | kt   | 0.3 /      | \$28.20        |
| --4418a | 09/05/97  | Review Plans/Reports       | pe   | 0.3 /      | \$28.20        |

|         |          |                         |    |       |            |
|---------|----------|-------------------------|----|-------|------------|
| --4418a | 09/05/97 | Review Plans/Reports    | pe | 0.3 ✓ | \$28.20    |
| --4418a | 09/26/97 | Review Plans/Reports    | ec | 0.5 ✓ | \$47.00    |
| --4418a | 09/29/97 | Investigation in Office | ec | 1. ✓  | \$94.00    |
| --4418a | 10/03/97 | Review Plans/Reports    | ec | 0.8 ✓ | \$75.20    |
| --4418a | 10/10/97 | Review Plans/Reports    | ec | 0.5 ✓ | \$47.00    |
| --4418a | 11/24/97 | Review Plans/Reports    | EC | 2. ✓  | \$188.00   |
| --4418a | 12/08/97 | Write Letters           | EC | 2.8 ✓ | \$263.20   |
| --4418A | 02/03/98 | Meetings, Consultations | EC | 0.3 ✓ | \$28.20    |
| --4418A | 02/09/98 | Meetings, Consultations | SH | 0.5 ✓ | \$47.00    |
| --4418A | 02/19/98 | Meetings, Consultations | EC | 0.7 ✓ | \$65.80    |
| --4418A | 03/13/98 | Meetings, Consultations | EC | 0.4 ✓ | \$37.60    |
|         |          |                         |    |       | -----      |
|         |          |                         |    |       | \$1,711.40 |

Balance:

Amount Refunded:

=====

page 1

3/23 ML- 3.0  
Rev. Risk A.

3/27 - 0.8  
4/15/98

20686

balance + \$381.40 x 4 hrs.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

StID 269

October 6, 1997

Mr. James Cherry  
2030 Franklin St, 5th Floor  
Oakland, CA 94612

**Subject: Additional Funds for Oversight at 2711 Union St, Oakland,  
CA**

Dear Mr. Cherry:

As you know, this office is overseeing site remediation of petroleum and chlorinated hydrocarbons at the above referenced site. However, the initial deposit of \$450.00 has been depleted. A check made payable to "Alameda County, Treasurer" in the amount of \$2,000.00 should be submitted to reinstate your account and fund this Office's oversight tasks on your project. Any and all monies remaining in your account after the completion of the project will be refunded to you.

Please contact me at (510) 567-6762 with any comments on this matter.

Sincerely,

eva chu  
Hazardous Materials Specialist

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director.



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

StID 269

December 4, 1996

Mr. James Cherry  
2030 Franklin St, 5th Floor  
Oakland, CA 94612

**Subject: Additional Funds for Oversight at 2711 Union St, Oakland,  
CA**

Dear Mr. Cherry:

As you know, this office is overseeing site remediation of petroleum and chlorinated hydrocarbons at the above referenced site. However, the initial deposit of \$450.00 has been depleted. A check made payable to "Alameda County, Treasurer" in the amount of \$2,000.00 should be submitted to reinstate your account and fund this Office's oversight tasks on your project. Any and all monies remaining in your account after the completion of the project will be refunded to you.

Please contact me at (510) 567-6762 with any comments on this matter.

Sincerely,

eva chu  
Hazardous Materials Specialist

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



STID 269

November 13, 1996

Mr. Eugene Teasley  
c/o Mr. Claude Ames  
3667 Shafter Avenue  
Oakland, CA 94610

ENVIRONMENTAL HEALTH SERVICES

ENVIRONMENTAL PROTECTION (LOP)

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

FAX (510) 337-9335

**RE: CUSTOM ALLOY SCRAP SALES, 2711 UNION STREET, OAKLAND, CA 94607**

Dear Mr. Teasley:

This office is in receipt of and has completed review of the case file for this site, up to and including the October 30, 1996 - Aqua Science Engineers (ASE) "Report of Soil and Groundwater Assessment".

As documented in the October 30, 1996 ASE report, laboratory analysis of soil samples, collected at a depth of approximately 6.0 feet bgs from borings MW-2 and MW-4, revealed total petroleum hydrocarbons as diesel (TPHd) at concentrations of 350 mg/kg and 280 mg/kg, respectively. Fluorene was detected at a maximum concentration of 0.048 mg/kg, from the soil sample collected at a depth of approximately 6.0 feet bgs (boring MW-4).

Laboratory analysis of samples collected from the four groundwater monitoring wells revealed vinyl chloride, cis-1,2-DCE, trans-1,2-DCE, TCE, PCE and chlorobenzene at maximum concentrations of 160, 200, 47, 2200, 520 and 32 ug/L (ppb), respectively.

At this time please adhere to a **quarterly** schedule of well sampling, monitoring, and report submittal as referenced in California Health and Safety Code section 25187.1. Sample analytes shall be total petroleum hydrocarbons as diesel and gasoline (TPHg and TPHd), total oil and grease (TOG), methyl-tert-butyl ether (MTBE), volatile organic compounds (VOCs), polyaromatic hydrocarbons (PAHs), the metals lead, chromium, zinc, nickel and cadmium, and the aromatic hydrocarbons benzene, toluene, ethyl benzene and total xylene isomers (BTEX).

Sampling of monitoring wells MW-1, MW-2, MW-3 and MW-4 should continue until four consecutive sampling events have documented levels of chemicals in groundwater samples analyzed from the four wells. This office will re-evaluate the case file after review of the first quarter 1997 groundwater sampling report, to determine if any further investigations are warranted for this site.

**This letter constitutes a formal request for technical reports pursuant to Health and Safety Code Sections 25185.6 and 25187.1.**

Please feel free to call me directly at 510/567-6880 should you have any questions.



Mr. Gene Teasley  
RE: 2711 Union Street, Oakland  
November 13, 1996  
Page 2 of 2

Sincerely,



Dale Klettke, CHMM  
Hazardous Materials Specialist

c: Dale Klettke--files  
James J. Cherry, 2030 Franklin Street, Fifth Floor, Oakland, CA 94612  
Robert Kitay, Aqua Science Engineers

0269wpok.swi

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



STID 269 EC

November 13, 1996

Mr. Eugene Teasley  
c/o Mr. Claude Ames  
3667 Shafter Avenue  
Oakland, CA 94610

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

**RE: CUSTOM ALLOY SCRAP SALES, 2711 UNION STREET, OAKLAND, CA 94607**

Dear Mr. Teasley:

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Please feel free to call me directly at 510/567-6880 should you have any questions.

Mr. Gene Teasley  
RE: 2711 Union Street, Oakland  
November 13, 1996  
Page 2 of 2

Sincerely,



Dale Klettke, CHMM  
Hazardous Materials Specialist

c: Dale Klettke--files  
James J. Cherry, 2030 Franklin Street, Fifth Floor, Oakland, CA 94612  
Robert Kitay, Aqua Science Engineers

0269wpok.swi

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



STID # 269 SLIC

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

October 29, 1996

Law Offices of James J Cherry  
2030 Franklin St., 5th Floor  
Oakland CA 94612

RE: Project # 4418A - Type M  
at 2711 Union St in Oakland 94607

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$750.00, payable to Alameda County, Environmental Health Services.

We must receive this deposit so that future regulatory oversight on the subject site can procede in a timely fashion. At the completion of this project, any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 3-140.5 of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$94 per hour.

Please be sure to write the following on the check to identify your account:

- project #,
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Dale Klettke at (510) 567-6880.

Sincerely,

Tom Peacock, Area Manager  
Environmental Protection

c: files/inspector

|                                                                                                                                                                                                       |  |                                               |                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): 104751<br>Christine K. Noma, Esq.<br>WENDEL, ROSEN, BLACK & DEAN<br>P.O. Box 2047<br>Oakland, CA 94707-2047<br>ATTORNEY FOR (Name): Plaintiffs |  | TELEPHONE NO.:<br><i>paid 10/15/96</i>        | FOR COURT USE ONLY<br><i>Subpoena to<br/>         Chris Noma 10/20/96<br/>         re-schedule the<br/>         deposition.</i> |
| NAME OF COURT: United States Bankruptcy Court<br>STREET ADDRESS: 1300 Clay Street<br>MAILING ADDRESS:<br>CITY AND ZIP CODE: Oakland, CA 94607<br>BRANCH NAME:                                         |  |                                               |                                                                                                                                 |
| PLAINTIFF/PETITIONER: CUSTOM ALLOY SCRAP SALES, INC.,<br>et al.<br>DEFENDANT/RESPONDENT: GARDINER MANUFACTURING COMPANY,<br>et al.                                                                    |  |                                               |                                                                                                                                 |
| <b>DEPOSITION SUBPENA</b><br><b>For Personal Appearance</b><br><input checked="" type="checkbox"/> and Production of Documents and Things                                                             |  | CASE NUMBER:<br>Adversary Proc. No. 95 579 AN |                                                                                                                                 |

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):  
 SUSAN HUGO, Alameda County Health Care Services Agency, 1132 Harbor Bay  
 Parkway, Alameda, California

**1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following time and place:**

Date: November 7, 1996      Time: 1:00 p.m.      Address: 1111 Broadway, 24th Floor  
 Oakland, CA 94607

- a.  As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 3. (Code of Civil Procedure section 2025 (d)(6).)
  - b.  You are ordered to produce the documents and things described in item 3.
  - c.  This deposition will be recorded stenographically and by  audiotape  videotape.
  - d.  This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025 (u)(4).
2.  The **personal attendance** of the custodian of records or other qualified witness  and the **production of the original documents** are required by this deposition subpoena. The procedure authorized by Evidence Code sections 1560 (b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3.  The **documents and things to be produced and any testing or sampling being sought are described as follows:**  
 See Exhibit A.

Continued on attachment 3.

4. A deposition permits an attorney to ask questions of a witness who is sworn to tell the truth. An attorney for other parties may then ask questions also. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. A witness may read the written record and change any incorrect answers before signing the deposition. The witness is entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition.

**DISOBEDIENCE OF THIS SUBPENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.**

Date issued:

Christine K. Noma, Esq.  
 (TYPE OR PRINT NAME)

*[Signature]*  
 (SIGNATURE OF PERSON ISSUING SUBPENA)  
 Attorney for Plaintiffs  
 (TITLE)

(See reverse for proof of service)

**PROOF OF SERVICE OF DEPOSITION SUBPENA--PERSONAL APPEARANCE**

1. I served this Deposition Subpena--Personal Appearance by personally delivering a copy to the person served as follows:

- a. Person served (name): Susan Hugo
- b. Address where served: 1136 Harbor Bay Parkway  
Alameda, CA
- c. Date of delivery: October 15, 1996
- d. Time of delivery:
- e. Witness fees and mileage both ways (check one):
  - (1)  were paid. Amount: ..... \$ \_\_\_\_\_
  - (2)  were not paid.
  - (3)  were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (specify):..... \$ \_\_\_\_\_
- f. Fee for service:..... \$ 0

2. I received this subpoena for service on (date):

3. Person serving:

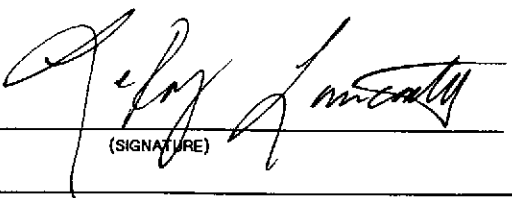
- a.  Not a registered California process server.
- b.  California sheriff, marshal, or constable.
- c.  Registered California process server.
- d.  Employee or independent contractor of a registered California process server.
- e.  Exempt from registration under Bus. & Prof. Code section 22350(b).
- f.  Registered professional photocopier.
- g.  Exempt from registration under Bus. & Prof. Code section 22451.
- h. Name, address, and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only)  
I certify that the foregoing is true and correct.

Date:

Date:

  
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(SIGNATURE)

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**EXHIBIT A**  
**DEFINITIONS**

A. As used herein, the terms "DOCUMENTS" includes all "writings" as that term is defined in California Evidence Code Section 250 as follows:

"Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

Without limitation to the foregoing, the term "DOCUMENTS" shall also include any copy which differs in any respect from the original or other versions of the document, such as copies containing notations, insertions, corrections, marginal notes or other variations.

B. As used herein, the singular shall include the plural and vice versa.

C. As used herein, the word "ANY" includes the word "ALL" and vice versa.

D. As used herein, "ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY" shall mean the Alameda County Health Care Agency without limitation, any and all of their officers, directors, agents, employees, representatives, accountants, advisors, consultants, experts, investigators, attorneys, independent contractors, or other persons directly or indirectly employed by or connected with them.

E. As used herein, "YOU" and "YOUR" shall mean the Alameda County Health Care Services Agency.

**DOCUMENTS TO BE PRODUCED**

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1. ANY and ALL DOCUMENTS relating to the site located at 2711 Union Street, Oakland, California owned by Gardiner Manufacturing, Inc., and leased by Custom Alloy Scrap Sales, Inc., including but not limited to the file maintained by the Alameda County Health Care Services Agency pertaining to the site and any and all correspondence, reports, field notes, and internal memorandums regarding the site.

WENDEL, ROSEN,  
BLACK & DEAN  
ATTORNEYS AT LAW  
P.O. BOX 2047  
OAKLAND, CA 94604-2047

NOTICE OF TAKING DEPOSITION OF NON-PARTY AND  
PRODUCTION OF DOCUMENTS



1 CHRISTINE K. NOMA (Bar No. 104751)  
2 TRACY GREEN (Bar No. 114876)  
3 WENDEL, ROSEN, BLACK & DEAN  
4 ATTORNEYS AT LAW  
5 P. O. BOX 2047  
6 OAKLAND, CALIFORNIA 94604-2047  
7 (510) 834-6600

8 Attorneys for Creditor  
9 Custom Alloy Scrap Sales, Inc.

10 UNITED STATES BANKRUPTCY COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 In re )  
13 GARDINER MANUFACTURING CO., )  
14 Debtor. )

No. 95-43465 N  
Chapter 11

15 CUSTOM ALLOY SCRAP SALES, )  
16 INC., a corporation, and Chal Sulprizio, )  
17 an individual, )

Adversary Proceeding  
No. 95 579 AN

18 Plaintiffs, )

19 vs. )

20 GARDINER MANUFACTURING )  
21 COMPANY, a corporation, GENE )  
22 TEASLEY aka Eugene Teasley, an )  
23 individual, HOLY NAMES COLLEGE, )  
24 a non-profit entity, and DOES 1 through )  
25 20. )

26 Defendants. )

27 NOTICE OF TAKING DEPOSITION OF NON-PARTY AND PRODUCTION OF  
28 DOCUMENTS

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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 7, 1996, at 1:00 p.m. in the law offices of Wendel, Rosen, Black & Dean, LLP, 1111 Broadway, 24th Floor, Oakland, California, plaintiff Custom Alloy Scrap Sales, shall take the deposition of Susan Hugo, Alameda County Health Care Services Agency, whose address is 1132 Harbor Bay Parkway, before a notary public or other officer duly authorized to administer oaths.

NOTICE IS FURTHER GIVEN that, pursuant to the Federal Rules of Civil Procedure Rule 30, the deponent is required to bring to the deposition the originals and all copies of the following documents or other things identified in the attached Exhibit A in her custody, control or possession.

The deposition shall continue from day to day except Saturdays, Sundays and holidays until all documents are produced and the deposition is completed.

Dated: October 14, 1996

WENDEL, ROSEN, BLACK & DEAN, LLP

By   
Christine K. Noma  
Attorneys for Plaintiffs Custom Alloy Scrap Sales, Inc. and Chal Sulprizio

WENDEL, ROSEN,  
BLACK & DEAN  
ATTORNEYS AT LAW  
P.O. BOX 2047  
OAKLAND, CA 94604-2047

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**EXHIBIT A**  
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B. As used herein, the singular shall include the plural and vice versa.

C. As used herein, the word "ANY" includes the word "ALL" and vice versa.

D. As used herein, "ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY" shall mean the Alameda County Health Care Agency without limitation, any and all of their officers, directors, agents, employees, representatives, accountants, advisors, consultants, experts, investigators, attorneys, independent contractors, or other persons directly or indirectly employed by or connected with them.

E. As used herein, "YOU" and "YOUR" shall mean the Alameda County Health Care Services Agency.

**DOCUMENTS TO BE PRODUCED**

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1. ANY and ALL DOCUMENTS relating to the site located at 2711 Union Street, Oakland, California owned by Gardiner Manufacturing, Inc., and leased by Custom Alloy Scrap Sales, Inc., including but not limited to the file maintained by the Alameda County Health Care Services Agency pertaining to the site and any and all correspondence, reports, field notes, and internal memorandums regarding the site.

WENDEL, ROSEN,  
BLACK & DEAN  
ATTORNEYS AT LAW  
P.O. BOX 2047  
OAKLAND, CA 94604-2047

NOTICE OF TAKING DEPOSITION OF NON-PARTY AND  
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PROOF OF SERVICE

I declare that I am over the age of 18, and not a party to the within-entitled action. I am employed at and my business address is Wendel, Rosen, Black & Dean, LLP, P.O. Box 2047, Oakland, California, 94604-2047. I am readily familiar with said firm's ordinary practices for the collection and processing of correspondence for mailing, wherein fully prepaid proper postage is affixed to the envelope containing the correspondence and the envelope is placed for collection with the United States mailing room personnel for processing. On October 15, 1996, I served the within:

NOTICE OF TAKING DEPOSITION OF NON-PARTY AND PRODUCTION OF DOCUMENTS

by placing a true and correct copy thereof in a sealed envelope, and placed the same with the firm's mailing room personnel for mailing in accordance with the firm's ordinary practices of which I am familiar. Said envelope was addressed as follows:

James J. Cherry  
2030 Franklin Street  
Fifth Floor  
Oakland, CA 94612

Claude Ames, Esq.  
3776 Shafter Avenue  
P.O. Box 11199  
Piedmont, CA 94610

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 15, 1996, at Oakland, Alameda County, California.

  
\_\_\_\_\_  
Phyllis Medler

WENDEL, ROSEN,  
BLACK & DEAN  
ATTORNEYS AT LAW  
P.O. BOX 2047  
OAKLAND, CA 94604-2047

NOTICE OF TAKING DEPOSITION OF NON-PARTY AND  
PRODUCTION OF DOCUMENTS

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY  
DAVID J. KEARS, Agency Director



STID 269

September 23, 1996

Mr. Eugene Teasley  
c/o Mr. Claude Ames  
3667 Shafter Avenue  
Oakland, CA 94610

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

**RE: CUSTOM ALLOY SCRAP SALES, 2711 UNION STREET, OAKLAND, CA 94607**

Dear Mr. Teasley:

This office is in receipt of and has completed review of the case file for this site, up to and including the September 23, 1996 - Aqua Science Engineers (ASE) "Work Plan for a Soil and Groundwater Assessment".

This work plan details the advancement of three soil borings with subsequent conversion to groundwater monitoring wells installed to depths of approximately 20 feet below ground surface (bgs). Undisturbed soil samples will be collected at least every 5-foot intervals, at lithographic changes, and from just above the water table. A minimum of one soil sample collected from each boring is to be analyzed for TPHg, TPHd, BTEX, MTBE, VOCs and PAHs.

This offices requests that one well be installed on the eastern edge of the property along Union Street, in close proximity to boring location BH-E. This well would be used to monitor groundwater conditions in the "inferred" up-gradient direction from the site, and would allow for a better determination of groundwater gradient over a much larger area of the site.

**This SWI work plan is approved with the stipulation that one well be installed up-gradient of the site. This letter constitutes a formal request for technical reports pursuant to California Water Code Section 13267(b) and Health and Safety Code Sections 25299.37 and 25299.78.**

In addition, our records indicate that the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$500.00, payable to Alameda County.

Please write your project number and site address on the check. At the completion of this project, any unused monies will be refunded to you or your designee.

For your information, I have just recently taken over management of this site from Susan Hugo of this office. It is my understanding that field operations will commence on Thursday, September 26, 1996. Please feel free to call me directly at 510/567-6880 should you have any questions.

Mr. Gene Teasley  
RE: 2711 Union Street, Oakland  
September 23, 1996  
Page 2 of 2

Sincerely,

A handwritten signature in cursive script that reads "Dale Klettke". The signature is written in black ink and has a long horizontal line extending to the right from the end of the name.

Dale Klettke, CHMM  
Hazardous Materials Specialist

*Bc* c: Thomas Peacock, LOP Manager--files  
James J. Cherry, 2030 Franklin Street, Fifth Floor, Oakland, CA 94612  
0269wpok.swi





**ALAMEDA COUNTY ENVIRONMENTAL  
HEALTH SERVICES**

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

**FAX COVER SHEET**

DATE: June 17, 19 96

TO: Bill Washko

FAX # (510) 444.3667

Total number of pages including cover sheet 3

FROM: SUSAN Hugo  
ACDEH

NOTE:

**PLEASE RESPOND BY FAX ONLY.**

Disregard the 1st letter. See Changes  
Page 1, item #2

**(SMILE) HAVE A NICE DAY  
DO SOMETHING FOR OUR ENVIRONMENT**

ALAMEDA COUNTY  
HEALTH CARE SERVICES



AGENCY  
DAVID J. KEARS, Agency Director

Alameda County            CC4580  
Environmental Health Services  
1131 Harbor Bay Pkwy., #250  
Alameda CA 94502-6577  
(510)567-6700    FAX(510)337-9335

June 17, 1996

Mr. Eugene Teasley  
c/o Mr. Claude Ames  
3667 Shafter Avenue  
Oakland, California 94610

RE: Custom Alloy Scrap Sales  
2711 Union Street, Oakland, CA 94607

Dear Mr. Teasley:

The Alameda County Department of Environmental Health, Environmental Protection Division has completed review of the Soil and Groundwater Assessment Report, dated April 23, 1996 and prepared by Aqua Science Engineers Inc. for the above referenced site.

The site was previously used by Gardiner Manufacturing as a machining and press operation. Custom Alloy Scrap, a metal scrap recycler is the current tenant.

A total of ten soil borings were drilled at the site. Five soil borings were drilled to five feet bgs with a hand auger and five soil borings were drilled to groundwater (approximately 10 feet bgs). Contamination was detected in soil as high as 7.6 ppm TPH gasoline, 4300 ppm TPH diesel, 4500 ppm TOG, 0.01 ppm toluene, 9.2 ppb ethylbenzene, 16 ppb xylene, 55 ppb cis-1,2 DCE, 18 ppb trans-1,2-DCE, 52 ppb TCE, 1.1 ppm cadmium, 46 ppm chromium, 150 ppm lead, 24 ppm nickel and 120 ppm zinc. Groundwater contamination was also detected at the following concentration: 95 ppb TPH gasoline, 7100 ppb TPH diesel, 8000 ppb TOG, 0.9 ppb ethylbenzene, 1.3 ppb xylenes, 43 ppb vinyl chloride, 2.1 ppb 1,1 DCE, 22 ppb 1,1 DCA, 78 ppb cis 1,2, DCE, 15 ppb trans 1,2 DCE, 100 ppb TCE, 1 ppb PCE, 21 ppb chlorobenzene, 39 ppb 1,2 dichlorobenzene, 2.3 ppb cadmium and 1000 ppb nickel.

Based on this review, the following items must be addressed regarding the contamination found at the site:

- 1) The lateral and vertical extent of the soil and groundwater contamination must be characterized.
- 2) The threat or impact to public health, safety and the environment including water quality must be determined.
- 3) Monitoring wells must be installed and groundwater flow direction must be established at the site.

Mr. Eugene Teasley  
RE: 2711 Union Street, Oakland, CA 94607  
June 17, 1996  
Page 2 of 2

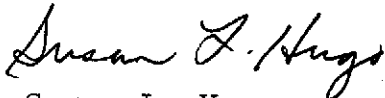
- 4) The source of the contamination must be identified.
- 5) Soil and groundwater samples must be analyzed for TPH gasoline, TPH diesel, TOG, BTEX, chlorinated solvents, polynuclear aromatic hydrocarbons (PAHs), lead, chromium, zinc, nickel and cadmium.
- 6) A health and safety plan must be submitted for the site.

A work plan which addresses the issues listed above should be submitted to this office **no later than August 5, 1996.**

All reports and proposals must be submitted under seal of a California Registered Geologists or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project.

Please contact me at (510) 567-6780 if you have any questions concerning this letter.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

c: Mee Ling Tung, Director, Environmental Health  
Gordon, Coleman. Acting Chief, Environmental Protection / file  
Sum Arigala, San Francisco Bay RWQCB  
Mr. James Cherry, 2030 Franklin Street, Fifth Floor,  
Oakland, CA 94612

LOP - RECORD CHANGE REQUEST FORM

printed:  
06/13/96

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

Insp: DK

AGENCY # : 10000      SOURCE OF FUNDS: F      SUBSTANCE: 8006619  
 StID : 42      LOC:  
 SITE NAME: Gardiner Mfg. Co.      DATE REPORTED : 01/17/90  
 ADDRESS : 1920 Union St      DATE CONFIRMED: 01/17/90  
 CITY/ZIP : Oakland      94607      MULTIPLE RPs : N

SITE STATUS

-----

CASE TYPE: G      CONTRACT STATUS: 4      PRIOR CODE:      EMERGENCY RESP:  
 RP SEARCH: S      DATE COMPLETED: 03/13/92  
 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: 2      DATE ENFORCEMENT ACTION TAKEN: 02/15/96  
 LUFT FIELD MANUAL CONSID: 3  
 CASE CLOSED:      DATE CASE CLOSED:  
 DATE EXCAVATION STARTED : 01/17/90      REMEDIAL ACTIONS TAKEN: NT

RESPONSIBLE PARTY INFORMATION

-----

RP#1-CONTACT NAME: Margaret Gardiner  
 COMPANY NAME: Gardiner Manufacturing Co.  
 ADDRESS: P. O. Box 1499  
 CITY/STATE: Oakland, C A 94604

INSPECTOR VERIFICATION:

NAME \_\_\_\_\_ SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DATA ENTRY INPUT:

Name/Address Changes Only      Case Progress Changes

ANPPGMS \_\_\_\_\_ LOP \_\_\_\_\_ DATE \_\_\_\_\_      LOP \_\_\_\_\_ DATE \_\_\_\_\_

LAW OFFICES OF  
JAMES J. CHERRY

2030 FRANKLIN STREET  
FIFTH FLOOR  
OAKLAND, CALIFORNIA 94612

TELEPHONE  
(510) 444-4033

ENVIRONMENTAL  
PROTECTION  
96 JUN-3 PM 3:11  
FACSIMILE  
(510) 444-9667

May 31, 1996

Ms. Susan Hugo  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577

Dear Ms. Hugo:

#269

Enclosed please find a check in the amount of \$450.00 for your review for closure of the environmental site assessment report which I previously sent you concerning the property at 2711 Union Street in Oakland, California. 946087

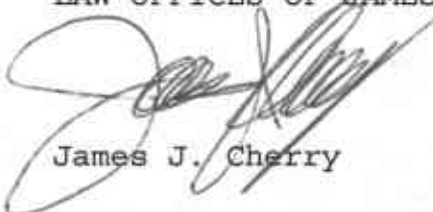
*Gardner Manufacturing*  
For your convenience of reference, that report was prepared by Aqua Science Engineers, Inc. and dated April 23, 1996. The subject property is currently occupied by Custom Alloy Scrap Sales and owned by Gardner Manufacturing, Inc., a corporation whose principal is Mr. Eugene Teasley.

If you have any questions regarding the environmental assessment, please contact Robert Kitay of Aqua Science Engineers at (510) 820-9391. If you have any other questions, please contact me at (510) 444-4033.

Thank you for your assistance in this matter.

Sincerely,

LAW OFFICES OF JAMES J. CHERRY

  
James J. Cherry

JJC/sc

Enclosure

cc: California Regional Water Quality Control Board  
San Francisco Bay Region  
Ms. Christine Noma (via facsimile)  
Mr. Claude Ames (via facsimile)

LAW OFFICES OF  
**JAMES J. CHERRY**

2030 FRANKLIN STREET  
FIFTH FLOOR  
OAKLAND, CALIFORNIA 94612

TELEPHONE  
(510) 444-4033

FACSIMILE  
(510) 444-3667

925/2401510

April 25, 1996

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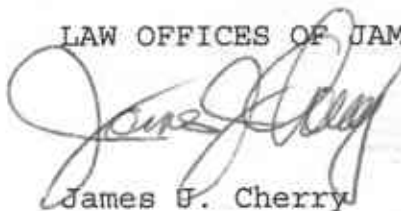
Ms. Susan Hugo  
Alameda County Health Care Services Agency  
1131 Harbor Bay Parkway  
Alameda, CA 94502-6577

Dear Ms. Hugo:

Enclosed please find an environmental site assessment report prepared by Aqua Science Engineers, Inc. dated April 23, 1996 for the property currently occupied by Custom Alloy Scrap Sales at 2711 Union Street in Oakland, California. This property is owned by Gardiner Manufacturing, Inc., a corporation whose principal is Mr. Eugene Teasley. Please review this report for closure. If you have any questions regarding the environmental assessment, please contact Robert Kitay of Aqua Science Engineers at (510) 820-9391. If you have any other questions, Please contact me at (510) 444-4033.

Sincerely,

LAW OFFICES OF JAMES J. CHERRY



James J. Cherry

JJP:jf  
Enclosure

cc: California Regional Water Quality Control Board  
San Francisco Bay Region (w/enc.)  
Ms. Christine Noma (w/enc.)  
Mr. Claude Ames (via facsimile) (w/o enc.)  
The Honorable Randall J. Newsome (w/enc.)

Act94\_4  
 Act95\_1  
 Act95\_2  
 Act95\_3  
 Act95\_4  
 Act96\_1  
 Act96\_2

| ActivDat | Insp | ACT | Activ | StID | ActCostF | acomment                                 |
|----------|------|-----|-------|------|----------|------------------------------------------|
| 05/20/96 | SH   | 77  | 0.5   | 269  | \$0.00   | talked to Robert Kitay re: report by ASE |
| 06/12/96 | SH   | 75  | 1.5   | 269  | \$0.00   | reviewed report 4/96                     |
| 06/14/96 | SH   | 75  | 1.5   | 269  | \$0.00   |                                          |
| 06/17/96 | SH   | 75  | 2.    | 269  | \$0.00   | letter out re; further work              |
| 06/20/96 | SH   | 77  | 0.4   | 269  | \$0.00   | talked to Robert Kitay re: work plan     |

Act96\_3

|          |    |     |     |     |         |                                                                                   |
|----------|----|-----|-----|-----|---------|-----------------------------------------------------------------------------------|
| 09/23/96 | DK | 215 | 0.5 | 269 | \$23.20 | Calls from/to Robert Kitay of ASE. Review file. Update site summary.              |
| 09/23/96 | DK | 215 | 0.8 | 269 | \$37.12 | Draft approval letter for BC review.                                              |
| 09/23/96 | DK | 215 | 1.  | 269 | \$46.40 | Review ASE "Work Plan"-dated 9/13/96                                              |
| 09/24/96 | DK | 215 | 0.2 | 269 | \$9.28  | Call from Robert Kitay of ASE. Faxed copy of 9/23/96 ACHCSA letter approving SWI. |

Act96\_4

|          |    |     |     |     |         |                                                                                                                |
|----------|----|-----|-----|-----|---------|----------------------------------------------------------------------------------------------------------------|
| 10/22/96 | SH | 77  | 0.3 | 269 | \$0.00  | left message to Christine Noma re: subpoena                                                                    |
| 10/28/96 | DK | 215 | 0.1 | 269 | \$4.64  | Call from/to Robert Kitay of ASE.                                                                              |
| 11/12/96 | DK | 215 | 1.1 | 269 | \$51.04 | Review ASE "Soil and Groundwater Assessment"-dated 10/30/96. Draft GW monitoring and sampling schedule letter. |
| 11/13/96 | BC | 215 | 0.1 | 269 | \$4.85  | DK letter review                                                                                               |
| 11/13/96 | DK | 215 | 0.2 | 269 | \$9.28  | Final draft of letter sent after BC review.                                                                    |

Action - Current LOP Dailies:

| ActivDat | Insp | ACT | Activ | StID | ActCostN | DRPro | acomment                                                                                                                                   |
|----------|------|-----|-------|------|----------|-------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 01/07/97 | DK   | 215 | 0.7   | 269  | \$32.74  |       | Calls from/to Chris Noma. Review file.                                                                                                     |
| 01/13/97 | DK   | 75  | 0.2   | 269  | \$0.00   |       | Review file.                                                                                                                               |
| 06/10/97 | KT   | 212 | 0.3   | 269  | \$16.12  | 44187 | organized file for dep/ref evaluation.                                                                                                     |
| 09/05/97 | PE   | 200 | 0.3   | 269  | \$0.00   |       | call from Robert Kitay of Aqua Science re: can this case be closed with favorable results from a risk assessment? Need to discuss with SH. |
| 09/26/97 | EC   | 75  | 0.5   | 269  | \$0.00   | 4418A | rev file. any more qmrs. ask rl for tier 1 on hvocs. need \$2K                                                                             |
| 09/29/97 | EC   | 71  | 1.    | 269  | \$0.00   | 4418A | convs w/ kitay. run dep/ref. calc \$ owed                                                                                                  |

complete

complete

To date hours spent on case (9/27/97)  
12.9 hrs  
@ 94/hr

$\$ < 1212.60 >$  Total cost  
+ 450.00 Total deposited

$< 762.60 >$  balance owed as of 9/27/97

Ask for \$2,000



ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION  
DEPOSIT / REFUND ACCOUNT SHEET

printed 06/11/97

SITE INFORMATION

Former Gardiner Mfg. Co  
2711 Union St  
Oakland 94607  
Site Contact:  
Site Phone : 510-444-4033

StID: 269 Site#: 4418  
PROJECT#: 4418A  
PROJECT TYPE:\*\*\* M \*\*\*  
INSP: Dale Klettke  
ACCT. SHEET PG #: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Owner Contact:  
Owner Phone :

PAYOR INFORMATION

Law Offices of James J Cherry  
2030 Franklin St., 5th Floor  
Oakland CA 94612 # 956  
Payor Contact:  
Payor Phone : 510-444-4033

| Date     | Action Taken                                             | Insp<br>Init | Hours<br>Spent/<br>Depstd | Hour<br>Balnce | Money<br>Spent/<br>Depositd | Money<br>Balance |
|----------|----------------------------------------------------------|--------------|---------------------------|----------------|-----------------------------|------------------|
|          | Rcpt# 773018<br>Balance from Prev. Page                  | .....        | .....                     | .....          | .....                       | 360-             |
| 5/20/96  | SEE PAINTING                                             | SH           | 0.5                       | 90-            | 45-                         | 315-             |
| 6/12/96  | //                                                       | SH           | 1.5                       | 90-            | 135-                        | 180-             |
| 6/14/96  | //                                                       | SH           | 1.5                       | 90-            | 135-                        | 45-              |
| 6/17/96  | //                                                       | SH           | 2.0                       | 90-            | 180-                        | <135->           |
| 6/20/96  | //                                                       | SH           | 0.4                       | 90-            | 36-                         | <171->           |
| 10/22/96 | //                                                       | SH           | 0.3                       | 94-            | 28.20                       | <199.20>         |
| 1/13/97  | //                                                       | SH           | 0.2                       | 94-            | 18.80                       | <218->           |
| 9/24/97  | Review file. Any other AmRs. Have<br>me do Test for VOCs |              | 0.5                       |                |                             |                  |
| 10/3/97  | Request add'l funds. Consult Cherry                      |              | 0.8                       |                |                             |                  |
| 10/10/97 | Review of AmRs                                           |              | 0.5                       |                |                             |                  |

UPON COMPLETION OF PROJECT

PROJ COMPLETED BY : Amir ATTACH:  State Forms A, B & C  
 Billing Adjustment\*

DATE OF COMPLETION : 6/11/97 DATE SENT TO BILLING: 6/11/97

TOTAL COST OF PROJECT: 663- REFUND AMOUNT: <218-> Rev. 7/96  
NEGATIVE

\* Billing adjustment forms needed when site is in our UST program.

REPORT: WrkShtC (Continued balance

Listing of all activities since 1991 for StID # 42  
as of 06/13/96

Act91\_4

Act92\_1

| ActivDat | Insp | ACT | Activ | StID | ActCostF | aComment            |
|----------|------|-----|-------|------|----------|---------------------|
| 03/12/92 | EC   | 200 | 0.5   | 42   | \$20.52  | notification letter |
| 03/17/92 | EC   | 200 | 0.3   | 42   | \$12.31  | cert letter         |
| 03/26/92 | TP   | 215 | 0.1   | 42   | \$5.54   | assign priority     |
| 04/07/92 | TP   | 215 | 0.3   | 42   | \$16.62  | QR, assign priority |

Act92\_2

|          |    |     |     |    |         |                                |
|----------|----|-----|-----|----|---------|--------------------------------|
| 04/28/92 | SH | 215 | 0.3 | 42 | \$13.37 | review case & J. Eberle's lett |
| 05/13/92 | JE | 215 | 0.3 | 42 | \$10.55 |                                |

Act92\_3

Act92\_4

|          |    |     |     |    |         |                     |
|----------|----|-----|-----|----|---------|---------------------|
| 07/14/92 | JE | 215 | 0.8 | 42 | \$28.67 |                     |
| 07/14/92 | SH | 215 | 0.3 | 42 | \$13.62 | review JE's letter. |

Act92\_5

Act93\_1

Act93\_2

Act93\_3

Act93\_4

Act94\_1

Act94\_2

Act94\_3

|          |    |     |     |    |         |                                                             |
|----------|----|-----|-----|----|---------|-------------------------------------------------------------|
| 08/25/94 | JE | 215 | 0.5 | 42 | \$21.93 | Reviewed file, wrote site summary,<br>left mess. G. Teasley |
| 09/06/94 | JE | 212 | 0.7 | 42 | \$30.70 | spoke w/G. Teasley. Wrote letter<br>to RP                   |

Act94\_4

Act95\_1

|          |    |     |     |    |        |           |
|----------|----|-----|-----|----|--------|-----------|
| 01/25/95 | JE | 212 | 0.1 | 42 | \$4.39 | phoned RP |
|----------|----|-----|-----|----|--------|-----------|

Act95\_2

Act95\_3

Act95\_4

|          |    |     |     |    |          |                                                                                                                                        |
|----------|----|-----|-----|----|----------|----------------------------------------------------------------------------------------------------------------------------------------|
| 01/16/96 | DK | 215 | 2.6 | 42 | \$119.09 | New site from JE. Review file and<br>prepare site summary. Draft NOV<br>letter. Draft of NOV letter after<br>peer review. Letter sent. |
| 01/18/96 | BC | 215 | 0.1 | 42 | \$0.00   | review DK letter                                                                                                                       |
| 01/18/96 | DK | 215 | 0.4 | 42 | \$18.32  | Final draft of NOV letter. Letter<br>sent.                                                                                             |
| 01/30/96 | DK | 215 | 0.2 | 42 | \$0.00   | Review file.                                                                                                                           |
| 02/14/96 | DK | 215 | 0.1 | 42 | \$0.00   | Letter returned-no forwarding<br>address left.                                                                                         |
| 02/15/96 | DK | 206 | 0.5 | 42 | \$2.60   | Review County Assessors Office<br>files on site.                                                                                       |
| 02/15/96 | DK | 210 | 0.2 | 42 | \$0.00   | Final draft of NOV letter sent.                                                                                                        |
| 02/15/96 | DK | 210 | 1.2 | 42 | \$5.20   | Visit site to determine if<br>building is vacant.                                                                                      |
| 02/15/96 | BC | 215 | 0.1 | 42 | \$0.00   | DK letter review                                                                                                                       |
| 02/15/96 | DK | 215 | 0.8 | 42 | \$0.00   | Draft revised NOV letter.                                                                                                              |

complete

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION  
DEPOSIT / REFUND ACCOUNT SHEET

printed 06/04/96

SITE INFORMATION

Former Gardiner Mfg. Co  
2711 Union St  
Oakland 94607  
Site Contact:  
Site Phone : 510-444-4033

StID: 269 Site#: 4418  
PROJECT#: 4418A  
PROJECT TYPE:\*\*\* M \*\*\*  
INSP: Susan Hugo  
ACCT. SHEET PG #: \_\_\_\_\_

*Done  
10/29/96*

PROPERTY OWNER INFORMATION

Owner Contact:  
Owner Phone :

PAYOR INFORMATION

Law Offices of James J Cherry  
2030 Franklin St., 5th Floor  
Oakland CA 94612 #956  
Payor Contact:  
Payor Phone : 510-444-4033

| Date     | Action Taken                                         | Time |     | Hours            | Hour    | Money              | Money    |
|----------|------------------------------------------------------|------|-----|------------------|---------|--------------------|----------|
|          |                                                      | In   | Out | Spent/<br>Depstd | Balance | Spent/<br>Depositd | Balance  |
| 06/04/96 | Rcpt# 773018<br>Deposit of \$450.00 @ \$90/hour      |      |     | +5.              | +5.     | \$450.00           | \$450.00 |
| 06/04/96 | Admin. Charge: 1 hour                                |      |     | 1.00             | 4.      | 90.00              | \$360.00 |
| 6/12/96  | Review case file reports                             |      |     | 1.50             | 2.5     |                    |          |
| 6/17/96  | Letter out                                           |      |     | 2.0              | 0.5     |                    |          |
| 9/18/96  | Transfer case to DK                                  |      |     | 0.1              | 0.4     |                    |          |
| 9/23/96  | Review work plan / Calls from/to Robert Kelly of ASE |      |     | 0.5              | -0.1    |                    |          |
| 9/23/96  | Draft letter Approval w/ stipulation                 |      |     | 1.8              | -1.9    |                    |          |
| 10/28/96 | Call from/to Robert Kelly of ASE                     |      |     | 0.1              | -2.0    |                    |          |

UPON COMPLETION OF PROJECT

PROJ COMPLETED BY : \_\_\_\_\_ ATTACH:  State Forms A,B & C  
 Billing Adjustment\*  
DATE OF COMPLETION : \_\_\_\_\_ DATE SENT TO BILLING: \_\_\_\_\_  
TOTAL COST OF PROJECT: \_\_\_\_\_ REFUND AMOUNT: \_\_\_\_\_ Rev. 5/96

\* Billing adjustment forms needed when site is in our UST program.