

ALAMEDA COUNTY ENVIRONMENTAL HEALTH
 1131 Harbor Bay Parkway, Alameda, CA 94502

LOP & SLIC Programs

Contaminated Site Case Transfer Form

Referral To:

Date	October 28, 2005
Agency	DTSC
Address	700 HEINZ AVE SUITE 200C BERKELEY, CA 94710
Attention	Barbara Cook – Berkeley- CALEPA

Site Information:

RO #	RO2613
Site Name	GREITZER PROPERTY
Site Address	1614 CAMPBELL ST, OAKLAND, CA. 94607

Documents Transmitted:

Correspondence File	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Report Files	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Transferred as:	LOP <input type="checkbox"/>	SLIC <input checked="" type="checkbox"/>

Level of Update requested: distribution list all meetings all site visits closure sign off none

Transfer requested by (ACEH): _____ Date: _____

Transfer accepted by (____): _____ Date: _____

Drogos, Donna, Env. Health

From: Stephen Hill [SHill@waterboards.ca.gov]
Sent: Friday, August 19, 2005 4:38 PM
To: John Wolfenden
Cc: Drogos, Donna, Env. Health; Chuck Headlee; Gary Riley; Stephen Morse
Subject: MOA application #73 (Reliance) - went to DTSC

Caren and Barbara called to discuss this MOA application for the site at 1614 Campbell Street in West Oakland ... I wanted to resolve it since it's a month old and I'm about to go on vacation ... we agreed that this particular MOA application should not be rejected and that the case should go to DTSC ... Barbara has already updated the MOA database to reflect this decision, and will follow up with a notification to the applicant ... so you can return the MOA application materials to me; we won't be needing them ... the issue was whether the MOA application should be accepted or rejected, given that ACDEH currently oversees the case and given the RP's failure to respond to an ACDEH directive to do further RI work ... I concluded it should be accepted in this case, given that there may be substantial contamination that goes beyond a simple LUFT case (based on Phase 1/2 results), given that RI work is not very far along, and given ACDEH's significant existing caseload (particularly LUFT cases) ... the broader issue is still unresolved: can an RP unhappy with local agency oversight use the MOA to get a new oversight agency? ... DTSC and Cal/EPA conclude that we should not reject MOA applications on these grounds (why: most local oversight is MOA exempt*, some RPs/buyers may want a state sign off** and we shouldn't frustrate them) ... I pointed out that there are a number of non-UST cases being overseen by local agencies (ACDEH, ACWD, San Leandro spring to mind), they are doing good work that we/DTSC don't have time to perform, and we don't want to undercut this working relationship ... I had to agree with their 2nd point, but I see no reason to re-do all the local oversight; the state oversight should be limited to checking prior reports and regulatory conclusions ... I think we may be arguing about the degree of effort; I would expect this checking task to take very little time for a minor SLIC case (which is what these would mostly be), while I sense DTSC would want to spend significantly more time on them ... a topic for discussion at future Cal/EPA MOA teleconferences ... cheers

* cases involving UST releases and 1248 cases [county health officer notification to DTSC/RB]

** since state law allows DTSC or RBs to reopen local agency case closures

R026B3

1614 CAMPBELL

Drogos, Donna, Env. Health

From: James Gribi [jegribi@msn.com]
Sent: Thursday, August 11, 2005 2:59 PM
To: shill@waterboards.ca.gov; Drogos, Donna, Env. Health; bcook@dtsc.ca.gov
Subject: 1614 Campbell Street, 2847 Peralta Street, 2242-2310 Myrtle Street

Earlier this week, I phoned Stephan Hill at the RWQCB to inquire about the 1614 Campbell St site, for which we had submitted a "Request for Oversight of a Brownfield Site". Stephan indicated that, since this was an Alameda County listed site, that the RWQCB would not want to get involved. He also indicated that Donna Drogos had stated to him that the two previous sites for which we had submitted applications (Giampoline parcel at 2847 Peralta Street and Market & Myrtle parcel at 2242-2310 Myrtle/2303-2317 Market Street) were County sites. The implication was that I had purposely tried to sidestep Alameda County for oversight of these three sites. While this might be true for the Campbell Street site, it is certainly not true for the other two sites. Thus, I wish to apologize for any misunderstanding and to further clarify from my perspective:

Giampolini Property: This is a former auto salvage yard and paint facility with no evidence of USTs. We conducted a Phase I/Phase II in 2000 and identified low levels of gasoline constituents and elevated levels of mineral spirits in soil and groundwater. At that time, per the Client's request, I submitted copies of the report to Leroy Griffith (Oakland Fire), Susan Hugo (ACEH), and Betty Graham (RWQCB) to try to obtain regulatory oversight and determine investigative/closure requirements. However, nobody was interested and each said to go to the other agency, so this site was, and to my knowledge has never been, listed with any agency. When the more recent planned sale for residential development occurred in about March 2005, I assumed that, since this was not a listed site and since residential redevelopment was planned, this site would be overseen as a brownfield redevelopment site.

Market & Myrtle Site. This is a vacant property that was used as a parking lot for the former Safeway Ice Cream plant at 2240 Filbert Street, and prior to that, as residential property in the early 1900s. The Client asked me to review available site data and attempt to determine if the site was suitable for residential development. They said that the site had a closure letter issued by Alameda County in 1997, so there shouldn't be any problem. However, in looking at the reports, it appeared to me that (1) the closure was granted for USTs located at the ice cream plant at 2240 Filbert Street, and not for the Market & Myrtle Street property, and (2) low levels of gasoline constituents encountered in a groundwater monitoring well on the extreme upgradient side of the Market & Myrtle site obviously originated from identified offsite UST and LUST sites. I assumed that, since this was not a listed site, did not include USTs, and was planned for residential redevelopment, this site would be overseen as a brownfield redevelopment site.

Campbell Street Site: This is a former industrial property that apparently included USTs in the past, but which has been listed as a Toxics case by ACEH. ERAS Environmental conducted both Phase I and Phase II ESA activities in 2003 and 2004 that identified various industrial activities on the site since the early 1900s and showed low to moderate levels of motor oil and gasoline range hydrocarbons, with no benzene, in soil and groundwater on the north side of the site. In response to these activities, ACEH issued a 6-page letter on January 31, 2005 with significant additional investigative requirements. ERAS estimated that the cost to implement these additional investigative requirements would be between \$140,000 to \$210,000. ERAS viewed these requirements to be excessive, and attempted to have oversight transferred to the RWQCB. I tended to concur with ERAS that these additional requirements were somewhat excessive. Thus, my recommendation to the Client was to follow through with their previous request for transfer of oversight. While I have worked with ACEH and value their help on numerous UST/LUST sites, it has been my experience in the past that ACEH is less likely to provide oversight for this type of industrial toxics site.

Once again, I apologize for any misunderstanding regarding these sites. Please let me know if I am mistaken in any of these matters.

8/31/2005

Thanks

Jim Gribi
Gribi Associates
1090 Adams Street, Suite K
Benicia, CA 94510
phn 707-748-7743
fax 707-748-7763

8/31/2005

Case Alias [R00002613 - GREITZER PROPERTY]



Alias ID CA0001377

Case ID R00002613 ...

Site Information

GREITZER PROPERTY
1614 CAMPBELL ST
OAKLAND CA 94607
ALAMEDA COUNTY

Agency Information

LEAD AGENCY
DTSC

Alias ID NA

Local ID R00002613

Regional ID

Organization DTSC

Lead Agency L

Local Agency Lead

Lead Date 8/05/2005 ...

Nas Construction Co., Inc.

General Contractor License # 690427
6428 Sombbrero Ave. Cypress, CA 90630
(714) 890-9896 • Fax: (714) 890-9266

February 7, 2005

Mr. Robert W. Schultz
Alameda County Health Care Service
1131 Harbor Bay Parkway
Alameda, Ca 94502

Re: Toxics Case #R00002613
1614 Campbell Street, Oakland, CA

Alameda County
FEB 10 2005
Environmental Health

Dear Mr. Schultz,

I have been informed of the three-way telephone conference between Mr. Greitzer, Mr. Siegel, and you on February 2, 2005 regarding a response (draft) to the previously submitted work plan by ERAS. Yesterday, I received your letter to Mr. Greitzer regarding the above referenced project.

On February 1, 2005, Mr. Greitzer received a Fax from ERAS regarding the telephone conference held on February 2, 2005 (see attachment). On February 3, 2005, Mr. Greitzer received an additional proposal from ERAS for additional expenditures of \$140,000.00 thru \$210,000.00 to prepare the revised work plan as recommended by you. ERAS revised an estimated schedule for work plan completion by month and estimates approximately three years for the final decision on the site closure (see attachment).

ERAS Environmental, Inc. has prepared Phase I Environmental Site Assessment on 12/15/03 for Mr. Seth Jacobson, Epicurean International, the potential buyer of the above referenced property. In an effort to prevent a conflict of interest in the escrow process during the sale of the property, rather than seek a new environmental consultant, Mr. Greitzer authorized ERAS to perform a soil and groundwater investigation in February of 2004. The initial Limited Soil and Groundwater Investigation Report was completed on February 17, 2004. The summary and recommendation was to perform additional subsurface investigation to assess the concentration of contamination in the soil and groundwater beneath the property and to assess if contamination had advanced offsite. ERAS advised Mr. Greitzer that based upon the finding of motor oil range fuel hydrocarbons in groundwater beneath the property above the current FSL, the property Owner is required by the Regional Water Quality Control Board to declare the site as an Unauthorized Hazardous Material Leak Site.

Mr. Greitzer and Nas Construction have developed a concern that ERAS is not a capable environmental consultant who will be able to successfully achieve final site closure based on the comments made by ACHCSA regarding the original work plan submitted by our consultant, ERAS. Prior to giving additional work authorization to ERAS for additional work required to prepare the work plan, we would like to ask you if ERAS' interpretation of your response letter dated January 31, 2005, is accurate and true. Mr. Greitzer has spent nearly \$100,000.00 since the

Mr. Robert W. Schultz
Alameda County Health Care Service
February 7, 2005
Page Two

beginning of 2003 toward site remediation and the filing of reports required by the various agencies.

The discovery of two (2) each UST installed and removed by the previous property owner prior to Mr. Greitzer purchasing the property and who had no knowledge of underground storage tanks until the Phase I Environmental site assessment was performed in December, 2003.

We would appreciate your unofficial assistance and guidance regarding ERAS proposal dated February 3, 2005.

Your letter dated January 31, 2005 provides the following information and concern:

1. Date of April 20, 2005, set for work plan addendum submittal.
2. Mr. Greitzer may become ineligible to receive clean-up cost reimbursement from the State's Underground Storage Tank Clean-up /fund due to late reports and delays in investigation.
3. ACEH enforcement includes administration action or monetary penalties of up to \$10,000.00 per day for each day of violation due to significant delays.

We have been informed by ERAS that ACEH has been causing substantial delay and ERAS has performed all items required by the Code in a timely manner. We request your opinion and assistance on how to proceed so as not to cause any further unnecessary delay.

Very truly yours,

NAS CONSTRUCTION CO., INC.



Nas Mark Johnson
President

Cc: Stanley Greitzer

Attachment

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

January 31, 2005

Stanley Greitzer
P.O. Box 329
Gardena, CA 90248

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

Subject: Toxics Case No. RO0002613, Greitzer Property, Former Industrial Facility at 1614 Campbell St., Oakland, California – Response to Environmental Review Documents and Workplan

Dear Mr. Greitzer:

Alameda County Environmental Health (ACEH) has reviewed your October 11, 2004, *Site Conceptual Model and Workplan* prepared by ERAS Environmental, Inc., and the case file for the above-referenced site. The site conceptual model (SCM) and workplan do not adequately respond to ACEH's concerns as expressed at the August 10, 2004 meeting between yourself, ERAS, Nas Construction Co., and ACEH. ACEH has been asked to provide input on two issues concerning the site:

- *Site History Evaluation And Preliminary Assessment:* ACEH recommended the following potential approaches for preliminary assessment of this former industrial facility:
1) detailed reconstruction of the site history and targeted sampling in areas of concern, and/or 2) site-wide sampling, inclusive of all areas where hazardous materials may have been used, dispensed or stored, to identify contamination from unknown or undocumented releases. These approaches are recommended based on ERAS' Phase I ESA findings, including poor housekeeping practices with respect to hazardous materials and an extensive industrial use history. Following the meeting, ERAS did not refine its evaluation of the site, and the workplan proposes collection of two samples based solely on ERAS' November 7, 2003, observations. ERAS' SCM does not sufficiently evaluate the site history, and presents an insufficient workplan.
- *Corrective Action Related To Former Onsite Gasoline And Fuel Oil Tanks:* To address subsurface contamination believed to be associated with former gasoline and fuel oil tanks, ACEH recommended additional assessment to better define the nature of the site and to fully define the extent of contamination. The locations of the former tanks appear approximate and the magnitude and extent of hydrocarbons is undefined. ERAS proposes over-excavation. Insufficient data and analysis have been presented to determine whether or not this approach is likely to fully address the problem. Further, this approach has not been shown to be cost-effective.

We recommend that you reconsider your approach and submit a comprehensive plan for preliminary assessment of the site and further investigation of known areas of contamination. Further specifics describing our rationale for not concurring with the SCM and workplan, and detailing our request for a revised workplan are presented below.

TECHNICAL COMMENTS

1. Hazardous Materials Disposal

On your behalf, Nas Mark Johnson submitted: 1) July 19, 2004 letter describing facility cleanup, and 2) August 17, 2004, letter with copies of Material Safety Data Sheets for chemicals used at the site. It appears that the well was destroyed under permit, and removals of hazardous materials were performed with appropriate manifesting. No confirmation has been provided by the project coordinator (or ERAS) that the site is currently in compliance with applicable laws and regulations. ACEH does not have the resources to inspect your facility. We recommend that ERAS visit the site, confirm completion of the site work and state whether or not any current storage is in compliance with all federal, state and local laws and regulations.

2. Site History

ERAS states that the site has been operated as an industrial facility since at least 1912, and that prior to current manufacture of synthetic insulation, light bulbs were produced at the site. No attempt appears to have been made in either ERAS' October 11, 2004, SCM or their December 13, 2003, *Phase I Environmental Site Assessment (ESA)* to evaluate the potential historical presence of hazardous materials at the site prior to the November 7, 2003, Phase I reconnaissance. We recommend that you consult ASTM E 1527-00 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* and the Cal-EPA Department of Toxic Substances Control, *Preliminary Endangerment Assessment Guidance Manual*, Ch. 2, in evaluating the site history. Significantly, your December 13, 2003, *Phase I ESA* is not in conformance with ASTM E 1527-00 as it does not include the required conclusive statement specified in Section 11.7: "This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following: (list)." While we concur with the proposed sampling of the hazardous materials storage area and the drainage sump, this sampling may be insufficient to fully assess the site. ACEH recommends that you either 1) refine your understanding of the site history and present an orderly description of each area of concern, or 2) propose site-wide screening-level sampling in the revised workplan requested below.

3. Sampling and Analysis Plan

ERAS proposes insitu sampling near the locations of former fuel oil and gasoline tanks, in a hazardous materials storage area, and from a drainage sump. ACEH addresses investigation of the former fuel oil tank and gasoline tanks in Comment No. 3, below. ERAS' proposal to address the findings of their Phase I ESA with one soil boring and sampling groundwater from the sump is insufficient because ERAS identified multiple areas of potential impact, and because ERAS does not succinctly identify areas which warrant further investigation or provide rationale supporting their recommendations. ERAS' Phase I ESA identified multiple areas of concern including 1) two sumps (p.14, "Evidence of Waste Disposal"), 2) hazardous materials storage in "various locations" (p.16, "General Environmental Practices"), in the well shed and in a hazardous materials storage room, and 3) sampling of the industrial water well detected Rhoplex E-32 NP emulsion (according to the July 19, 2004 letter from Nas Construction). No MSDS for this product (or other appropriate reference with a list of chemicals found in the emulsion) has been provided. Each area of concern needs to be discussed. Furthermore, because ERAS recommended formal facility closure through the CUPA and because ERAS identifies the site as a RCRA hazardous waste generator, a more conservative approach to preliminary assessment of the site appears necessary.

In addition to fully addressing ERAS' November 7, 2003, site reconnaissance findings, we recommend that you conduct and address the findings of a more detailed site history evaluation (per Comment No. 1, above). In general, the degree of site sampling necessary to suitably assess a former facility depends on the availability of site history documentation. As an alternative to detailed reconstruction of the site history, data gaps and uncertainties can be addressed through more comprehensive sampling and analysis. Significant augmentation of 1) your site history evaluation, 2) your sampling and analysis plan, or 3) a combination of these two efforts, is necessary before ACEH can comment on the completeness of your property transaction screening.

4. Former Fuel Oil and Gasoline Tanks

ERAS' *Phase I ESA* reports the former presence of gasoline and fuel oil storage tanks and recommends that a geophysical survey be performed to determine whether or not these tanks are buried at the site. No geophysical survey appears to have been performed, and evidence confirming the former locations of the USTs has not been suitably presented. Further, ERAS' CSM does not describe the hydrogeologic or contaminant concentration data in a concise and comprehensive manner. A suitable workplan needs to coherently summarize the available data, clearly identify objectives for additional investigation, and propose investigation tasks with rationale supporting the selected approach. As part of this effort, industry standard for professional work includes tabulation of soil and groundwater data. The objective of summary tables is to present all site data in a format which facilitates evaluation of chemical concentrations across the site and evaluation of time series.

In their October 11, 2004, workplan, ERAS proposes over-excavation of the presumed former tank locations and limited soil and groundwater sampling from the excavation. While it is our opinion that limited excavation would likely be an effective means to: 1) conduct additional subsurface evaluation of the potential presence of underground tanks in the selected locations, 2) assist in delineating the extent of soil and groundwater impact, and 3) remove potentially contaminated soil and groundwater, ERAS has not presented a comprehensive plan for defining the nature and likely lateral and vertical extent of contamination. Accordingly, it is likely that further work following the proposed excavation would be required. Furthermore, ERAS' proposal to remove accessible soil with concentrations exceeding 500 mg/kg TPH_{mo} or 100 mg/kg TPH_g has not been shown to be a necessary or effective means of cleaning up the site. Please prepare 1) summary tables for soil and groundwater, 2) summary figures for soil and groundwater illustrating the distribution and indicating the concentrations and depths for the contaminants of concern, 3) revised preliminary cleanup levels for all contaminants of concern, 4) evidence supporting your identification of the former UST locations, 5) a sampling and analysis plan to define source area contamination, 6) a sampling and analysis plan to define the groundwater plume, and 7) identification of subsurface utilities and wells potentially affected by the release in accordance with 23 CCR 2654b(2) in the revised workplan requested below. Additional guidance for requests 4, 5 6 and 7 is presented below.

A. *Location of Former Gasoline and Fuel Oil Tanks* – In their Phase I ESA, ERAS states that an underground gasoline tank was located in the center of the parking area and that a fuel oil storage area was located on the eastern side of the building. In their subsequent subsurface investigation report, ERAS states that there was a gasoline storage tank and a fuel oil tank at the site. The fuel oil tank may have been above or below ground. It is not clear whether or not the "fuel oil tank" and the previously identified "fuel oil storage area" represent the same historical features. ERAS recommended a geophysical survey to inspect the two general locations identified in the Phase I ESA for USTs. This survey does not

appear to have been performed and no evidence supporting removal of the former tanks has been presented or evaluated.

- B. *Hydrogeologic Characterization* – ACEH requires that the hydrogeology, including lithology, groundwater depth and flow direction, be sufficiently defined to provide direction in determining appropriate locations for soil and groundwater sampling and analysis. We require that sufficient data be collected at each site to confirm the groundwater flow direction. Photo copies of all boring logs should be included as supporting documentation to your SCM and referenced in your discussion of the site hydrogeology. Boring logs need to be legible and reviewed by the supervising geologist or engineer.
- C. *Delineation of Source Area Soil Contamination* - In accordance with 23 CCR 2725(a), we require that you define the likely lateral and vertical extent of contamination. Excavation perimeter and bottom samples provide valuable information. Also, as a preliminary step in defining the vertical extent of source area contamination, ACEH typically recommends that soil samples be collected and analyzed from a boring within the footprint of the former UST field (or point of fuel release) to at least 10 ft below the total depth of contamination, as identified by field screening of samples. The potential presence of NAPL above and/or below the water table, and as free product or residual saturation, needs to be investigated. Any future excavation sampling needs to include sampling from all sidewalls at a minimum rate of 1 sample per 20 lineal ft of excavation perimeter. Excavation bottom samples are also required.
- D. *Delineation of Groundwater Plume* – ACEH requires that sufficient data be collected to define the likely three-dimensional extent of your groundwater plume. Significantly, your findings relative to vertical distribution of soil contamination (Comment 1, above), need to be considered in your groundwater evaluation. ACEH requires that groundwater sampling be depth-discrete with a maximum screening interval of 5 ft. Your groundwater results for borings A, B and C indicate that dissolved TPHg concentrations are highest near the approximate downgradient direction and lowest cross-gradient of the former gasoline tank. This pattern suggests that the detected groundwater contamination could be the result of an onsite source. This concern is not adequately addressed in ERAS' report.
- E. *Conduit Study* - Due to the relatively shallow depth to groundwater and the potential presence of storm drains and other subsurface utilities downgradient of the site, we request that you perform a preferential pathway survey, and consider any potential influences on contaminant migration prior to developing a sampling and analysis plan. The objectives of the conduit study are to 1) locate potential migration pathways, and 2) evaluate the potential for contaminant migration via the identified pathways. We request that you perform a conduit study that details the potential migration pathways and potential conduits (including sewers, storm drains, other subsurface utilities, etc.) that may be present in the vicinity of the site. Provide a map showing the location and depths of all utility lines and trenches within and near the plume area and analysis and interpretation of your findings.
- F. *Well Survey* - ACEH requires location of all wells (monitoring and production wells: active, inactive, standby, decommissioned, abandoned and dewatering, drainage and cathodic protection wells) within 2,000 ft of a site. We recommend that you obtain well information from both the local permitting agency and the State of California Department of Water Resources, at a minimum. We require that you provide tabulated location addresses, copies of DWR driller's reports and a map of all wells identified in your survey.

REPORT REQUEST

Please submit your *Workplan Addendum*, which addresses the comments above by **April 30, 2005**. ACEH makes this request relative to former USTs pursuant to California Health & Safety Code Section 25296.10, 23 CCR Sections 2652 through 2654, and 2721 through 2778 outline the responsibilities of a responsible party for an unauthorized release from an UST system, and require your compliance with this request. In addition to the above-cited authority relative to USTs, under California Health and Safety Code Sections 25187, 25187.1 and 101480, ACEH has the authority to establish site cleanup goals and to certify cleanup of other hazardous materials release and hazardous waste sites.

Professional Certification and Conclusions/Recommendations

The California Business and Professions Code (Sections 6735 and 7835.1) requires that workplans and technical or implementation reports containing geologic or engineering evaluations and/or judgments be performed under the direction of an appropriately registered or certified professional. For your submittal to be considered a valid technical report, you are to present site specific data, data interpretations, and recommendations prepared by an appropriately licensed professional and include the professional registration stamp, signature, and statement of professional certification. Please ensure all that all technical reports submitted for this fuel leak case meet this requirement.

Perjury Statement

All work plans, technical reports, or technical documents submitted to ACEH must be accompanied by a cover letter from the responsible party that states, at a minimum, the following: "I declare, under penalty of perjury, that the information and/or recommendations contained in the attached document or report is true and correct to the best of my knowledge." This letter must be signed by an officer or legally authorized representative of your company. Please include a cover letter satisfying these requirements with all future reports and technical documents submitted for this fuel leak case.

UNDERGROUND STORAGE TANK CLEANUP FUND

Please note that delays in investigation, late reports or enforcement actions by ACEH may result in you becoming ineligible to receive cleanup cost reimbursement from the state's Underground Storage Tank Cleanup Fund (senate Bill 2004).

AGENCY OVERSIGHT

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

Mr. Greitzer
January 31, 2005
RO-2613

Please call me at (510) 567-6719 with any questions regarding this case.

Sincerely,



Robert W. Schultz, R.G.
Hazardous Materials Specialist

cc: David Siegel, ERAS Environmental, Inc., 1533 B Street, Hayward, CA 94541
Nas Mark Johnson, Nas Construction Co., Inc., 6428 Sombrero Ave., Cypress, CA
90630
Donna Drogos, ACEH
Robert W. Schultz, ACEH

CITY OF OAKLAND FIRE DEPARTMENT
Office of Emergency Services
 1605 Martin Luther King Jr. Way, Oakland, CA 94612

Hazardous Materials Program

Contaminated Site Case Transfer Form

Referral To:

Date	04/27/04
Agency	Alameda County Environmental Health, 1131 Harbor Bay Parkway, Alameda, CA 94502
Attention	Donna L. Drogos, LOP/SLIC Program Manager

Site Information:

Site Responsible Party(s)	
Site Name	
Site Address	1614 Campbell Street
Site Phone	(510) 247-9885
Site Contractor/Consultant (if available)	Dave Segal/ Eras Environmental
Site DBA	

Site Conditions:

UST	
USTs removed? # removed: <u>UNK</u> Date removed: _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
Contents (circle): <u>gasoline</u> diesel waste oil heating oil solvents kerosene stoddard solvent other (specify) <u>MOTOR OIL</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Observations of system (holes, leaks)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Observed contamination (free product, smell, soil/water discoloration)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination?	Yes <input type="checkbox"/> No <input type="checkbox"/>
o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm	No soil samples TAKEN
o Highest Concentration Detected in Water Contaminant (specify) <u>MOTOR OIL</u> Concentration <u>3,200</u> ppb	
Unauthorized Release Form filed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Future intended use if known? Specify <u>URK</u>	Yes <input type="checkbox"/> No <input type="checkbox"/>
NON-UST	
Former industrial use?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Detectable concentrations of soil and/or groundwater contamination?	Yes <input type="checkbox"/> No <input type="checkbox"/>
o Highest Concentration Detected in Soil Contaminant (specify) _____ Concentration _____ ppm	
o Highest Concentration Detected in Water Contaminant (specify) _____ Concentration _____ ppb	
Future intended use if known? Specify _____	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>If available, attach pertinent reports</i>	

Transferred as: LOP SLIC

Level of Update requested: distribution list all meetings all site visits closure sign off all the above

Transfer requested by Inspector: LEROY GRIFFIN Date: 4/28/04 *DL*

Transfer accepted by (ACEH): *[Signature]* Date: 4/29/04

Nas Construction Co., Inc.

General Contractors License # 690427
6428 Sombrero Avenue Cypress, CA 90630
(714) 890-9896 • Fax: (714) 890-9266

Fax Cover Sheet

Date : August 24, 2004

TO : **Robert Schultz**
Alameda County Health Agency

Fax # : 510)337-9335

From : **Mark Johnson**
Nas Construction Co., Inc.

Re : Letter to Alameda County Health Agency

NUMBER OF PAGES BEING TRANSMITTED: 2
(INCLUDING COVER SHEET)

Should you experience any difficulties receiving this FAX,
please call our office at the phone number listed above.

Nas Construction Co., Inc.

General Contractor License # 690427
6428 Sombrero Ave. Cypress, CA 90630
(714) 890-9896 • Fax: (714) 890-9266

August 24, 2004

Mr. Robert W. Schultz
Alameda County Health Agency
1131 Harbor Bay Parkway
Alameda, CA 94502

Re: Property Located @ 1614 Campbell Street, Oakland, CA (Site Remediation)

Dear Robert:

Since our August 10, 2004, meeting, Mr. David Siegel of ERAS Environmental and Nas Construction have had numerous telephone conversations regarding further submittals that may be required to obtain site closure from the Alameda County Health Agency.

Mr. Greitzer's local contact, ERAS Environmental feels that the original Phase I Environmental Site Assessment that was followed up by the Limited Soil Investigation of 1614 Campbell Street, ERAS Project #03184A dated February 18, 2004, and March 22, 2004, should be satisfactory to receive a comment from the Alameda County Health Agency. Nas Construction's summary report prepared for Mr. Greitzer's regarding the status of site remediation, other than ground water contamination, was submitted to you on August 10, 2004. The manufacturer's Safety Data Sheets for all of the chemicals used at the site were faxed to you on August 17, 2004.

Nas Construction receives an urgent call from our client every day to see if any progress has been made on this issue. If Alameda County Health Agency has the name of a qualified environmental consultant who is versed on this type of project we would be happy to contact that company. As you may be aware, this industrial building is currently in escrow and the Owner of the property is extremely anxious.

ERAS Environmental and Nas Construction have exhausted all ideas on what else to submit that will be sufficient for your review and approval. Perhaps the proper approach is to have a job site meeting at 1614 Campbell Street with you, ERAS Environmental, and Nas Construction at your earliest available date. We appreciate your cooperation.

Very truly yours,

NAS CONSTRUCTION CO., INC.



Nas Mark Johnson
President

cc: Stanley Greitzer
David Siegel, ERAS Environmental
Ari Levi, Alameda County Health Agency

Nas Construction Co., Inc.

General Contractor License # 690427
6428 Sombrero Ave. Cypress, CA 90630
(714) 890-9896 • Fax: (714) 890-9266

August 17, 2004

Mr. Robert W. Schultz
Alameda County Health Agency
1131 Harbor Bay Parkway
Alameda, CA 94502

Alameda County
AUG 23 2004
Environmental Health

Re: Property Located @ 1614 Campbell Street, Oakland, CA

Dear Robert:

It was a pleasure meeting with you, Ms. Drogos, and Mr. Levi on August 10, 2004. On behalf of Reliance Products, I would like to thank you for taking the time to meet with us despite your heavy schedule. The major objective for the August 10th meeting of all parties involved was to express Mr. Greitzer's willingness to reimburse Alameda County Health Agency for their time and expenses.

During the initial meeting, you recommended that Reliance should submit a complete list of chemicals used at the Campbell Street factory. Please see the attached nine (9) pages of Material Safety Data Sheets. Nas Construction Co., Inc. provided you with a copy of a report made to Mr. Grietzer regarding site remediation performed during December 3, 2003 through June of 2004 which referenced an Environmental Assessment prepared by ERAS Environmental, Inc.

If you should require additional information regarding any of previously submitted reports, please contact me or David Siegel

Very truly yours,

NAS CONSTRUCTION CO., INC.



Nas Mark Johnson
President

cc: Mr. Stanley Greitzer
ERAS with attachments

Material Safety Data Sheet

POLYESTER STAPLE PET

NUMBER T30500

Issue Date: March 15, 1988

Revised: February 1, 1991

Revised: April 25, 1994

Product Identification

PET Staple is a family of products made from polyethylene terephthalate (CAS# 25038-59-9) and one or more surface finishes (organic lubricants) applied at <2% total weight of fiber.

Hazardous Ingredients

There are no known physical or health hazards associated with this product.

The polymer immobilizes the constituents of the polymer system (delusterants, catalyst residues, etc.) which, therefore, present no likelihood of exposure under normal conditions of processing and handling.

However, exposure to chemical substances may occur as a result of processing these fibers. Processing may release and aerosolize the residual moisture and surface finishes. Heating the fibers may volatilize the finishes or produce a chemical change.

Physical-Chemical Data

Polyethylene terephthalate is chemically stable and resistant to attack by oils, solvents, weak acids and weak alkalis. The polymer melts at about 500°F (260°C).

Physical Hazards

The polymer will burn if exposed to flame. Decomposition products generated from molten polymer may be subject to autoignition. Combustion products will be comprised of carbon, hydrogen and oxygen. The exact composition will depend on the conditions of combustion.

Health Hazard

Similar products have given no indication that health problems would occur in normal handling and use.

Control Measures

Adequate ventilation is recommended to minimize exposure to finish mist.

Fire fighters should protect themselves from decomposition and combustion products that may include carbon monoxide and other toxic gases.

Hoechst Celanese

Hoechst 

MSDS Number T30500

page 2 of 2

April 25, 1994

Safe Handling Procedures

Personal hygiene measures, such as washing the hands and face immediately after working with such fibers, are recommended.

Disposal and Shipping Information

This product is not classified as a hazardous waste under the Resource Conservation and Recovery Act and, unless prohibited by state or local regulation, can be disposed of in a municipal landfill or incinerated. Finish oils contained in plant wastewater should be removed by conventional biological wastewater treatment systems.

These fibers are not classified by the Department of Transportation as a hazardous material.

Information Contact

Hoechst Celanese Corporation
Environmental Safety and Health Affairs
P. O. Box 32414
Charlotte, NC 28232
(704) 561-2881

To the best of our knowledge, the information contained herein is accurate. However, neither Hoechst Celanese Corporation nor any of its subsidiaries assumes any liability whatsoever for the accuracy or completeness of the information contained herein. Final determination of suitability of any material is the sole responsibility of the user. All materials may present unknown hazards and should be used with caution. Although certain hazards are described herein, we cannot guarantee that these are the only hazards which exist.



MATERIAL SAFETY DATA SHEET

Rohm and Haas Company

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

RHOPLEX® TR-407 Emulsion

Product Code : 66670
Key : 905718-3

MSDS Date : 02/11/97

COMPANY IDENTIFICATION

ROHM AND HAAS COMPANY
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

EMERGENCY TELEPHONE NUMBERS

HEALTH EMERGENCY : 215-592-3000
SPILL EMERGENCY : 215-592-3000
CHEMTREC : 800-424-6300

RHOPLEX® is a trademark of Rohm and Haas Company or one of its subsidiaries or affiliates

2. COMPOSITION/INFORMATION ON INGREDIENTS

No		CAS REG NO	WEIGHT (%)
1	Acrylic polymer	Not Hazardous	44-46
2	Individual residual monomers	Not Required	<0.1
3	Formaldehyde	50-00-0	0.05
4	Water	7732-18-5	54-66

See Section 8, Exposure Controls / Personal Protection

3. HAZARDS IDENTIFICATION

Primary Routes of Exposure

Inhalation
Eye Contact
Skin Contact

Inhalation

Inhalation of vapor or mist can cause the following:
- headache - nausea - irritation of nose, throat, and lungs

Eye Contact

Direct contact with material can cause the following:
- possible irritation

Skin Contact

Prolonged or repeated skin contact can cause the following:
- possible skin irritation



4. FIRST AID MEASURES

Inhalation

Move subject to fresh air.

Eye Contact

Flush eyes with a large amount of water for at least 15 minutes. Consult a physician if irritation persists.

Skin Contact

Wash affected skin areas thoroughly with soap and water. Consult a physician if irritation persists.

Ingestion

If swallowed, give 2 glasses of water to drink. Consult a physician. Never give anything by mouth to an unconscious person.

5. FIRE FIGHTING MEASURES

Flash Point	Noncombustible
Auto-ignition Temperature	Not Applicable
Lower Explosive Limit	Not Applicable
Upper Explosive Limit	Not Applicable

Unusual Hazards

Material can splatter above 100C/212F. Dried product can burn.

Extinguishing Agents

Use extinguishing media appropriate for surrounding fire.

Personal Protective Equipment

Wear self-contained breathing apparatus (pressure-demand MSHA/NIOSH approved or equivalent) and full protective gear.

6. ACCIDENTAL RELEASE MEASURES

Personal Protection

Appropriate protective equipment must be worn when handling a spill of this material. See SECTION 8, Exposure Controls/Personal Protection, for recommendations. If exposed to material during clean-up operations, see SECTION 4, First Aid Measures, for actions to follow.

Procedures

Keep spectators away. Floor may be slippery; use care to avoid falling. Contain spills immediately with inert materials (e.g. sand, earth). Transfer liquids and solid diking material to separate suitable containers for recovery or disposal.

CAUTION: Keep spills and cleaning runoff out of municipal sewers and open bodies of water.



7. HANDLING AND STORAGE

Storage Conditions

Keep from freezing; material may coagulate. The minimum recommended storage temperature for this material is 1C/34F. The maximum recommended storage temperature for this material is 49C/120F.

Handling Procedures

Monomer vapors can be evolved when material is heated during processing operations. See SECTION 8, Exposure Controls/Personal Protection, for types of ventilation required. This material contains trace levels of formaldehyde in the aqueous phase. The product will generate additional formaldehyde upon cure. Lack of adequate ventilation may result in airborne levels of formaldehyde above established exposure limits in the workplace. Monitoring the workplace to determine actual formaldehyde levels is recommended. See OSHA Formaldehyde Standard 29 CFR 1910.1048 for further information.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Exposure Limit Information

No.		CAS REG NO	WEIGHT (%)
1	Acrylic polymer	Not Hazardous	44-46
2	Individual residual monomers	Not Required	<0.1
3	Formaldehyde	50-00-0	0.05
4	Water	7732-18-5	54-56

Comp. No.	Units	ROHM AND HAAS		OSHA		ACGIH	
		TWA	STEL	TWA	STEL	TWA	STEL
1		None	None	None	None	None	None
2		a	a	a	a	a	a
3	ppm	0.3 b	None	0.75 c	2 c	0.3 b	None
4		None	None	None	None	None	None

a Not Required

b Ceiling

c OSHA Specifically Regulated

Respiratory Protection

A respiratory protection program meeting OSHA 1910.134 and ANSI Z88.2 requirements must be followed whenever workplace conditions warrant a respirator's use. None required if airborne concentrations are maintained below the exposure limit listed in 'Exposure Limit Information'.

Up to 10 times the TWA/TLV: Wear a MSHA/NIOSH approved (or equivalent) half-mask, air-purifying respirator.

Up to 100 times the TWA/TLV or Unknown: Wear a MSHA/NIOSH approved (or equivalent) self-contained breathing apparatus in the positive pressure mode,

OR,

MSHA/NIOSH approved (or equivalent) full-facepiece airline respirator in the positive pressure mode with emergency escape provisions.

Air-purifying respirators should be equipped with formaldehyde cartridges..

Eye Protection

Use chemical splash goggles (ANSI Z87.1 or approved equivalent).

Hand Protection

The glove(s) listed below may provide protection against permeation. Gloves of other chemically resistant materials may not provide adequate protection:
- Neoprene

Engineering Controls (Ventilation)

Use local exhaust ventilation with a minimum capture velocity of 100 ft/min. (0.5 m/sec.) at the point of vapor evolution. Refer to the current edition of Industrial Ventilation: A Manual of Recommended Practice published by the American Conference of Governmental Industrial Hygienists for information on the design, installation, use, and maintenance of exhaust systems.

Other Protective Equipment

Facilities storing or utilizing this material should be equipped with an eyewash facility.

9. PHYSICAL AND CHEMICAL PROPERTIES

Appearance	Milky
Color	White
State	Liquid
Odor Characteristic	Acrylic odor
pH	2.1 to 3.0
Viscosity	40 CPS Maximum
Specific Gravity (Water = 1)	1.0 to 1.2
Vapor Density (Air = 1)	< 1 Water
Vapor Pressure	17 mm Hg @ 20°C/68°F Water
Melting Point	0°C/32°F Water
Boiling Point	100°C/212°F Water
Solubility in Water	Dilutable
Percent Volatility	54 to 55 % Water
Evaporation Rate (BAc = 1)	< 1 Water

See Section 5, Fire Fighting Measures

10. STABILITY AND REACTIVITY

Instability

This material is considered stable. However, avoid temperatures above 177C/350F, the onset of polymer decomposition. Thermal decomposition is dependent on time and temperature.

Hazardous Decomposition Products

Thermal decomposition may yield acrylic monomers.



Hazardous Polymerization

Product will not undergo polymerization.

Incompatibility

There are no known materials which are incompatible with this product.

11. TOXICOLOGICAL INFORMATION

Acute Data

Oral LD50 - rat: >5000 mg/kg
 Dermal LD50 - rabbit: >5000 mg/kg
 Skin irritation - rabbit: practically non-irritating
 Eye irritation - rabbit: inconsequential irritation
 Inhalation LC50 - rat: >15.99 mg/L for 1 hr

Sensitization Data

Sensitization - human: No adverse effects observed.

12. ECOLOGICAL INFORMATION

Fate in the Environment

No data are available for this material. The information shown is based on profiles of compositionally similar materials.

Inherent Biodegradability (OECD 302 B): this type of product is not biodegradable but readily bioeliminable
 Activated Sludge Respiratory inhibition (OECD 209): >100 mg/l (non-inhibiting)

Environmental Toxicity

Algae (*Selenastrum capricornutum*), 72 Hour EC50: > 100 ppm (Non-toxic)
 Rainbow trout (*Oncorhynchus mykiss*), 96 Hour LC50: > 100 ppm (Non-toxic)
 Daphnia magna, 48 Hour EC50: > 100 ppm (Non-toxic)
 Microtox, 15 Minute EC50: > 300 ppm (Non-toxic)

The above Environmental Toxicity data are for a compositionally similar material.

13. DISPOSAL CONSIDERATIONS

Procedure

Coagulate the emulsion by the stepwise addition of ferric chloride and lime. Remove the clear supernatant and flush to a chemical sewer. Incinerate liquid and contaminated solids in accordance with local, state, and federal regulations.

14. TRANSPORT INFORMATION

US DOT Hazard Class NONREGULATED

16. REGULATORY INFORMATION

Workplace Classification

This product as supplied is non-hazardous under the OSHA Hazard Communication Standard (29CFR 1910.1200). Under processing conditions it may become OSHA hazardous due to the release and exposure potential of additional formaldehyde (see SECTION 7, Handling and Storage, for recommended handling procedures).

This product is not a 'controlled product' under the Canadian Workplace Hazardous Materials Information System (WHMIS).

SARA TITLE 3: Section 311/312 Categorizations (40CFR 370)

This product is not a hazardous chemical under 29CFR 1910.1200, and therefore is not covered by Title III of SARA.

SARA TITLE 3: Section 319 Information (40CFR 372)

This product does not contain a chemical which is listed in Section 319 at or above de minimis concentrations.

CERCLA Information (40CFR 302.4)

Releases of this material to air, land, or water are not reportable to the National Response Center under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or to state and local emergency planning committees under the Superfund Amendments and Reauthorization Act (SARA) Title III Section 304.

Waste Classification

When a decision is made to discard this material as supplied, it does not meet RCRA's characteristic definition of ignitability, corrosivity, or reactivity, and is not listed in 40 CFR 261.33. The toxicity characteristic (TC), however, has not been evaluated by the Toxicity Characteristic Leaching Procedure (TCLP).

United States

All components of this product are in compliance with the inventory listing requirements of the U.S. Toxic Substances Control Act (TSCA) Chemical Substance Inventory.

Pennsylvania

Any material listed as -Not Hazardous- in the CAS REG NO. column of SECTION 2, Composition/Information On Ingredients, of this MSDS is a trade secret under the provisions of the Pennsylvania Worker and Community Right-to-Know Act.

California (Proposition 65)

This product contains trace levels of a component or components known to the state of California to cause cancer:

- Acrylamide (79-06-1)
- Ethyl acrylate (140-66-5)

This product contains a component or components known to the state of California to cause cancer:

- Formaldehyde (gas) (50-00-0)

**16. OTHER INFORMATION**

Rohm and Haas Hazard Rating		Scale
Toxicity	1	4=EXTREME
Fire	0	3=HIGH
Reactivity	0	2=MODERATE
Special	-	1=SLIGHT
		0=INSIGNIFICANT

Ratings are based on Rohm and Haas guidelines,
and are intended for internal use.

ABBREVIATIONS:

ACGIH = American Conference of Governmental Industrial Hygienists
 OSHA = Occupational Safety and Health Administration
 TLV = Threshold Limit Value
 PEL = Permissible Exposure Limit
 TWA = Time Weighted Average
 STEL = Short-Term Exposure Limit
 BAc = Butyl acetate

Bar denotes a revision from previous MSDS in this area.

The information contained herein relates only to the specific material identified. Rohm and Haas Company believes that such information is accurate and reliable as of the date of this material safety data sheet, but no representation, guarantee or warranty, expressed or implied, is made as to the accuracy, reliability, or completeness of the information. Rohm and Haas Company urges persons receiving this information to make their own determination as to the information's suitability and completeness for their particular application.

80.00970e11

M2A - 971009081731

Nas Construction Co., Inc.

General Contractor License # 690427
6428 Sombrero Ave. Cypress, CA 90630
(714) 890-9896 • Fax: (714) 890-9266

April 5, 2004

Ms. Donna Drogos
Alameda County Health Care Service
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Alameda County
APR 09 2004
Environmental Health

Dear Ms. Drogos:

Please accept the attached \$5,000.00 check as deposit for Local Oversight Program (LOP), if eligible, and cost of reviewing the Environmental Phase I report expediting fee to the County of Alameda as recommended by the local environmental specialist ERAS. (See attached facsimile dated April 5, 2004.) Nas Construction Co., Inc. represents Mr. Stanley Greitzer, the Owner of the property located at 1614 Campbell Street, Oakland, CA 94607.

The three story industrial building is currently in escrow. However, the discovery of two (2) each underground storage tanks installed by the original owner were removed by another previous owner prior to Mr. Stanley Greitzer purchasing the property.

The Phase I Environmental report with Limited Soil and Groundwater Investigation, dated February 18, 2004, and March 22, 2004, has been forwarded to Inspector Leroy Griffin of the Oakland Fire Department for case closure. We have been informed by Mr. Griffin that decisions regarding case closure should be made by the Alameda County Health Care Service Agency.

My Client, Mr. Grietzer, has incurred substantial expenses resulting from unexpected minor soil contamination done by the previous property owner. The deadline for escrow has been extended several times and the window of opportunity will be gone for my Client within 30 days. The conversion of an old historical industrial building to an attractive condominium in the middle of a depressed area should be a substantial project for Alameda County and the City of Oakland. On behalf of my Client, Nas Construction and ERAS Environmental request a meeting with you at your earliest available date. We appreciate your cooperation.

Very truly yours,

NAS CONSTRUCTION CO., INC.



Nas Mark Johnson
President

cc: Stanley Greitzer, Reliance Upholstery Supply Co., Inc.
David Siegel, ERAS Environmental, Inc.

VENDOR ID: ALAMEDA CHECK NO: 00014252 DATE: 04/05/04
PAYEE: Alameda County Health Care MEMO:

INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	PREVIOUS PAY/CREDIT	DISCOUNT TAKEN	AMOUNT OF PAYMENT
	04/05/04	5,000.00	0.00	0.00	5,000.00

Alameda County

APR 09 2004

Environmental Health

CHECK TOTAL: *****\$5,000.00

AR 311895
R0 2613

14252

NAS CONSTRUCTION CO., INC.

6428 SOMBRERO AVENUE
CYPRES, CA 90630
(714) 890-9896

BANK OF AMERICA, NA

16-66/1220

00014252

FIVE THOUSAND AND XX / 100 Dollars

DATE 04/05/04 AMOUNT *****\$5,000.00

TO THE ORDER OF

Alameda County Health Care Service Agency

Security features. Details on back.

[Handwritten Signature]
AUTHORIZED SIGNATURE

⑈014252⑈ ⑆122000661⑆ 23471001129⑈

GAVE TO
NEW
8/19/04