

Detterman, Mark, Env. Health

From: Detterman, Mark, Env. Health
Sent: Monday, October 02, 2017 2:05 PM
To: 'Stephen Wong'
Cc: 'Steven Chong'; Roe, Dilan, Env. Health
Subject: FW: Pending ACDEH Pending Requirements on 1815 Park Blvd., Oakland (RO2895)

Stephen,

I wanted to update you in regards to the receipt of funds from Mr. Phua so there would not be a misunderstanding moving forward. ACDEH has received funds from Mr. Phua; a check for \$3,000 was in a secondary envelope within a larger envelope which had been overlooked.

Mark Detterman
Senior Geologist, PG, CEG
Senior Hazardous Materials Specialist
Alameda County Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, CA 94502
Direct: 510.567.6876
Fax: 510.337.9335
Email: mark.detterman@acgov.org

PDF Copies of case files can be downloaded at:
<http://www.acgov.org/aceh/lop/ust.htm>

From: Detterman, Mark, Env. Health
Sent: Monday, October 02, 2017 12:24 PM
To: 'Stephen Wong' <stephen.wong@amberinvestment.com>
Cc: 'Steven Chong' <SCHONGESQ@msn.com>; Roe, Dilan, Env. Health <Dilan.Roe@acgov.org>
Subject: RE: Pending ACDEH Pending Requirements on 1815 Park Blvd., Oakland (RO2895)

Stephen,

The Alameda County Department of Environmental Health (ACDEH) did receive your email and a copy of the documentation you sent has been placed in the case file. This has been helpful in furthering our understanding of the site history. You can verify this by going to our website, using the link below my name, and input either the address or the case number (RO0002985).

In regards to Mr. Phua, ACDEH has received a signed Voluntary Remedial Action Agreement (VRAP); however, do not appear to have received funding yet. While I do not know, he may be waiting for a signed copy to be returned from ACDEH.

Additionally, ACDEH recognizes that private agreements may require a sorting out, ACDEH's review of data associated with the case indicates that the site did not meet the 2005 vapor intrusion Environmental Screening Levels (ESLs; in place during 2006) for commercial sites that were promulgated by the Regional Water Quality Control Board, at the time of the sale. This is one of the reasons we had requested a meeting with you and your representatives.

Mark Detterman
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From: Stephen Wong [<mailto:stephen.wong@amberinvestment.com>]
Sent: Monday, October 02, 2017 11:25 AM
To: Detterman, Mark, Env. Health <Mark.Detterman@acgov.org>
Cc: 'Steven Chong' <SCHONGESQ@msn.com>
Subject: Pending ACDEH Pending Requirements on 1815 Park Blvd., Oakland
Importance: High

Good morning Mark,

With this date being more than three weeks after your return to office, kindly verify that you have in fact received a prior email that I had sent to current owners Hoi Phua and Linl Lee on 9/6/17 with a cc to you. Therein, I explained my position (as former Seller) on the current situation having to do with an environmental report that is evidently still required for the subject property even though my own records indicate that they (Buyer) agreed to transmit that info to your office on or around the time when we (CW Investment Group) sold it to them back in 2006.

Based on the foregoing, I look forward to hearing from you as soon as you are able to acknowledge receipt of this info. At the same time, I would be interested to know whether Phua/Lee and/or their designated representative have yet to contact you about the same?

Sincerely,

Stephen
(510) 891-9060

-----Original Message-----

From: Detterman, Mark, Env. Health [<mailto:Mark.Detterman@acgov.org>]
Sent: Wednesday, September 06, 2017 2:02 PM
To: Stephen Wong <stephen.wong@amberinvestment.com>
Subject: Out of Office: ACDEH Pending Requirements on 1815 Park Blvd., Oakland

Hi,
I will be out of the office Friday September 1st through Monday September 11th. Should you need immediate assistance, please contact Dilan Roe at 567-6767. Otherwise, I will respond as soon as I am able after that time.

Mark Detterman

From: Stephen Wong [<mailto:stephen.wong@amberinvestment.com>]

Sent: Wednesday, September 06, 2017 2:02 PM

To: 'billphua@yahoo.com' <billphua@yahoo.com>

Cc: 'Detterman, Mark, Env. Health' <Mark.Detterman@acgov.org>; 'Steven Chong' <SCHONGESQ@msn.com>

Subject: ACDEH Pending Requirements on 1815 Park Blvd., Oakland

Importance: High

Hoi Phua and Linll Lee, Trustees

141 Woodland Way

Piedmont, CA 94611

Re: Request for Work Plan from Alameda County Department of Environmental Health for
1815 Park Boulevard, Oakland, CA

Dear Mr. Phua and Ms. Lee,

As the former general partner of the dissolved CW Investment Group, I write to discuss the August 24, 2017 communication from the Alameda County Department of Environmental Health ("ACDEH") requesting a Work Plan for 1815 Park Boulevard ("Property").

Early this year, I was surprised to receive a letter from ACDEH stating they never received the written report on the 2005 subsurface investigation done on the Property by AllWest Environmental Inc. ("AllWest"). Fortunately, AllWest had an electronic copy of this report, and it was forwarded to ACDEH. Now, we understand that under 2016 standards, ACDEH will require further investigation as set forth in their August 24, 2017 letter requesting a work plan and a review fee.

CW Investment Group sold the Property to you in January 2006, then dissolved as an active entity. Hoping to discover written evidence that the subsurface report was transmitted in 2005, with the implication that the amounts discovered at that time did not exceed the then 2005 environmental standards and required no further action, a search of old, stored records was performed. I discovered that responsibility between CW Investment Group and you for this issue was transferred to you as the buyer of the Property.

Attached for your review are copies of relevant documents that should refresh your memory regarding the environmental issues on the Property.

- 1) The 12/1/05 memo from Ken Phares, your agent, stating that except for AllWest's completion of its current report, buyer did not expect seller to continue its environmental expenditures. Following this memo, you executed Addendum #6 where you as buyer "waived all conditions related to environmental matters" and closed on the purchase of the Property.
- 2) My 1/25/06 transmittal memo to Peter McIntyre of AEI Consultants, your environmental consultant, with a hard copy of AllWest's 2005 report. Please note this memo memorizes the agreement by Ken Phares as Buyer's Agent that that you as buyer would "assume all responsibility for obtaining clearance from the ACEHS (Alameda County Environmental Health Services). You need to ask Peter McIntyre to review his files from early 2006 to discover if AllWest's report was then transmitted to ACEHS by McIntyre, and whether this would change the scope of the work plan set forth in the August 24, 2017 communication from the ACDEH.

As stated above, CW Investment Group dissolved in 2006 and is no longer an active entity. Given the evidence in the above documents where you as the new owner of the Property assumed responsibility in 2005 for obtaining environmental clearance for the Property, my former partner and I believe you should bear sole responsibility for the total amount of the review fee and any other expenses associated with performing the investigations set forth in the August 24, 2017 communication by ACDEH.

Based on the above (and the urgency related to this matter as set forth by ACDEH), I look forward to hearing from you as soon as possible with details and/or information on the subsequent handling of the subsurface report by Peter McIntyre, Ken Phares, or you after close of escrow. I hope you will discover sufficient documentation that would change the obligations set forth in ACDEH's August 24 letter. However please advise us if your subsequent recollections and/or search of your own records indicate to the contrary in which case I would like to know how you plan to respond to ACDEH's requirements as it pertains to us as a former owner?

Respectfully,

Stephen Wong