

Jakub, Barbara, Env. Health

From: Jakub, Barbara, Env. Health
Sent: Thursday, December 27, 2012 11:54 AM
To: 'Stuart G. Solomon'
Cc: 'Anthony A. Batarse, Jr.'; Les Rich
Subject: RE: RO2964 Batarse Site

Mr. Batarse and Solomon,

I spoke with DTSC and they will upload all of the reports to the ENVIROSTOR website within the next week or so as resources for this task become available. I will then review the documents and complete the initial closure review.

Regards,

Barb Jakub

From: Stuart G. Solomon [<mailto:stuart@altgastech.com>]
Sent: Tuesday, December 18, 2012 4:19 PM
To: Jakub, Barbara, Env. Health
Cc: 'Anthony A. Batarse, Jr.'; Les Rich
Subject: RE: RO2964 Batarse Site

Dear Ms. Jakub,

We have exhausted our resources attempting to find copies of the analytical laboratory test data for the 2001 Levine Fricke PSA study purportedly performed on the Batarse properties. There are apparently no records with the OUSD, none with the DTSC, Batarse never received a copy of the report, and Levine Fricke is no longer in business. The ACDEH also, apparently, does not have these records.

In the absence of certified analytical laboratory reports and their associated Chains of Custody, there is no evidence that can be presented that validates the claims or the validity of the Levine Fricke PSA report. In addition, the study in question was reportedly not performed under the oversight of the ACDEH.

My client is hereby contesting the validity of that report, and respectfully requesting copies of the sampling Chains of Custody, and certified laboratory report evidence being used to justify opening and maintaining this site as a LUST case. In the absence of this evidence, my client respectfully requests that the case be closed by the County. The property affected by this case is currently under contract for sale, and that sale is in jeopardy as a result of this open case. If the County refuses to grant case closure, please present this in writing, expeditiously, so that we can move this to the RWQCB for fast track closure.

Thank you for your cooperation.

Stuart G. Solomon, Consultant to Anthony A. Batarse, Jr.
831-422-2248-Office Direct
408-406-3850-Cell

From: Jakub, Barbara, Env. Health [<mailto:barbara.jakub@acgov.org>]
Sent: Friday, November 02, 2012 8:44 AM
To: 'Stuart G. Solomon'; 'Anthony A. Batarse, Jr.'
Subject: RE: RO2964 Batarse Site

I would think that the data should be public information since OUSD is publicly funded and any contamination that is discovered is suppose to be reported.

From: Stuart G. Solomon [<mailto:stuart@altgastech.com>]
Sent: Thursday, November 01, 2012 12:18 PM
To: Jakub, Barbara, Env. Health; 'Anthony A. Batarse, Jr.'
Subject: RE: RO2964 Batarse Site

Dear Ms. Jakub,

We only have the files that were available to us on Alameda County's website. I have a call into a person at Oakland Unified School District who may be able to locate their copy of the report, however, this may be a long shot. Levine-Fricke either merged with or was acquired by Arcadis years ago. Arcadis still operates out of the previous Emeryville location for LF, however, they cannot release information (even if they have it) without permission from the OUSD.

In their submittal to the DTSC, Levine-Fricke states:

An electronic copy, in Microsoft Word and Excel format, of the PEA report is included with our submittal. LFR is submitting this electronic copy in accordance with the DTSC's request and with the understanding that it will be accessible only to internal DTSC staff via DTSC's computer network for informational purposes only and will not be made available to outside parties. Because LFR has no control over the ability of others to modify or otherwise change the document, the signed, paper copy of the PEA report, dated October 3, 2001, shall be the only official version of the report.

This may become a sticky issue when it comes to getting copies – especially when they specifically state that the October 3, 2001 copy “shall be the only official version”. I would think that the fact that this report is stamped and officially certified should adequately qualify their findings.

I will get back to you as soon as I hear from the School District.

Sincerely, Stuart Solomon

AltGas Technologies, LLC
Stuart G. Solomon, Pres.
831-422-2248-Office Direct
408-406-3850-Cell

From: Jakub, Barbara, Env. Health [<mailto:barbara.jakub@acgov.org>]
Sent: Wednesday, October 31, 2012 12:00 PM
To: Stuart G. Solomon; 'Anthony A. Batarse, Jr.'
Subject: RO2964 Batarse Site

Dear Mr. Soloman and Mr. Batarse,

Do you have access to the analytical reports? Not all of the results are reported in the tables, just the ones that had detections. I also could not find the report on the DTSC website. I need to see if they analyzed for all the required analytes and then place the detection limits in the appropriate tables.

Barbara Jakub, P.G.
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Alameda, CA 94502

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PDF copies of case files can be downloaded at:

<http://ehgis.acgov.org/dehpublic/dehpublic.jsp>