

PHASE I  
ENVIRONMENTAL  
SITE ASSESSMENT

3820 Penniman Avenue  
Oakland  
California

FOR

NuHerbs Co.  
14722 Wicks Boulevard  
San Leandro, CA 94577



July 9, 2015  
15-ENV4245



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15-ENV4245

NuHerbs Co.  
14722 Wicks Boulevard  
San Leandro, CA 94577

Attention: Mr. Wilson Lau

**Subject:** Phase I Environmental Site Assessment Report  
3820 Penniman Avenue  
Oakland, California 94619

Dear Mr. Lau:

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-13/AAI of 3820 Penniman Avenue in Oakland, California, the property. Any exceptions to, or deletions from, this practice are described in Section 1 of this report. This assessment has revealed obvious evidence of a recognized environmental condition in connection with the property that warrants further investigation and/or documentation at this time.

Should you have any questions regarding this report, please contact the undersigned.

Sincerely,

Basics Environmental, Inc.

A handwritten signature in black ink, appearing to read "Andrew Lowe".

Andrew Lowe  
Project Coordinator

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## PROFESSIONAL CERTIFICATION

### PHASE I ENVIRONMENTAL SITE ASSESSMENT

3820 Penniman Avenue

Oakland, California

For

NuHerbs Co.

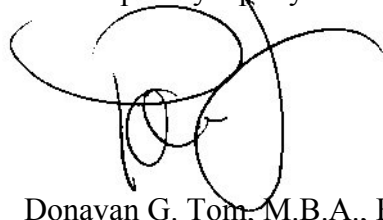
15-ENV4245

July 9, 2015

I declare that, to the best of my professional knowledge and belief, I meet the definition of "Environmental Professional" as defined by the Environmental Protection Agency's Final Rule (40 CFR 312.21). I have the specific qualifications based on education, training and experience to assess a property of the nature, history and setting. In performing Phase I Environmental Site Assessments, I develop and perform the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

The findings, interpretations of data, recommendations, specifications or professional opinions are presented within the limits prescribed by available information at the time the report was prepared, in accordance with generally accepted professional environmental practice and within the requirements by the Client. There is no other warranty, either expressed or implied. The data and findings of this report are based on the readily available data and information obtained from numerous public and private agencies regarding the subject site and its immediate vicinity. Additional search (at greater cost) may or may not disclose information which may significantly modify the findings of this report. We accept no liability on completeness or accuracy of the information presented and or provided to us, or any conclusions and decisions which may be made by the Client or others regarding the subject site.

This report was prepared solely for the benefit of Basic's Client. Basics consents to the release of this report to third parties involved in the transaction for which the report was prepared, including without limitation, lenders, title companies, public institutions, attorneys, and other consultants. However, any use of or reliance upon this report shall be solely at the risk of such party and without legal recourse against Basics, or its subcontractors, affiliates, or their respective employees, officers, or directors, regardless of whether the action in which recovery of damage is sought is based upon contract, tort (including the sole, concurrent or other negligence and strict liability of Basics), statute or otherwise. This report shall not be used or relied upon by a party that does not agree to be bound by the above statements.



Donavan G. Tom, M.B.A., E.P., R.E.P.A.  
Principal Consultant

## 1.0 INTRODUCTION

### 1.1 Purpose of Investigation

Basics Environmental, Inc. (Basics) has performed this Phase I Environmental Site Assessment (ESA) for NuHerbs Co. pursuant to our signed agreement on June 29, 2015. The "subject site" is at 3820 Penniman Avenue, Oakland, California (APN 032-2031-126). The purpose of this ESA is to:

- Observe site conditions at the property in accordance with the protocols set forth by the *American Society for Testing and Materials (ASTM) Standard E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* and *U.S. Environmental Protection Agency's All Appropriate Inquiry (AAI) Final Rule 40 CFR Part 312*, except where modified by the proposal;
- Identify to the extent feasible recognized environmental conditions in connection with the subject site. The ESA is intended to evaluate the potential for the presence of hazardous or toxic chemicals in the soil and/or groundwater resulting from past and present land use activities. To the extent possible, potential sources of hazardous or toxic chemicals from adjacent off-site operations will also be evaluated; and
- Render findings and professional opinion regarding the potential for adverse environmental impacts on or adjacent to the site.

### 1.2 Scope of Work

The scope of work performed for this ESA consisted of the following tasks:

- Field reconnaissance and personal interviews to evaluate environmental land-use conditions on the subject site and view adjacent properties;
- Aerial photograph, City Directory and/or Fire Insurance/Topographic Map review (typically back to 1940 or first developed use of the property) to evaluate former environmental land-use conditions on the subject site and adjacent properties;
- Review of federal, state and county files and environmental database search report obtained from a commercial service providing up to date and current information;

- Evaluation of the physical setting (geomorphic, geologic and hydrogeologic) of the subject site property; and
- Preparation of this ESA report to present the findings and professional opinions regarding potential recognized environmental conditions on the site.

The work for this ESA was performed within the client approved scope of work and budget for the investigation.

### 1.3 Special Terms and Conditions

The goal of this ESA is to identify recognized environmental conditions indicating the presence or likely presence of any hazardous substances or petroleum hydrocarbons in structures, ground, groundwater, or surface water of the property. Recognized environmental conditions are not intended to include *de minimus* conditions that do not present risks to public health or environment and that would not be subject to enforcement actions by government agencies.

### 1.4 Limitations and Exceptions

This ESA only includes a visual evaluation of the presence of asbestos, lead paint, radon, or mold, if applicable. In addition, this ESA does not include the results of any sampling, monitoring, or other types of field and/or laboratory testing or investigation.

### 1.5 User Responsibilities

The user of this ESA will be responsible for: (1) determining the relationship of the purchase price to the value of the property; (2) disclosure of specialized knowledge, experience or information which may effect the environmental condition of the subject site; and (3) disclosure of any environmental cleanup liens against the property within recorded land title records, if applicable. None of the above was provided by the client for our review.

## 2.0 SITE DESCRIPTION AND RECONNAISSANCE

### 2.1 Site Description and Uses

#### 2.1.1 Interviews

A Basics representative visited the subject site on July 2, 2015. Basics observed the various facilities and operations conducted at the site and also noted the land-use in the vicinity of the site. Mr. Adam Peterson, broker and representative of Mr. Wilson Lau, the current tenant and seller, provided access to available areas. Mr. Lau was briefly interviewed via email correspondence prior to the site visit. Mr. Peterson was also briefly interviewed during the site visit.

A standard environmental questionnaire was utilized to obtain disclosure of specialized knowledge, experience or information, which may affect the environmental condition of the subject site (See Appendix C). Discussions with Mr. Lau indicated that Nuherbs had occupied the subject site for 26 years, however vacated the subject site within the last four to five months. Mr. Lau indicated that prior to that the subject site was utilized for glass distribution and light manufacturing operations. Mr. Lau indicated that the subject site might have been a car dealership when the building was first built, according to an old neighbor. Mr. Lau indicated to his knowledge, no underground storage tanks or sumps are currently utilized onsite. Mr. Lau also indicated that, for purposes of this assessment, he has no other specialized knowledge or experience pertaining to the site or the adjacent properties that is material to RECs in connection with the subject property. Additional information obtained from the interview is incorporated within the appropriate sections of this report.



### 2.1.2 Site Description and Uses

The subject site is located within the City of Oakland, at the northeast side of Penniman Avenue, in between 38<sup>th</sup> Avenue and Minna Avenue, and approximately 0.44-miles southeast of Peralta Creek (See Drawings 1 and 2). The subject site consists of an approximately 11,500-square foot “rectangular” shaped parcel of land improved with a one-story warehouse and office building (3820 Penniman Avenue), a one-story warehouse building (3820 ½ Penniman Avenue) and associated paved areas (See Photos 1-30). The two buildings total approximately 7,825-square feet.

The one-story warehouse and office building (3820 Penniman Avenue) is constructed of wood framing on a concrete slab foundation with brick and concrete tilt-up exterior walls. Interior building materials include sheet rock interior walls and carpet-concrete (lobby and office areas), linoleum (kitchen), and concrete floors (concrete) with sheet rock (lobby and office areas) and high (warehouse) ceilings (See Photos 1-15).

The one-story warehouse building (3820 ½ Penniman Avenue) is constructed of wood framing on a concrete slab foundation with brick and concrete tilt-up exterior walls. Interior building materials include sheet rock interior walls and concrete floors with sheet rock ceilings (See Photo 16).

Utilities including water, electric, natural gas, and sewage service are publicly supplied. No obvious evidence of an electrical transformer was observed at the subject site. Information obtained from the site inspection indicated no evidence that PCB-containing equipment is now used or has been used in connection with the property.

The general area surrounding the property is developed commercial and residential. A site plan illustrating the site and adjacent properties is shown in Drawing 3.

The subject site is currently vacant and unoccupied.

### 2.1.3 Environmental Land-Use Conditions

The subject site was evaluated for the use and storage of hazardous substances and petroleum products; use of aboveground and underground storage tanks, storage and disposal of hazardous wastes; evidence of releases from hazardous materials, and identification of conduits to the subsurface.

One-Story Warehouse and Office Building (3820 Penniman Avenue) (circa late 1920s) – The two-story warehouse and office building encompasses the majority of the subject site (See Photos 1-15). The building consists of an empty lobby, an empty office area, and an empty warehouse area. The main entrance to the building is located at the southwest side providing access to the lobby and office area. Roll-up doors are located on the southeast and southwest sides providing access to the warehouse area. An interior stairwell is located at the southwest side of the building providing access to the second floor.

The empty lobby is located at the southwest portion of the building and consists of an empty room (See Photo 5). The lobby is empty. Visual observations of the empty lobby did not reveal any obvious evidence of hazardous materials, stains, or spills. Visual observations of the carpet-covered floor of the empty lobby did not reveal any obvious evidence of collection drains, sumps, or other conduits to the subsurface.

The empty office area is located at the southeast portion of the building and consists of an empty room, a small empty individual office, and a restroom facility (See Photos 6-8). Located within the empty office area are a counter with a sink basin, a shelf, and a mirror. Located within the restroom facility are typical restroom furnishings and supplies. Visual observations of the empty office area did not reveal any obvious evidence of hazardous materials, stains, or spills. Visual observations of the carpet-covered and tile floor of the empty office area did not reveal any obvious evidence of collection drains, sumps, or other conduits to the subsurface.

The warehouse area encompasses the majority of the building, covering from the northwest side to the southeast side and from the northeast side to the center. The warehouse area consists of a large warehouse room, a mezzanine storage area, and a kitchen area with a restroom facility (See Photos 9-15, 23-25, and 29-30). Located within the warehouse area are several rows of empty racks and a large wooden pallet located at the northwest corner portion of the

warehouse area. A sump is located at the southeast side of the warehouse area (See Photo 23). A small collection drain and a cement-filled conduit are located at the north corner of the warehouse area (See Photos 24 and 25). Located within the kitchen are empty cabinets and a sink basin. Visual observations of the warehouse area and kitchen did not reveal any obvious evidence of hazardous materials, stains, or spills. Visual observations of the concrete floor of the warehouse did not reveal any obvious evidence of other conduits to the subsurface.

*Mezzanine Level* – The mezzanine level consists of an empty office area.

The office area encompasses the whole of the second floor and consists of an empty room (See Photos 26-28). The office area is empty. Visual observations of the office area did not reveal any obvious evidence of hazardous materials, stains, or spills. Visual observations of the carpet-covered floor of the office area did not reveal any obvious evidence of collection drains, sumps, or other conduits to the subsurface.

One-Story Warehouse Building (3820 ½ Penniman Avenue) (circa late 1920s) – The one-story warehouse building is located at the northeast side of the subject site (See Photo 16). One-story warehouse building is comprised of a warehouse room. The main entrance to the building is located at the southwest side via the warehouse area of the two-story warehouse building.

The warehouse room encompasses the entirety of the building. Located within the warehouse room are empty racks. Visual observations of the warehouse room did not reveal any obvious evidence of hazardous materials, stains, or spills. Visual observations of the concrete floor of the warehouse room did not reveal any obvious evidence of collection drains, sumps, or conduits to the subsurface.

Associated Paved Areas - The associated paved areas are located on the southeast portion of the subject site and are utilized as a paved parking area, a storage yard, and a storage canopy. The paved parking area is paved with asphalt and concrete, can accommodate automobiles as well as light trucks and is accessible via a gated driveway along Penniman Avenue to the southeast (See Photos 4 and 17-22).

Located within the storage yard are piles of wood stored in racks. Visual observations of the storage yard did not reveal any obvious evidence of hazardous materials, stains, or spills.

*Storage Canopy* – The storage canopy is located at the southeast side of the subject site. The storage canopies are empty. A weighing scale and debris bin are located at the northeast side of the storage canopy (See Photos 21-22). Visual observations of the storage canopy did not reveal any obvious evidence of hazardous materials, stains, or spills.

Visual observations of the rest of associated paved areas did not reveal any obvious signs of hazardous materials, stains, or spills other than minor oil stains common to all parking lots. No obvious evidence of underground storage tanks, distressed vegetation, or other surface impoundments were observed throughout the site during the inspection.

## 2.2 Adjacent Properties

### 2.2.1 Immediate Adjacent Properties

Sites in the vicinity of the subject site were observed during the site reconnaissance to evaluate conditions or businesses indicative of hazardous or potentially toxic materials use.

The following are the uses of the adjoining properties.

- Northwest - One-Story Residential Dwelling (3812 Penniman Avenue)
- Southeast - One-Story Residential Dwelling (3906 Penniman Avenue)
- Northeast - Three One-Story Residential Dwellings (3917-3925 Angelo Avenue)
- Southwest - Penniman Avenue and beyond one Two-Story Residential Dwelling (38 Penniman Avenue) and one Multi-Tenant One-Story Residential Dwelling (3827-3829 Penniman Avenue)

Visual observations of the immediate adjacent properties did not reveal any obvious business activity indicative to the use, storage and/or treatment of hazardous materials. In addition, no obvious evidence was noted at the immediate adjacent properties that would represent a significant environmental concern to the subject site.

### 2.2.2 Wells

No obvious evidence of wells, such as water supply wells and/or groundwater-monitoring wells, were noted on or nearby the subject site.

## 2.3 Non-ASTM E1527 Considerations

### 2.3.1 Asbestos Containing Construction Materials

An asbestos survey was not conducted at the property as part of this assessment. However, the subject site structure was confirmed to have been constructed before 1979, the year asbestos containing construction materials was banned, thus, asbestos may have been utilized in its construction. No obvious evidence of friable or non-friable suspect asbestos containing materials was observed within easily accessible areas of the structures. However, original building materials not easily accessible including, but not limited to, flooring and masting materials, sheet rock muds and taping compounds, ceiling and roofing materials, and ducting and surfacing materials may contain ACCMs. To confirm if any asbestos materials are contained within the structures on the subject site, an asbestos survey should be performed by an AHERA trained asbestos professional. If the property buildings are slated for renovation or demolition, an asbestos inspection will be required, pursuant to the National Emission Standards for Hazardous Air Pollutant (NESHAPs).

### 2.3.2 Lead-Based Paint

A lead-based paint survey was not conducted at the property as a part of this assessment. However, the subject site structures were confirmed to have been constructed before the ban on lead-based paints in 1978, thus, lead-based paints may have been utilized in their construction. Visual observations of the painted surfaces of the subject site buildings appeared to be in good condition with no obvious signs of chipping, cracking, and/or significant health risk concerns.

Lead-based paint is any paint, varnish, stain, or other applied coating that has 1 mg per square cm (or 5,000 µg/g by dry weight) or more of lead. In Section 1017 of the Housing and Urban Development Guidelines, Residential Lead-Based Paint Hazard Reduction Act of 1992, otherwise known as " Title X", states that a lead-based paint hazard is "any condition that causes exposure to lead that would result in adverse human health effects" resulting from lead-contaminated dust, bare, lead-contaminated soil, and/or lead-contaminated paint that is deteriorated or present on accessible, friction, or impact surfaces. Therefore, under Title X, intact lead-based paint on most walls and ceilings would not be considered a "hazard", although the

paint should be maintained and its condition monitored to ensure that it does not deteriorate and become a hazard.

### 2.3.3 Radon

Radon testing was not conducted at the property as a part of this assessment. However, based on the Map of Radon Zones provided by the United States Environmental Protection Agency (EPA), there is a moderate potential that radon concentrations at, or above, 4 picocuries per liter (pCi/l) are present at the site. Concentrations at, or above, 4 pCi/l are considered to be concentrations of concern per Cal-EPA and EPA. Based on the map, radon has been detected in Alameda County at average levels between 2 and 4 pCi/l. Additional information can also be obtained from the California Department of Public Health's Radon Program which provides a list of radon test results from throughout the state which are sorted by zip code.

Radon is a naturally occurring radioactive gas that is odorless, invisible, and without taste. It is released during the natural decay of uranium, which is present in most rock, soil and water. Its occurrence in the state is influenced primarily by geology. Radon can be found throughout California because uranium exists in all rock and soil. Although certain areas of the state are more likely to contain higher radon levels than others, radon is a house-to-house issue. You may live in an area of low radon potential yet your house can have elevated radon but your neighbor's house has a low radon level. Radon, in its natural state cannot be detected with the human senses. To confirm if any radon is contained within the structure on the subject site, testing should be performed by an EPA-authorized state certified radon testing professional.

### 2.3.4 Mold

A mold survey was not conducted at the property as a part of this assessment. However, no obvious evidence of mold or water damaged materials were observed within easily accessible areas of the structure.

In general, mold is a subset of the fungi family. Fungi are common and found in most ecosystems. Fungi is needed to help recycle organic material to sustain plant and animal life. In order to reproduce, mold release tiny spores into the air, which eventually attach onto surfaces favorable for growth. A class of fungi, molds have been found to cause a variety of health

problems in humans, including allergic, toxicological, and infectious responses. Molds are decomposers of organic materials, and thrive in humid environments, and produce spores to reproduce as plants produce seeds. When mold spores land on a damp spot indoors, they may begin growing and digesting whatever they are growing on in order to survive. When excessive moisture or water accumulates indoors, mold growth will often occur, particularly if the moisture problems remain undiscovered or not addressed.

Currently, there are no established “sound, science-based Permissible Exposure Limits (PELs) for indoor molds at this time”. As mold becomes a more prevalent issue, building owners will need to stay informed on the subject. There are dozens of Internet web sites geared to the topic, and increased litigation in this area is also fueling increased interest. With any new trend there often is misinformation, incorrect conclusions, and conflicting information. Those involved in the building industry should consider the source and weight of information carefully before drawing conclusions and making decisions.

To confirm if any mold is present within the structure on the subject site, laboratory test and sampling can be performed by a qualified industrial hygienist for various species of fungi such as *Aspergillus*, *Cladosporium*, *Stachybotris* and other mycotoxins, and bacteria families such as *Legionella*, etc. However, the only types of evidence that have been related consistently to adverse health effects are the presence of current or past water damage, damp materials, visible mold, and mold odor, *not* the number or type of mold spores nor the presence of other markers of mold in indoor air or dust.

### 3.0 PHYSICAL SITE SETTING

#### 3.1 Geomorphic Description

The subject site is within the Coast Ranges geomorphic province of California within the East Bay Plain, on the eastern flank of the San Francisco Bay structural trough. The property site is situated approximately 1.86-miles northeast of the tidal canal of the Oakland/Alameda Inner Channel. In general, the site is on a relatively flat topography approximately 160 feet above mean sea level. The late Cenozoic continental and marine sediments of the Alameda Formation unconformably overlay the Franciscan bedrock and are composed of gravel, sand, silt, and clay which is locally organic rich and fossiliferous. consolidation of the sediments increases with depth, and maximum known thickness is about 1,500 feet.

#### 3.2 Geologic Setting

The subject site is located in the San Francisco Bay Region, which lies near the margin of the Pacific and North American crustal plates. Because these crustal plates are moving relative to each other, the region is tectonically active and experiences numerous and frequent earthquakes. The structure of the San Francisco Bay trough is controlled by interaction between the San Andreas and Calaveras/Hayward fault zones. The active trace of the San Andreas fault zone is located about sixteen miles west of the site. The active trace of the Calaveras/Hayward fault zone is located about four miles east of the site (USGS 2006). The subject site has been, and could in the future, be affected by seismic activity. The alluvial and marine sediments filling the structural basin underlying the San Francisco Bay have been sub-divided based on their dominant modes of deposition and geologic age. In general, these sediments include Bay Mud, the Merritt Sand, and Younger and Older Alluvium. However, fluvially deposited sediments predominate at on the upper portions of the East Bay Plain, and are generally characterized by thin sheets of younger, Holocene fluvial and interfluvial basin deposits underlain by older alluvium of Pleistocene age.



Information regarding soil lithology was researched at the California Water Resources Control Board's website at <https://geotracker.waterboards.ca.gov/>. Based on the recent subsurface investigation at the Express Gas and Mart/Arco site (located at 2951 High Street, approximately 1,100 feet to the southeast of the subject site), the underlying soil is described as underlain by gravelly to sandy silts with some interbedded silts, sandy clays and silty fine sands (Cook Environmental Services, Inc. 2006).

### 3.3 Hydrogeologic Setting

Information regarding first depth to groundwater and flow direction were researched at the California Water Resources Control Board's website at <https://geotracker.waterboards.ca.gov>. The East Bay Plain is regionally divided into two major ground water basins: the San Pablo and the San Francisco Basin. These basins are tectonic depressions that are filled primarily with a sequence of coalescing alluvial fans. Regionally, the ground water flow direction is to the southwest in the direction of tidal canal of the Oakland/Alameda Inner Channel and then the San Francisco Bay. Locally, topography slopes southwesterly towards the Oakland/Alameda Inner Channel roughly illustrating the direction of the ground water flow direction.

Based on the recent subsurface investigation performed at the Express Gas and Mart/Arco site (located at 2951 High Street, approximately 1,100 feet to the southeast of the subject site), groundwater was encountered ranging from about 4 and 16 feet below grade (fbg), depending upon the season. Water level data indicate the direction of groundwater flow ranges from southerly to southwesterly (Cook 2006). Hillside runoff, aquifer pumping, tidal fluctuations or other factors may influence ground water levels. Seasonal variations should also be anticipated.

#### 4.0 HISTORICAL REVIEW

Site historical information was obtained from a review of Sanborn Fire Insurance Maps, United States Geological Survey (U.S.G.S.) Topographic Maps, aerial photographs, Pacific Telephone & Telegraph, Pacific Yellow Pages, Polk, and Haines City Directories. In addition, local building department records were also reviewed. The following Sanborn maps, topographic maps, and city directories were reviewed on June 30, 2015, within the libraries maintained by the University of California in Berkeley, California and City of Oakland, in Oakland, California. The aerial photographs were reviewed online within the sites maintained by National Environmental Title Research, LLC, TerraServer, and Google Earth.

**Note:** Copies of supporting aerials, city directories and topographic are not included in the report. The historical references are reviewed within local public libraries and are copyright protected and cannot be reproduced without the consent of the owner. As such, our reports properly cite and reference the historical reference in accordance with ASTM E1527-13/AAI protocols. Any incorporation of these documents without the permission of the owner would be against the law.

<u>Reference</u>	<u>Date</u>
Sanborn Fire Insurance Map	1889
U.S.G.S. Topographic Map	1897
Sanborn Fire Insurance Map	1903
Sanborn Fire Insurance Map	1912
U.S.G.S. Topographic Map	1915
Sanborn Fire Insurance Map	1925
Polk City Directory	1930
PT&T City Directory	1938
PT&T City Directory	1940
Pacific Yellow Pages	1940
U.S.G.S. Topographic Map	1941
PT&T City Directory	1944
Pacific Yellow Pages	1945
Aerial Photograph	1946
U.S.G.S. Topographic Map	1947
U.S.G.S. Topographic Map	1948

U.S.G.S. Topographic Map	1949
Sanborn Fire Insurance Map	1952
Pacific Yellow Pages	1956
Sanborn Fire Insurance Map	1957
Aerial Photograph	1958
Aerial Photograph	1959
Sanborn Fire Insurance Map	1965
Sanborn Fire Insurance Map	1966
Polk City Directory	1967
Sanborn Fire Insurance Map	1968
Aerial Photograph	1968
U.S.G.S. Topographic Map	1968
Pacific Yellow Pages	1968
Sanborn Fire Insurance Map	1969
Pacific Yellow Pages	1970
Pacific Yellow Pages	1972
Pacific Yellow Pages	1973
Haines City Directory	1973
U.S.G.S. Topographic Map	1973
Haines City Directory	1975
Aerial Photograph	1980
Haines City Directory	1980
Aerial Photograph	1981
Haines City Directory	1985
Aerial Photograph	1987
Haines City Directory	1990
Aerial Photograph	1993
U.S.G.S. Topographic Map	1993
Haines City Directory	1995
Aerial Photograph	2000
Haines City Directory	2000
Aerial Photograph	2002
Haines City Directory	2005
Aerial Photograph	2005
Haines City Directory	2010
Aerial Photograph	2012
Haines City Directory	2015

In the Oakland Sanborn Map of 1889, the subject site falls within Volume II. However, Volume II is not available within the library maintained by the University of California in Berkeley.

In the topographic map of 1897, the subject site and adjacent properties are shown as undeveloped. During that time, the closest developments are two small buildings several parcels to the northwest and beyond 35<sup>th</sup> Avenue.

In the Sanborn Fire Insurance Map of 1903, the subject site falls beyond the area of coverage. No site-specific map was available, however the subject site is shown as block number 1686 within the area covered by the index map.

In the Sanborn Fire Insurance Map of 1912, the subject site is shown as undeveloped. During that time, bordering the site is developed with a one-story residential dwelling (3812 Penniman (Vernon) Avenue) and an associated one-story structure to the northwest; a one-story residential dwelling (3906 Penniman (Vernon) Avenue) and two associated one-story structures to the southeast; two parcels of undeveloped land to the northeast; and Penniman (Vernon) Avenue and beyond a one-story residential over basement (3817 Penniman (Vernon) Avenue) and undeveloped land to the southwest.

In the topographic map of 1915, the subject site is shown as undeveloped. During that time, bordering the site is developed with a small building to the northwest; a small building to the southeast; two small buildings to the northeast; and a paved road (currently Penniman Avenue) and beyond a small building and undeveloped land to the southwest.

In the Sanborn Fire Insurance Map of 1925, the subject site is shown as two parcels of land developed with a one-story grocery storage building (3900 Penniman Avenue). During that time, bordering the site is a one-story residential dwelling (3812 Penniman Avenue) to the northwest; a one-story residential dwelling (3906 Penniman Avenue) to the southeast; two one-story residential dwellings (3919 and 3925 Angelo Avenue) and a wood yard associated with a one-story coal and wood building (3014 38<sup>th</sup> Avenue) to the northeast; and Penniman Avenue and beyond a one-story residential over basement (3817 Penniman Avenue) and a one-story building with two non-descript storefronts (3819 and 3819B Penniman Avenue) to the southwest.

In the city directory of 1930, the subject site is listed as being occupied by W taker W W auto garage (3820 Penniman Avenue).

In the city directories of 1938, 1940, and 1944, the subject site is listed as being occupied by Allendale Garage (3820 Penniman Avenue).

In the Pacific Yellow Pages of 1940, the subject site is listed as being occupied by Allendale Garage (3820 Penniman Avenue).

In the topographic maps of 1941, 1947, 1948, 1949, 1959, 1968, 1973, and 1993, the subject site and adjacent properties are shown within a shaded region designated as urban development with no site-specific details.

In the Pacific Yellow Pages of 1945, an advertisement indicates that the subject site offers complete service for automobiles by Allendale Garage (See Appendix C).

In the aerial photographs of 1946, 1958, 1959, 1968, 1980, 1981, 1987, and 1993, the subject site appears as developed with a large building with a connected storage shed on the southeast side, and a long, rectangular building on the northeast side of the subject site. During those times, bordering the site is two small buildings to the northwest (most likely residential); two buildings to the southeast (most likely residential); three buildings (most likely residential) and three associated structures to the northeast; and a road (currently Penniman Avenue) and beyond two buildings (most likely residential) to the southwest.

In the Sanborn Fire Insurance Maps of 1951, 1952, 1957, 1965, 1966, 1968, and 1969, the subject site is shown as a one-story auto repair garage (3820 Penniman Avenue) with a gas and oil fueling area on the southwest side of the building and a one-story warehouse (3820½ Penniman Avenue) on the northeast side of the subject site. During those times, bordering the site is a one-story residential dwelling (3812 Penniman Avenue) and an associated one-story auto garage to the northwest; a one-story residential dwelling (3906 Penniman Avenue) and an associated one-story auto garage to the southeast; three one-story residential dwellings (3919, 3923, and 3925 Angelo Avenue), two associated one-story auto garages, and an associated one-story structure to the northeast; and Penniman Avenue and beyond a one-story residential over basement (3817 Penniman Avenue) and a two-unit one-story residential dwelling (3827-3829 Penniman Avenue) to the southwest.

In the Pacific Yellow Pages of 1956, 1968, and 1970, an advertisement indicates that the subject site offers complete automotive repairing by Bill Mein Automotive Service (See Appendix C).

In the city directory of 1967, the subject site is listed as being occupied by Bill Mein Automotive Service auto repair (3820 Penniman Avenue).

In the Pacific Yellow Pages of 1972, an advertisement indicates that the subject site offers complete car care and smog, lamp, and brake checks by Aday Automotive Service (See Appendix C).

In the city directory of 1973, the subject site is listed as being occupied by Aday Automotive Service (3820 Penniman Avenue).

In the Pacific Yellow Pages of 1973, an advertisement indicates that the subject site offers transmission repair, engine rebuilding, automotive diagnostic service of auto air conditioning, wheel alignment, engine tune-up, and brake service by Automotive Technicians (See Appendix C).

In the city directory of 1975, the subject site is listed as being occupied by Automotive Technicians (3820 Penniman Avenue).

In the city directories of 1981 and 1986, the subject site is listed as being occupied by Diamond Glass Co (3820 Penniman Avenue).

In the city directory of 1990, the subject site is not listed. However, Penniman Avenue is listed.

In the city directory of 1995, the subject site is listed as being occupied by Nuherbs and Real Mark Trading (3820 Penniman Avenue).

In the city directory of 2000, the subject site is listed as being occupied by Nuherbs and Kuen Lau (3820 Penniman Avenue).

In the aerial photograph of 2000, the subject site appears as developed with a large building with a connected storage shed on the southeast side, and a long, rectangular building on the northeast side of the subject site. During that time, bordering the site is two small buildings to the northwest (most likely residential); two buildings to the southeast (most likely residential); two buildings (most likely residential) and two associated structures to the northeast; and a road (currently Penniman Avenue) and beyond two buildings (most likely residential) to the southwest.

In the aerial photographs of 2002 and 2005, the subject site appears as developed with a large building with a connected storage shed on the southeast side, and a long, rectangular building on the northeast side of the subject site. During those times, bordering the site is two small buildings to the northwest (most likely residential); two buildings to the southeast (most

likely residential); two buildings (most likely residential) and one associated structure to the northeast; and a road (currently Penniman Avenue) and beyond two buildings (most likely residential) to the southwest.

In the city directory of 2005, the subject site is listed as being occupied by Nuherbs (3820 Penniman Avenue).

In the city directories of 2010 and 2015, the subject site is listed as vacant (3820 Penniman Avenue).

In the aerial photographs of 2012, the subject site appears as developed with a large building with a connected storage shed on the southeast side, and a long, rectangular building on the northeast side of the subject site. During that time, bordering the site is two small buildings to the northwest (most likely residential); two buildings to the southeast (most likely residential); three buildings (most likely residential) and one associated structure to the northeast; and a road (currently Penniman Avenue) and beyond two buildings (most likely residential) to the southwest.

## 5.0 ENVIRONMENTAL DATABASE REVIEW

### 5.1 Agency Record Review

Environmental Data Resources, Inc. (EDR) was contracted to compile data from available government agency databases on locations of actual and potentially impacted sites within a one-mile radius of the subject property. Copies of the environmental database lists and the location map for the subject site are included in Appendix A.

The results of the database search by EDR revealed 29 mapped sites and 75 unmapped sites within a one-mile radius, of which 2 mapped sites are within a one-eighth mile radius of the subject site. Based on distance from the subject property and regional hydrogeology the following selected site(s) identified by EDR were deemed to have the highest potential to impact the subject site. In addition, a Tier 1 Vapor Encroachment Screen (VES) pursuant to ASTM E2600-10 was performed on the following selected site(s) to assess whether a potential vapor encroachment condition (VEC) exists at the subject property caused by the release of vapors from contaminated soil or groundwater either on or near the subject site. No sites identified by EDR were located either at, adjacent or possibly up gradient of the subject site. No listings were reported for the subject site address by EDR.

### 5.2 Local Agency File Review

On June 29, 2015, a Basics representative contacted the California EPA - Department of Toxic Substance Control (CAL EPA DTSC) in Berkeley, California, in regards to any information concerning the subject site.

- **3820 Penniman Avenue, Oakland, CA**  
The subject site.

No information regarding the subject site was available within the CAL EPA DTSC files or EnviroStor online database. No information regarding hazardous materials, underground storage tanks or unauthorized releases was available for the subject site.



On June 29, 2015, a Basics representative contacted the Regional Water Quality Control Board (RWQCB) in Oakland, California, in regards to any information concerning the subject site.

- **3820 Penniman Avenue, Oakland, CA**  
The subject site.

No information regarding the subject site was available within the RWQCB files or GeoTracker online database. No information regarding hazardous materials, underground storage tanks or unauthorized releases was available for the subject site.

On June 29, 2015, a Basics representative reviewed the files maintained by the Alameda County Department of Environmental Health (ACDEH) in Alameda, California, in regards to any information concerning the subject site:

- **3820 Penniman Avenue, Oakland, CA**  
The subject site.

No information regarding the subject site was available within the ACDEH files or LOP online database. No information regarding hazardous materials, underground storage tanks or unauthorized releases was available for the subject site.

On June 30, 2015, a Basics representative reviewed the files maintained by the Oakland Fire Department – Hazardous Materials Management Program (OFD-HMMD) in Oakland, California, in regards to any information concerning the subject site:

- **3820 Penniman Avenue, Oakland, CA**  
The subject site.

The ACDEH is currently the local enforcing agency overseeing hazardous materials within the City of Oakland and maintains the CUPA files currently. See the section above for more information.

On July 1, 2015, a Basics representative reviewed the following files maintained by the Oakland Building Department (OBD) in Oakland, California, in regards to any information concerning the subject site:

- **3820 Penniman Avenue, Oakland, CA**  
The subject site.

Information from the OPD indicated the earliest permit for the subject site at 3820 Penniman Avenue included a building permit application dated in 1960. During that time, the subject site was utilized as an auto and truck repair commercial garage. The building permit application was submitted by Mr. John A Macdonald to repair fire damage to the paint spray booth.

On July 25, 1989, a building permit application was submitted to remodel an existing office and to building a wall to separate the unimproved area. During that time, Wing King Cheung occupied the subject site.

In August and September 1989, building permit applications were submitted for tenant improvements. During that time, Wing King Cheung occupied the subject site.

On July 21, 1994, a building permit application was submitted for parapet reinforcement.

On June 11, 1998, a building permit application was submitted for tenant improvements.

On June 29, 1999, an inspection was conducted. The inspection noted the parking lot filled with empty cardboard boxes and pallet.

On June 2, 2015, a building permit application was submitted. During that time, NuHerbs, Inc. occupied the subject site. The application was to take over an existing herb (NuHerbs, Inc) manufacturing business (new owner), and operate a similar activity for making custom ice cream (Mr. Dewie's) activity. No site and building alterations to the property are permitted under this zoning approval.

No other information regarding hazardous materials, underground storage tanks, or unauthorized releases was available for 3820 Penniman Avenue.

## 6.0 CONCLUSIONS AND RECOMMENDATIONS

### 6.1 Conclusions

These conclusions are based on the data collected during performance of this ESA and are therefore subject to the time limitations associated with accessing governmental and site data. The purpose of this assessment was to evaluate the likelihood of soil and ground water degradation as a result of the use, storage, treatment, and/or disposal of hazardous materials/waste on the subject site and sites located within a one-mile radius. Findings are based on a geological and hydrogeological information study, and an evaluation of historical and present property use (historical resource review, regulatory agency database and file review, personal interviews and site reconnaissance study).

#### 6.1.1 Data Gaps

A data gap is the failure to obtain information required by the standard despite good faith efforts by the environmental professional to gather the information. During the course of this assessment the following data gaps were identified:

- (1) The specific use of the subject site from 1930 to 1938 and 1945 to 1956, could not be determined within this scope of work.

Based on the historical references reviewed, the subject site was utilized as an auto repair garage and auto repair shop during the 1940s and from 1956 to at least 1975. Thus, the subject site was most likely utilized as an auto repair shop during these times.

Based on the findings of our investigation, it is our opinion that this data gap is not considered "significant" at this time. If additional information is received from the WCCDD that significantly changes the conclusion of this report an addendum will be issued. Because ultimately it remains the user who accepts the liability for having entered into a chain of title, it remains important that the user recognize that if information is later uncovered that fills this "significant" data gap, our opinion regarding the presence of obvious recognized environmental conditions on site may or may not change.

### 6.1.2 Environmental Issues/*De Minimus* Conditions

De Minimus Conditions are defined by the ASTM Standard Practice E1527-13 as a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. On the basis of the information compiled and reviewed by Basics, our findings indicate the following *de minimus* conditions:

- (1) Sometime between 1915 and 1925, the subject site was shown as two rectangular shaped parcels of land developed with a one-story grocery storage building (3900 Penniman Avenue). Prior to this time, the subject site was shown undeveloped.

Based on the historical references reviewed, the subject site was listed as a grocery storage building (1925).

The use as a grocery storage during this time frame does not appear to have a high potential for business activities indicative to the use, storage, and/or treatment of hazardous materials.

- (2) Sometime between 1925 and 1930, the subject site was redeveloped with a one-story warehouse building (3820 Penniman Avenue) and a one-story warehouse (3820 ½ Penniman Avenue).

Based on the historical references reviewed, the subject site was listed as being occupied by Waker W W auto garage (1930); Allendale Garage (1938-1945); Bill Mein Automotive Service (1956-1970); Aday Automotive Service (1972-1973); Automotive Technicians (1973-1975); Diamond Glass Co (1981-1986); and Nuherbs (1989-2015).

The specific use of the subject site from 1930 to 1938 and 1945 to 1956 could not be determined within this scope of work and are deemed data gaps. These data gaps do not appear to be significant.

The occupation by the following tenants listed within the historical references reviewed during this time frame have a high potential for business activities indicative to the use, storage and/or treatment of hazardous materials:

W taker W W auto garage (1930); Allendale Garage (1938-1945); Bill Mein Automotive Service (1956-1970); Aday Automotive Service (1972-1973); Automotive Technicians (1973-1975)

The subject site was noted as an auto and truck repair garage with a gas and oil station at the southwest portion of the building (1930s-1970s).

See Section 6.1.3 – Recognize Environmental Conditions (RECs) below.

Because ultimately it remains the user who accepts the liability for having entered into a chain of title, it remains important that the user recognize that the “risk tolerance” of a regulatory agency could change, as could be the case if information is later uncovered to suggest that the *de minimus* conditions (i.e., those that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies) are of greater significance than once thought.

### 6.1.3 Recognized Environmental Conditions (RECs)

Recognized Environmental Conditions (RECs) are defined by the ASTM Standard Practice E1527-13 as the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. Based on the findings of our investigation, it is our opinion that there are apparent obvious RECs identified onsite.

- (1) Perform a utility search to confirm the existence or non-existence of former underground storage tanks onsite.

Sometime between 1925 and 1930, the subject site was redeveloped with a one-story auto repair garage and gas and oil station (3820 Penniman Avenue) and a one-story warehouse (3820 ½ Penniman Avenue).

In the Sanborn Fire Insurance Maps of 1951, 1952, 1957, 1965, 1966, 1968, and 1969, the subject site is shown as a one-story auto repair garage (3820 Penniman Avenue) with

a gas and oil fueling area on the southwest side of the building and a one-story warehouse (3820½ Penniman Avenue) on the northeast side of the subject site. See Appendix D.

Based on the historical references reviewed, the subject site was listed as being occupied by W taker W W auto garage (1930); Allendale Garage (1938-1945); Bill Mein Automotive Service (1956-1970); Aday Automotive Service (1972-1973); Automotive Technicians (1973-1975); Diamond Glass Co (1981-1986); and Nuherbs (1989-2015).

The gas and oil station appears to have occupied the southwest side of the subject site from approximately the 1930s to the 1960s.

Underground storage tanks are typically utilized as part of gas and oil station operations and one or more underground storage tanks were more than likely to have been utilized onsite. However, no specific information regarding the use or underground storage tanks was uncovered within the local regulatory agency files reviewed.

As such, a utility search should be performed to confirm the existence of non-existence of the underground storage tanks associated with the former gas and oil station. Possible techniques may include magnetometer, ground penetrating radar, etc. In addition, further research (i.e. chain of title search, inquiries with the past owner(s), etc. (not within the scope of this report) can be performed to further evaluate the former location of the underground storage tank(s) and associated piping.

If an underground storage tank is identified onsite, a permit to remove the tank is required along with environmental sampling.

- (2) Perform environmental site sampling at the subject site to assess potential environmental impacts from former fueling and auto repair operations.

W taker W W auto garage (1930), Allendale Garage (1938-1945), Bill Mein Automotive Service (1956-1970), Aday Automotive Service (1972-1973), and Automotive Technicians (1973-1975)

The use as an auto repair garage has an obvious high potential business activity indicative to the storage, treatment, or disposal of hazardous or potentially toxic materials.

In the Pacific Yellow Pages of 1945, an advertisement indicates that the subject site offers complete service for automobiles by Allendale Garage (See Appendix C).

In the Pacific Yellow Pages of 1956, 1968, and 1970, an advertisement indicates that the subject site offers complete automotive repairing by Bill Mein Automotive Service (See Appendix C).

In the Pacific Yellow Pages of 1972, an advertisement indicates that the subject site offers complete car care and smog, lamp, and brake checks by Aday Automotive Service (See Appendix C).

In the Pacific Yellow Pages of 1973, an advertisement indicates that the subject site offers transmission repair, engine rebuilding, automotive diagnostic service of auto air conditioning, wheel alignment, engine tune-up, and brake service by Automotive Technicians (See Appendix C).

The subject site is not currently listed as a contaminated facility. However, the use of appreciable amounts of hazardous materials as part of auto repair operations for approximately 50+ years from the 1930s – 1970s or so has been deemed a “Recognized Environmental Condition” at this time.

It is conceivable that soil and/or groundwater may have been impacted. Inadvertent discharges of hazardous materials to the subsurface are not always evident. However, the use of (1) appreciable amounts of hazardous materials over an extended period of time; and (2) use of underground hydraulic lifts or underground storage tanks; increases the potential of inadvertent discharges to the subsurface.

Areas of concern include the following:

#### Warehouse Area

As part of past auto repair activities, appreciable amounts of hazardous materials (lubricants, antifreeze, etc.) were utilized within the warehouse area. A sump is located at the southeast side of the warehouse area (See Photo 23). A small collection drain and a cement-filled conduit are located at the north corner of the warehouse area (See Photos 24 and 25).

#### Lobby

In the Sanborn Fire Insurance Maps of 1951, 1952, 1957, 1965, 1966, 1968, and 1969, the subject site is shown as a one-story auto repair garage (3820 Penniman Avenue) with a gas and oil fueling area on the southwest side of the building and a one-story warehouse (3820½ Penniman Avenue) on the northeast side of the subject site. See Appendix D.

No other information regarding the use of hazardous materials was uncovered during this time frame within the local regulatory agency files reviewed.

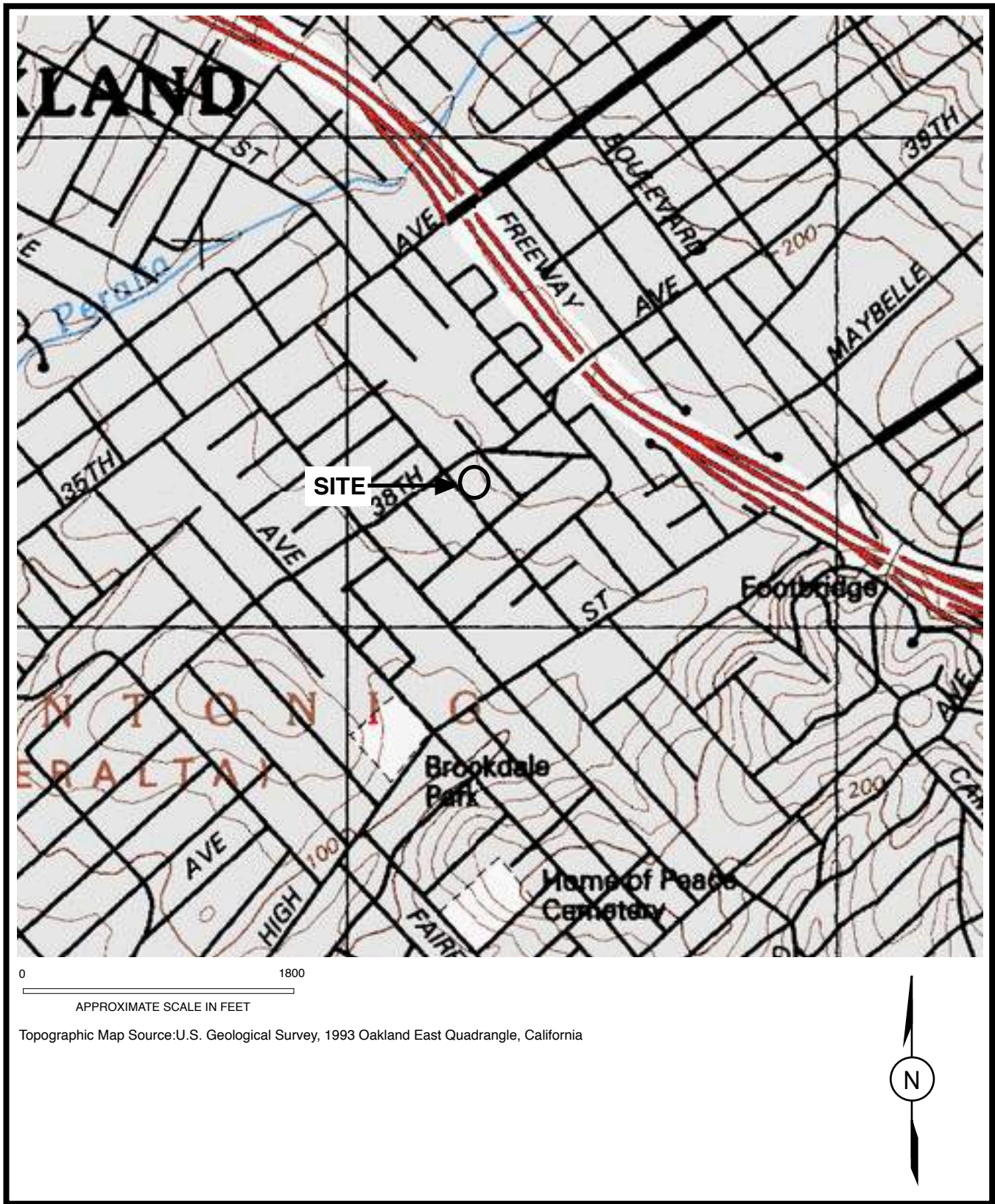
#### 6.1.4 Controlled Recognized Environmental Conditions (CRECs)

Controlled Recognized Environmental Conditions (CRECs) are defined by the ASTM Standard Practice E1527-13 as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. Based on the findings of our investigation, there are no apparent obvious CRECs identified onsite.

#### 6.1.5 Historical Recognized Environmental Conditions (HRECs)

Historical Recognized Environmental Condition (HREC) is defined by the ASTM Standard Practice E1527-13 as a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. Based on the findings of our investigation, there are no apparent obvious HRECs identified onsite.





Site Location



Phase I Environmental Site Assessment  
 3820 Penniman Avenue  
 Oakland, California

PROJECT NO.  
 15-ENV4245


DRAWING NO.  
 1



0 50 100

APPROXIMATE SCALE IN FEET AS DETERMINED FROM GOOGLE MAPS



**SITE**  Aerial Photo Source: U.S. Geological Survey & Google Maps

### Aerial Photograph (2015)



Phase I Environmental Site Assessment  
3820 Penniman Avenue  
Oakland, California

PROJECT NO.  
15-ENV4245

DRAWING NO.  
2



**Site Plan**



Photo 1: Subject Site (Facing East Across Penniman Avenue)  
3820 Penniman Avenue Exterior and Paved Areas



Photo 2: Subject Site (Facing Northeast Across Penniman Avenue)  
3820 Penniman Avenue Exterior and Paved Areas

### Site Photographs



Photo 3: Subject Site (Facing Northeast Across Penniman Avenue)  
3820 Penniman Avenue Exterior  
One-Story Warehouse Building



Photo 4: Subject Site (Facing Northeast)  
3820 Penniman Avenue Exterior  
Associated Paved Area and Storage Yard

### Site Photographs



Photo 5: Subject Site (Facing Southeast)  
3820 Penniman Avenue Interior  
Empty Lobby



Photo 6: Subject Site (Facing Southeast)  
3820 Penniman Avenue Interior  
Empty Office

**Site Photographs**



Photo 7: Subject Site (Facing East)  
3820 Penniman Avenue Interior  
Restroom



Photo 8: Subject Site (Facing Northeast)  
3820 Penniman Avenue Interior  
Empty Office

**Site Photographs**



Photo 9: Subject Site (Facing Southwest)  
3820 Penniman Avenue Interior  
Storage Warehouse - Racks, Roll Up Door



Photo 10: Subject Site (Facing Southwest)  
3820 Penniman Avenue Interior  
Storage Warehouse - Roll Up Door

### Site Photographs





Photo 11: Subject Site (Facing Southwest)  
3820 Penniman Avenue Interior  
Storage Warehouse - Floor



Photo 12: Subject Site (Facing Southwest)  
3820 Penniman Avenue Interior  
Storage Warehouse - Storage Racks

### Site Photographs



Photo 13: Subject Site (Facing Northeast)  
3820 Penniman Avenue Interior  
Storage Warehouse



Photo 14: Subject Site (Facing East)  
3820 Penniman Avenue Interior  
Storage Warehouse

### Site Photographs



Photo 15: Subject Site (Facing South)  
3820 Penniman Avenue Interior  
Storage Warehouse - Kitchen



Photo 16: Subject Site (Facing Southeast)  
3820 Penniman Avenue Interior  
Storage Warehouse

### Site Photographs



Photo 17: Subject Site (Facing South)  
3820 Penniman Avenue Exterior  
Associated Paved Area - Storage Yard



Photo 18: Subject Site (Facing Northeast)  
3820 Penniman Avenue Exterior  
Associated Paved Area - Storage Shed

### Site Photographs



Photo 19: Subject Site (Facing Northeast)  
3820 Penniman Avenue Exterior  
Associated Paved area and Storage Shed



Photo 20: Subject Site (Facing Southwest)  
3820 Penniman Avenue Exterior  
Associated Paved Area and Storage Shed

### Site Photographs



Photo 21: Subject Site (Facing North)  
3820 Penniman Avenue Exterior  
Associated Paved area and Storage Shed - Scale



Photo 22: Subject Site (Facing North)  
3820 Penniman Avenue Exterior  
Associated Paved Area and Storage Shed - Scale

### Site Photographs

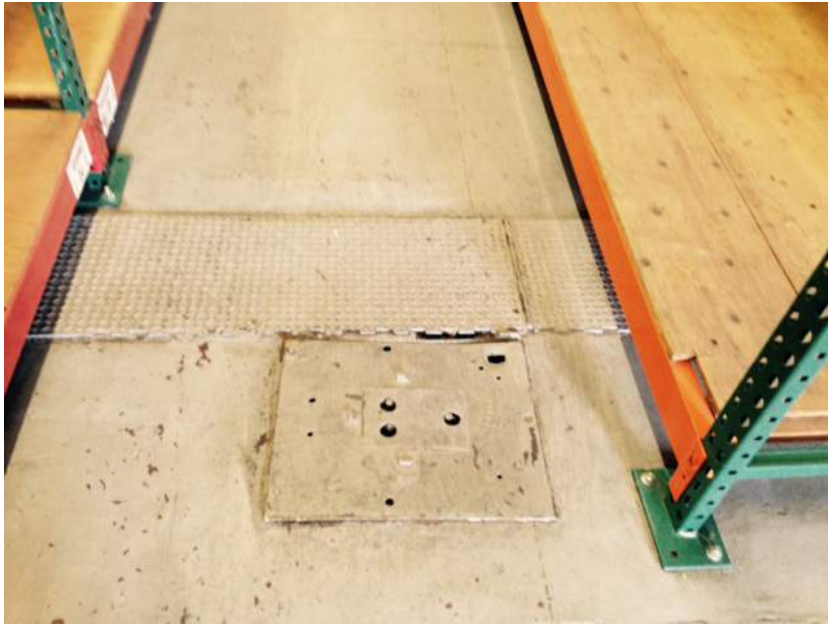


Photo 23: Subject Site (Facing Northeast)  
3820 Penniman Avenue Interior  
Storage Warehouse - Sump



Photo 24: Subject Site (Facing Southeast)  
3820 Penniman Avenue Interior  
Storage Warehouse - Former Underground Lift

### Site Photographs



Photo 25: Subject Site (Facing Southeast)  
3820 Penniman Avenue Interior  
Storage Warehouse - Drain



Photo 26: Subject Site (Facing Northeast)  
3820 Penniman Avenue Interior  
Mezzanine Office Area

### Site Photographs





Photo 27: Subject Site (Facing Southeast)  
3820 Penniman Avenue Interior  
Mezzanine Office Area



Photo 28: Subject Site (Facing East)  
3820 Penniman Avenue Interior  
Mezzanine Office Area

### Site Photographs



Photo 29: Subject Site (Facing Southwest)  
3820 Penniman Avenue Interior  
Mezzanine Storage Area



Photo 30: Subject Site (Facing West)  
3820 Penniman Avenue Interior  
Mezzanine Storage Area

### Site Photographs

# basics

## ENVIRONMENTAL

### TRANSACTION SCREEN QUESTIONNAIRE

### FOR PHASE I ENVIRONMENTAL SITE ASSESSMENT

3820 Penniman Ave.

STREET ADDRESS OF SUBJECT PROPERTY

Oakland

CITY

CA

STATE

94619

ZIP

<u>Wilson Lau</u>			
NAME OF PARTY COMPLETING QUESTIONNAIRE	COMPANY		
<u>1 Lakeside Drive, Unit 1607, Oakland, CA, 94612</u>			
STREET ADDRESS	CITY	STATE	ZIP
<u>(510) 543-3300</u>	<u>( )</u>		
DAYTIME PHONE	ALTERNATIVE PHONE		
<u>wilsonwclau@gmail.com</u>			
EMAIL ADDRESS / ALTERNATIVE CONTACT INFO			

510-834-9098

SUBJECT PROPERTY DESCRIPTION

Total Size \_\_\_\_\_ Size of developed Areas \_\_\_\_\_

How is property zoned \_\_\_\_\_ Is property vacant or improved \_\_\_\_\_

Is property currently occupied \_\_\_\_\_ How long under current ownership 26

Current uses: 1. Warehousing + Distribution Time 26

2. \_\_\_\_\_ Time \_\_\_\_\_

3. \_\_\_\_\_ Time \_\_\_\_\_

Past uses: 1. Glass Distributor + light manufacturing Time \_\_\_\_\_

2. \_\_\_\_\_ Time \_\_\_\_\_

3. \_\_\_\_\_ Time \_\_\_\_\_

Structures on the property: 1. 20 ft Container Age \_\_\_\_\_

2. Warehouse/office. Age \_\_\_\_\_

3. \_\_\_\_\_ Age \_\_\_\_\_

Can a property layout be faxed \_\_\_\_\_

Ground cover: \_\_\_\_\_

Asphalt \_\_\_\_\_ Concrete 100%

Grass \_\_\_\_\_ Dirt \_\_\_\_\_

Vegetation \_\_\_\_\_ Other ground cover \_\_\_\_\_

Land features Direction of slope \_\_\_\_\_ Approximate incline \_\_\_\_\_

Sensitive Lands / Wetlands \_\_\_\_\_ Size \_\_\_\_\_

Surface Water \_\_\_\_\_ Size \_\_\_\_\_

How is storm water handled \_\_\_\_\_

Herbicide/Pesticide use (type, quantity, frequency) \_\_\_\_\_

Utilities: \_\_\_\_\_ septic or sewer \_\_\_\_\_

well or city water \_\_\_\_\_ electricity or gas \_\_\_\_\_

Are materials ever burned on the property \_\_\_\_\_

Storage facilities \_\_\_\_\_

Hazardous materials storage \_\_\_\_\_

Waste materials \_\_\_\_\_

2a. Did you observe evidence or do you have any knowledge that the *subject property* is currently or has previously been used for any of the following (circle all that apply):

- gasoline station
- motor repair facility
- dry cleaners
- photo developing laboratory
- junkyard or landfill
- waste treatment, storage, disposal, processing or recycling facility

yes

no

unknown

May be a car dealership when 1st built or something near by according to an old neighbor.

2b. Did you observe evidence or do you have any knowledge that any *adjoining property* is currently or has previously been used for any of the following (circle all that apply):

- gasoline station
- motor repair facility
- dry cleaners
- photo developing laboratory
- junkyard or landfill
- waste treatment, storage, disposal, processing or recycling facility

yes

no

unknown

3. Did you observe evidence or do you have any knowledge that there are currently or have been previously any damaged or discarded **automotive or industrial batteries, pesticides, paints, or other chemicals** in individual containers > 5 gallons (19 L) in volume or 50 gallons (190 L) in the aggregate, stored on or used at the *subject property*?

yes

no

unknown

4. Did you observe evidence or do you have any knowledge that there are currently or have been previously any **industrial drums** (typically 55 gal) or sacks of chemicals located on the *subject property*?

yes

no

unknown

5. Did you observe evidence or do you have any prior knowledge that **fill dirt** has been brought onto the *subject property* that **originated from a contaminated site or is of unknown origin**?

yes

no

unknown

6. Did you observe evidence or do you have any prior knowledge that there is currently or has been previously any **pits, ponds, or lagoons** located on the *subject property* in connection with waste treatment or waste disposal?

yes

no

unknown

7. Did you observe evidence or do you have any prior knowledge that there is currently or has been previously any **stained soil** on the *subject property*?

yes

no

unknown

How long since excavation on the property \_\_\_\_\_ By Whom \_\_\_\_\_

Why \_\_\_\_\_

Last time natural features manipulated \_\_\_\_\_ By Whom \_\_\_\_\_

Why \_\_\_\_\_

Previous ESA's \_\_\_\_\_ By Whom \_\_\_\_\_

Why \_\_\_\_\_

Previous remediation work \_\_\_\_\_ By Whom \_\_\_\_\_

Why \_\_\_\_\_

SURROUNDING PROPERTIES

General description of area: Residential Area

Uses of surrounding properties:

East Home West: Home

North Home South Home.

Proximity to:

gas station ~ 1 mile manufacturing plants \_\_\_\_\_

waste treatment facility \_\_\_\_\_ water treatment facility \_\_\_\_\_

Is there any reason to suspect environmental contamination from adjoining properties No

QUESTIONNAIRE

1a. Did you observe evidence or do you have any prior knowledge that the *subject property* is currently or has been previously used for an **industrial use**?

yes

no

unknown

1b. Did you observe evidence or do you have any prior knowledge that any *adjoining properties* is currently or has been previously used for an **industrial use**?

yes

no

unknown

8. Did you observe evidence or do you have any prior knowledge that there is currently or has been previously any <b>registered or unregistered storage tanks</b> (above or underground) located on the <i>subject property</i> ?	yes	<input checked="" type="radio"/> no	unknown
9. Did you observe evidence or do you have any prior knowledge that there is currently or has been previously any <b>vent pipes, fill pipes, or access ways</b> indicating a fill pipe protruding from the ground on the <i>subject property</i> or <i>adjacent to any structure</i> on the <i>subject property</i> ?	yes	<input checked="" type="radio"/> no	unknown
10. Is there currently evidence of <b>leaks, spill, or staining</b> by substances other than water, or <b>foul odors</b> , associated with flooring, drains, walls, ceilings, or exposed grounds on the <i>subject property</i> ?	yes	<input checked="" type="radio"/> no	unknown
11. If the <i>subject property</i> is served by a <b>private well or non-public water system</b> , is there evidence or do you have any knowledge that <b>contaminants</b> have been identified in the well or system, or that the well has been <b>designated as contaminated</b> by any government environmental / health agency?	yes	<input checked="" type="radio"/> no	unknown
12. Do you have any knowledge of <b>environmental liens</b> or government notification relating to <b>past or recurrent violations of environmental laws</b> with respect to the <i>subject property</i> ?	yes	<input checked="" type="radio"/> no	unknown
13. Have you been informed of the current or past existence of <b>hazardous substances or petroleum products</b> with respect to the <i>subject property</i> ?	yes	<input checked="" type="radio"/> no	unknown
14. Do you have any knowledge of any <b>environmental site assessment</b> of the property or facility that indicated the presence of <b>hazardous substances or petroleum products on, or contamination of</b> , the <i>subject property</i> , or <b>recommended further assessment</b> of the <i>subject property</i> ?	yes	<input checked="" type="radio"/> no	unknown
15. Do you know of any past, threatened, or pending <b>lawsuits or administrative proceedings</b> concerning a release or threatened release of any hazardous substance or petroleum products involving the <i>subject property</i> by any owner or occupant of the property?	yes	<input checked="" type="radio"/> no	unknown
16. Does the <i>subject property</i> <b>discharge waste water</b> (not including sanitary waste or storm water) onto or adjacent to the property and/or into a storm water system?	yes	<input checked="" type="radio"/> no	unknown

17. Do you have any prior knowledge that any **hazardous substances or petroleum products, unidentified waste materials, tires**, automotive or industrial batteries, or any other waste materials have been dumped above grade, buried and/or burned on the *subject property*?

yes

no

unknown

18. Is there a transformer, capacitor, or any hydraulic equipment for which there are any records indicating the **presence of PCB's**?

yes

no

unknown

Please provide details relating to any questions answered "yes" in the space provided. Attach additional sheets or informative documents if necessary.

Horizontal lines for providing details.

The undersigned represents that to the best of their knowledge the above statements and facts are true and correct and the best of his/her knowledge no material facts have been suppressed or misstated.

Wilson Law  
Signature of party completing questionnaire

Wilson Law  
Name of party completing questionnaire

7/1/15  
Date



Equipment P1 editnt-6667  
3757 Broadway, HI gate-8634  
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plies KE 1109-4-5046

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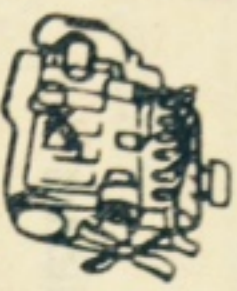
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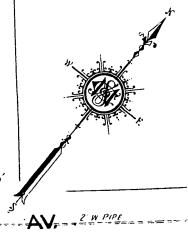
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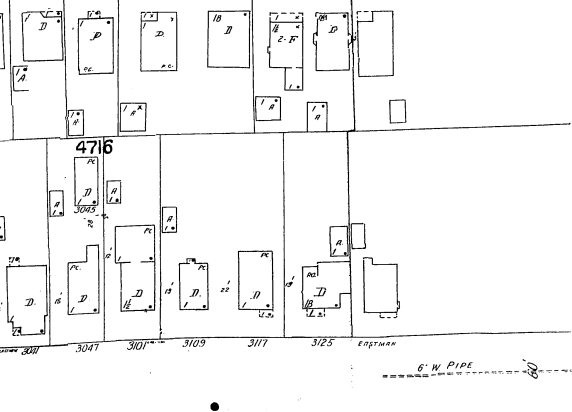
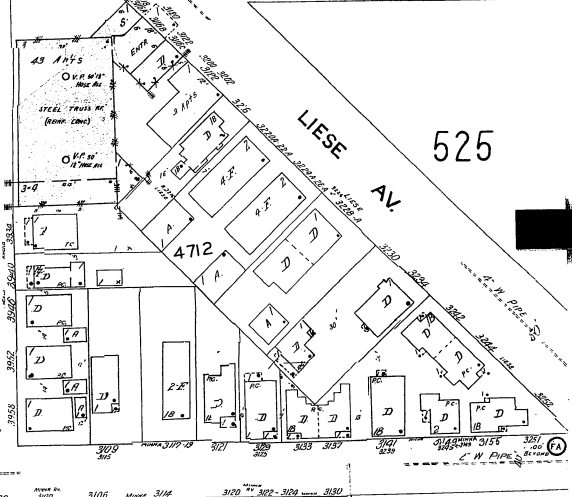
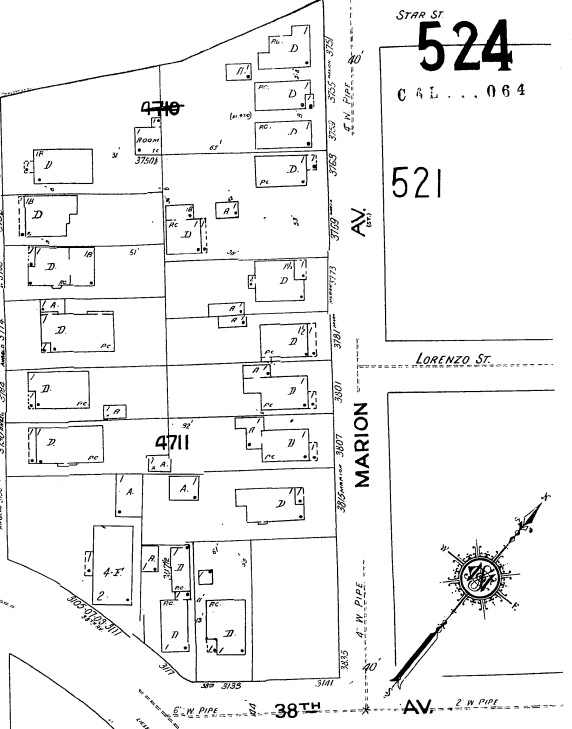
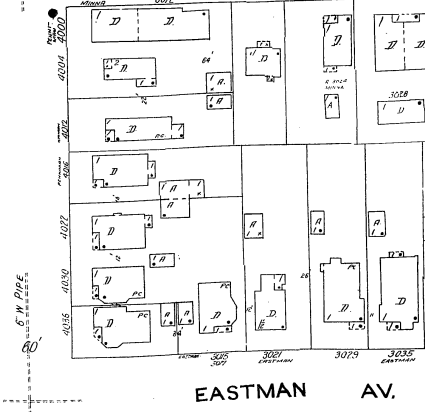
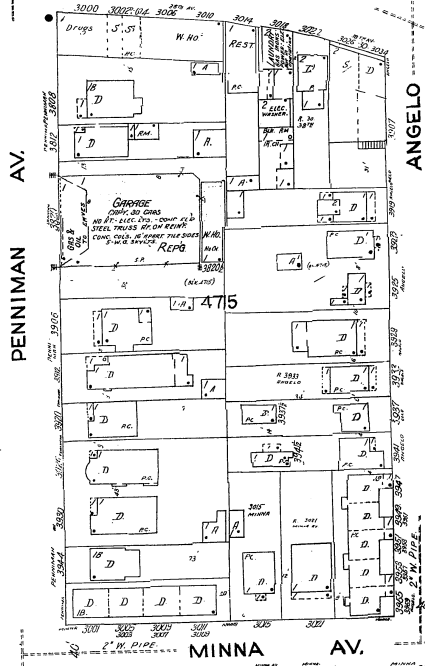
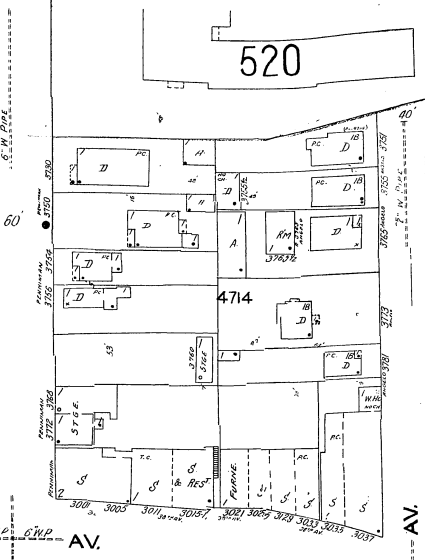
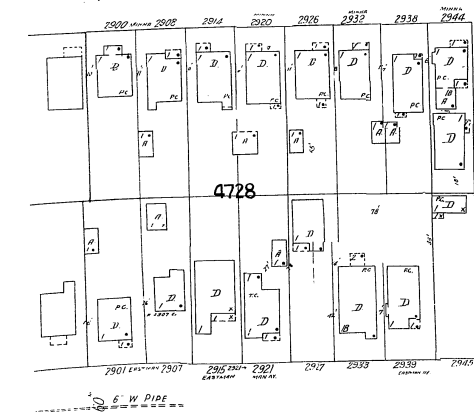
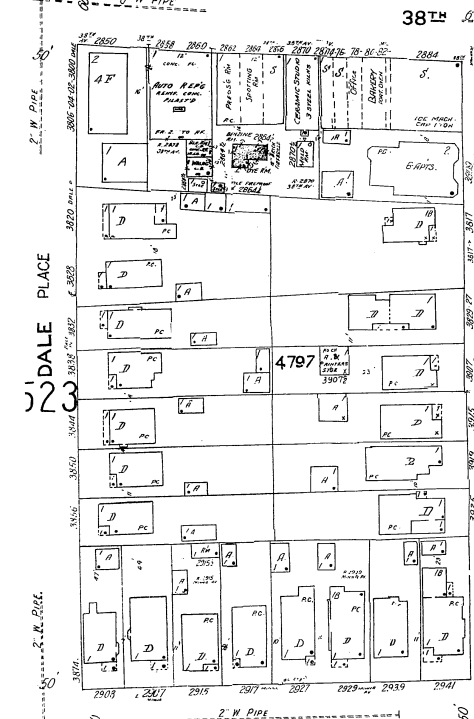
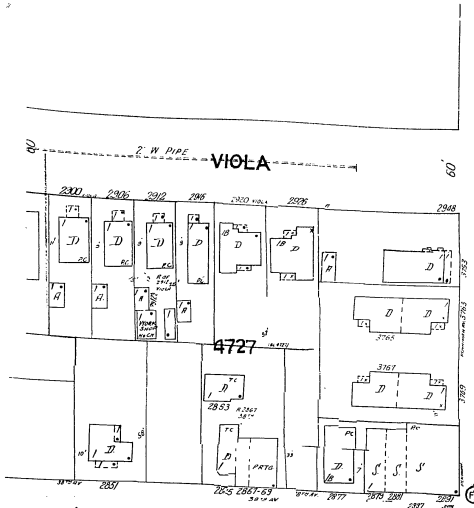
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EASTMAN AV.

528

Scale of Feet.  
0 50 100 150

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**STATEMENT OF QUALIFICATIONS**  
**FOR**  
**ENVIRONMENTAL DUE DILIGENCE**

**basics**  
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## ***Basics provides the environmental knowledge and expertise you can rely on.***

### ***Education, licenses, registrations, certifications, and memberships.***

Basics Environmental, Inc. (Basics) is a minority owned business Enterprise (MBE) specializing in Phase I & II Environmental Site Assessments, Environmental Compliance Audits, Environmental Marketing, and Environmental Communications.

Donavan Tom, Principal Consultant, is an expert in performing "Phase I & II" environmental site assessments, environmental audits, and reviews for real estate and financial transactions. Mr. Tom meets the definition of "Environmental Professional" as defined by the Environmental Protection Agency's Final Rule (40 CFR 312.21) and has the specific qualifications based on education, training and experience to develop and perform the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Mr. Tom is also a National Registered Environmental Property Assessor #213165 and holds a Masters in Business Administration (M.B.A.) in Management and Marketing from Golden Gate University and a Bachelors of Science (B.S.) in Biomedical Physics from the University of California at Berkeley.

Mr. Tom has also been very active within the environmental industry for over twenty years. As such, Mr. Tom has been a member of the Professional Environmental Marketing Association (P.E.M.A.) Northern California Chapter since its inception in 1990 and served on the board of directors for the years (1992-1994). In addition, Mr. Tom has also been a member within the State Bar of California Environmental Forum (C.E.L.F.), Chinese American Environmental Protection Association (C.A.E.P.A.) and within several commercial real estate associations including the Northern California Commercial Association of Realtors (N.C.C.A.R.), Association of Commercial Real Estate (A.C.R.E.), and Investment Marketing Forum (I.M.F.).

### ***Experience in the environmental field, specialties, and experience working within the bounds of a wide range of federal, state, and local laws and oversights.***

Before forming Basics in November 1994, Mr. Tom served for some of the top national environmental engineering consulting firms including Air Water Technologies/Metcalf & Eddy, Inc., Kleinfelder, Inc., and The MARK Group, Inc.



Through his experience with these firms, Mr. Tom has gained the knowledge in performing cost-effective, high quality Phase I & II environmental assessment reports and reviews in a clear, concise and effective way demanded by the real estate and financial industry.

Under the direction of Mr. Tom, Basics provides the environmental status of a subject property or properties that support your process in evaluating the "risks" associated with providing financing for transactions. Depending upon applicable federal and state laws, the costs of environmental cleanup could materially affect your risk of loss and/or impair the value of your security interest in the uses of the subject property. Accordingly, Basics provides all the appropriate inquiries into the previous ownership and uses of the subject property consistent with good commercial and prudent engineering practices in an effort to minimize liability, and follows, at a minimum, the protocols set forth by The American Society for Testing & Materials (ASTM) Standard E1527, Standard Practice for Environmental Site Assessments, Phase I Environmental Site Assessment Process and and U.S. Environmental Protection Agency's All Appropriate Inquiry (AAI) Final Rule 40 CFR Part 312".

Because environmental concerns differ from site to site, specific client requirements also differ. Basics consistently employs a phased approach. At the completion of a phase, Basics orally advises the client of the findings and prepares a summary report. If the data do not support a satisfactory level of confidence regarding potential environmental liability, Basics will submit a proposal for the next phase of work for the client's review and approval of the work scope and cost. The client is always in control of the level of effort we provide.

Basics is prepared to address these concerns by delivering site specific Phase I & II environmental site assessments that are always objective, systematic, and carefully documented. Basics has developed expertise in assessing the impacts of present and/or past hazardous waste practices on air, soil and water quality, evaluating the significance of this impact with respect to beneficial uses and public health, as well as assisting in complying with applicable environmental permits and regulations. Review of current and past facility operations and practices are conducted in a prompt and professional manner, and client confidentiality remains a prime concern throughout. Basics has provided the appropriate inquiry into, depending upon the facts and circumstances of the subject property, the present and historical uses and the facilities present thereon. From these inquiries Basics has identified conditions which indicated the advisability of further investigation.

Basics has a strong base of capabilities in dealing with regulatory compliance and hazardous waste management. Basics approach includes beginning each project with a thorough and complete project plan in line with the client's goals followed by proper subcontractor management and cost control, finishing with smooth running operations and client satisfaction.

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Basics possess the experience, technical competence, and the objectivity to deliver the optimal solutions to each client's specific needs. Basics commitment is to deliver the solution on time and within budget.

Basics provides a solid understanding and record of experience in working with regulatory agencies at the local, state, and federal level on environmental issues related to real estate transactions. As Principal Consultant, Mr. Tom prides himself on his knowledge and application of federal, state and local environmental laws and regulations. The quality of our reports is highly regarded by the financial and real estate community. Basics reports have often been met with unqualified approvals or have been accepted without major revisions. This fact alone has saved clients valuable time and expense and has resulted in expedited project implementation.

***Supervisory experience and written materials demonstrating supervisory training and/or skills.***

Basics experience with some of the largest financial lending institutions in the country as well as the smaller community banks has provided the knowledge in performing cost-effective, high quality environmental assessment reports, clear and effective environmental communications, and winning marketing strategies required in the commercial real estate lending industry.

Besides receiving a MBA and formal training in business management, Mr. Tom regularly trains, manages, and reviews the work of Basics environmental professionals in the performance of environmental transaction screens, Phase I & II environmental site assessments, and environmental facility audits. Typically, in the case of quick turnaround projects such as Phase I environmental site assessments, project progress meetings are held every morning regarding the progress to date, scheduling problems, major technical problems, future actions required, and follow-up responsibilities.

Provisions for acceleration of work tasks to keep the project on schedule. In the event delays are experienced, the approach that will be used to accelerate work will involve the implementation of one or more of the following actions:

- 1) Personal commitment of working overtime (nights, weekends, or holidays whatever it takes to get the job done on schedule and within budget).
- 2) Extra concentration of effort on critical path tasks.
- 3) Addition of reserve personnel, if necessary.
- 4) Extra concentration of effort on critical path tasks.



Mr. Tom's ability to effectively manage a staff of environmental professionals was best illustrated in response to a fast-track acquisition of a small banking institution by Comerica Bank. While employed by his previous employer, Mr. Tom managed the performance of 34 Phase I environmental and asbestos reports for sites located throughout northern California and provided an executive report summarizing the findings of all the 34 sites all within ten business days.

Mr. Tom met this challenge by quickly mobilizing an experienced team of eight qualified environmental professionals to complete the reports on time. Site visits were conducted for the purpose of reviewing the property for the obvious presence of toxic or hazardous materials. A special checklist adhering to Comerica's requirements was used to facilitate the assessment process.

Under the direct supervision of Mr. Tom, the Phase I environmental team then reviewed pertinent records provided by the former bank as well as information obtained from a database search of available local, state and federal agency lists. This review characterized the site history and the facility's compliance history.

Thirty four separate reports describing the results of each site visit and records evaluation were presented to the client in draft form within seven working days and the final reports were presented within the 10 business day deadline. In addition, asbestos sampling, testing and reporting was performed by a certified asbestos subcontracting firm and the results were provided in each report. Plus a fifty year chain of title guarantees were performed by title subcontractors and issued as follow up reports for ten of the sites.

This project is an example of Mr. Tom's ability to coordinate, supervise and train multiple environmental specialists to produce numerous reports within tight deadlines to meet client needs and requirements. In addition, although the project was virtually impossible to complete within ten business days the dedication of the project team was evident in their commitment to working nights and over a holiday weekend.



## ***Basics performs the right amount of environmental due diligence you require.***

### ***Environmental Due Diligence***

The US Environmental Protection Agency (EPA) oversees enforcement and clean up of contaminated sites across the United States. The federal government enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980. If you own or have ever owned a property that is presently contaminated, you may be designated as a potentially responsible party (PRP) under the CERCLA regulations. Being designated as a PRP means you may be financially responsible for cleaning up environmental contamination you did not create.

The only way to avoid this liability is through the “Innocent Landowner Defense”. In order to qualify for this defense, you have to show that you made a significant effort to determine if the property was contaminated before you bought it. This effort is called Due Diligence. A properly conducted Phase I Environmental Site Assessment meets the requirements for due diligence.

Lenders as well as potential title holders of a property follow a number of steps to evaluate the fiscal risks before financing properties. An environmental assessment helps evaluate the suitability of the financed property as collateral. *(1) Will the property value decline as a result of environmental liabilities that are identified before the loan payoff? and (2) If the borrower defaults, will the bank own a property that is a liability rather than an asset?*

The potential costs for environmental site investigations and remediation are substantial. Soft costs for investigation, reporting, and regulatory response can represent a large percent of the property value. Add costs for sampling, analysis, corrective action implementation, and long-term monitoring, and the overall remediation budget can easily exceed property values. Consequently, potential losses are greater for less valuable property because eventual sale of the property will recover a smaller percentage of the remediation costs.

In view of the potential costs for site cleanups, lenders as well as potential title holders of a property utilize environmental assessments to help identify high-risk sites.



**Note:** The amount of due diligence a Lender may require depends upon the amount of environmental business risk the lender is willing to accept. Many lenders will require a lesser degree of due diligence that is required in a properly conducted Phase I Environmental Site Assessment (i.e., Environmental Questionnaire, Environmental Database Review, Environmental Transaction Screen, Limited Phase I Environmental Site Assessment, etc.). Currently, only a properly conducted Phase I Environmental Site Assessment will meet the requirements of the “Innocent Landowner Defense”.

### ***Degrees of Environmental Due Diligence***

**Environmental Questionnaire.** The Environmental Questionnaire is typically utilized for *all potential sites* as a starting point for the lender to assess environmental business risk. This scope of work typically involves a standard Environmental Questionnaire.

The borrower will typically fill out a standard questionnaire regards to current and past uses regarding the use of hazardous materials and physical characteristics of the property.

**Environmental Database Review.** The Environmental Database Review is typically utilized for *residentially zoned sites which do not currently utilize hazardous materials and are not believed to have utilized hazardous materials in the past.* This scope of work typically involves the following:

#### (1) Environmental Database Search

Basics environmental professionals will obtain and review publicly available information maintained by various federal, state, and local governmental agencies with administer environmental regulations, including records of known or potentially contaminated and/or problem sites, landfills, and other disposal sites, and underground storage tank records (for both leaking and registered USTs). FirstSearch, Inc. and Environmental Data Resources, Inc. are reliable commercial sources and will be subcontracted to generate the lists.



**ASTM Environmental Transaction Screen.** The Environmental Transaction Screen is typically utilized for *commercially zoned sites which do not currently utilize hazardous materials and are not believed to have utilized hazardous materials in the past.* This scope of work typically involves the following:

(1) Environmental Database Search

(2) Historical Research.

Basics environmental professionals will obtain and interpret readily available historical information to provide brief research into the potential presence of an environmental condition associated with historic activities. Readily available information may include: fire insurance maps (Sanborn Fire Insurance Maps), topographic maps, local street maps/directories, aerial photographs, building department records, and fire department records. Historical research of the property and the surrounding properties typically extend far back as 1940 or first development of the property.

(3) Site Reconnaissance.

Basics environmental professionals will perform a visual inspection of the site noting number of buildings, approximate size of buildings' footprints, number of stories each, approximate age of buildings, occupancy status, pavement, fences, foundation/ruins, utilities, and ancillary structures in order to discover evidence of the presence or likely presence of impacts or other environmental problems on the subject property. In addition, visual inspection of adjacent sites will be made from the subject site and/or from access roads, as appropriate for the assessment of the property.

At a minimum, Basics environmental professionals will walk the perimeter boundary of the property, each side of the drainage pathways, the boundaries of all on-site bodies of water, and a grid pattern for remaining exterior areas (including overgrown or wooded areas). For the interior of the structures on the property, environmental professionals will, at a minimum, visually inspect accessible common areas expected to be used by occupants or the public (e.g., lobbies and hallways), maintenance and repair areas (e.g., boiler rooms), and a representative sample of occupant spaces.

The visual inspection will consider past and present use(s) of the property that may adversely impact the soil and/or ground water. The ASTM Environmental Transaction Screen Questionnaire is utilized to facilitate this process.



#### (4) Interviews.

Basics environmental professionals will interview easily accessible site contacts (property/site managers, environmental managers, real estate agents, local county personnel, etc.) with knowledge of the current and past uses and physical characteristics of the property. The ASTM Environmental Transaction Screen Questionnaire is utilized to facilitate this process.

#### (5) Summarizing Report.

This phase of the assessment concludes with a report describing the results of the historical review, site visit and database records evaluation.

**ASTM Environmental Transaction Screen + Local Regulatory Agency File Review.** The Environmental Transaction Screen + Local Regulatory Agency File Review is typically utilized for *commercially zoned sites which currently do not utilize hazardous materials, however may have utilized hazardous materials in the past.* This scope of work typically involves the following:

- (1) Environmental Database Search
- (2) Historical Research.
- (3) Site Reconnaissance.
- (4) Interviews.
- (5) Local Regulatory Agency File Review.

A review of local enforcing agency (Regional Water Quality Control Board, County Environmental Health, local Fire Department, etc.) personnel and files, where reasonably available and to the extent necessary, will be conducted to identify sites with "known" or "potential" contamination and "environmentally sensitive business activities" on or adjacent and/or "perceived" up gradient of the subject property. The files will be reviewed to determine: (1) if the identified known or potential properties are listed on the regulatory databases; (2) if there are any issued environmental permits; (3) if there have been any notice of violations; (4) if any corrective actions have been taken; (5) if there have been any complaints; (6) if there have been any environmental investigations; and (7) if there is any other pertinent environmental information.



(5) Summarizing Report.

This phase of the assessment concludes with a report describing the results of the historical review, site visit, database records evaluation and local regulatory agency file review.

**ASTM/AAI Phase I Environmental Site Assessment.** The Phase I Environmental Site Assessment is typically utilized for *residential or commercially zoned sites which currently utilize hazardous materials or want to avoid environmental liability through the “Innocent Landowner Defense”*. This scope of work typically involves the following:

(1) Environmental Database Search

(2) Historical Research.

In addition to the historical research performed as part of an Environmental Transaction Screen, the Basics environmental professionals will obtain and interpret at least one reasonably ascertainable historical resources within specific time frames (typically every five to ten years). Historical research of the property and the surrounding properties typically extend far back as 1940 or first development of the property.

(3) Site Reconnaissance.

(4) Interviews.

(5) Local Regulatory Agency File Review.

In addition to the local enforcing agency files review as performed as part of an Environmental Transaction Screen + Local Regulatory Agency File Review, Basics environmental professionals will review building department records and fire department records. The files will be reviewed to determine: (1) if there are any issued environmental related permits; and (2) if there is any other pertinent environmental information.

(6) Physical Setting Evaluation.

Environmental professionals will obtain, where reasonably available, site geological information. Data may be obtained from available topographic elevation maps, soil lithology maps, surficial geological maps, bedrock geology maps, and ground-water maps.



## (7) Summarizing Report.

This phase of the assessment concludes with a report describing the results of the historical review, site visit, database records evaluation and local regulatory agency file review. In addition, site topographical location maps, site layout representative maps, representative site photographs, and any other relevant information will be included.

### ***Conclusions and Environmental Issues***

The objective of any degree of environmental due diligence is to identify potential environmental issues associated with a property. If findings indicate hazardous materials in any quantity are being utilized or have been utilized in the past on the property, then this would constitute an environmental issue.

Environmental issues are separated into two categories: recognized environmental conditions and de minimus conditions.

#### (1) Recognized Environmental Condition (REC).

*Recognized environmental conditions means, "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on a property or into the ground, groundwater, or surface water of the property."*

Basically, evidence was discovered that there is a significant potential that a hazardous substance has been released from its operation onto (or into) the surface and may be subject to government enforcement

#### (2) De minimus condition.

*De minimus condition means, "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that did not indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on a property or into the ground, groundwater, or surface water of the property,"*





Basically, no compelling evidence was discovered that there is a significant potential that a hazardous substance has been released from its operation onto (or into) the surface and are not likely to be subject to government enforcement.

Because ultimately it remains the user who accepts the liability for having entered into a chain of title, it remains important that the user recognize that the “risk tolerance” of a regulatory agency could change, as could be the case if information is later uncovered to suggest that the de minimus conditions (i.e., those that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies) are of greater significance than once thought.

Based on the de minimus condition stated above, additional scope of services, may or may not disclose information which may significantly reduce the “risk tolerance” in connection with the acquisition of a parcel of commercial real estate.

### ***Phase II Site Investigations***

If findings indicate recognized environmental conditions, then further investigation and documentation is warranted.

#### **(1) Limited Phase II Environmental Site Sampling.**

A Phase II site investigation is the evaluation of recognized environmental conditions (i.e. confirmation of the significant potential of a release into soil, groundwater, or structures on a property).

Basically, soil and/or ground water sampling is required to address the potential that a hazardous substance has been released from its operation onto (or into) the surface.

This phase of an environmental assessment can require multiple steps, however, typically starts out as a private investigation (i.e. Limited Phase II Environmental Site Sampling).

If results of the sampling indicates levels of hazardous materials in the soil and/or ground water above the local regulatory action levels, recommendations for further review by the federal or state and local agencies is warranted. A report of positive contamination may require the owner/operator to define or provide more specific information about the release into soil, groundwater, or structures on a property, etc. subject to government enforcement (i.e. additional Phase II Site Investigations).



## (2) Baseline Environmental Sampling.

If findings indicate de minimus conditions, then further investigation and documentation is optional.

Baseline Environmental Sampling is the evaluation of de minimus conditions (i.e. confirmation of a potential release into soil, groundwater, or structures on a property).

Basically, soil and/or ground water sampling is optional (based on the environmental risk level required by the client) to address the potential that a hazardous substance has been released from its operation onto (or into) the surface.

If results of the sampling indicates levels of hazardous materials in the soil and/or ground water above the local regulatory action levels, recommendations for further review by the federal or state and local agencies is warranted.



## ***Basics delivers the environmental due diligence you demand.***

### ***Proven Performance***

Basics specializes in performing Phase I & II Environmental Site Assessments and Environmental Compliance Audits for real estate transactions on a quick turnaround basis. Throughout Mr. Tom's environmental career he has been involved with performing environmental site assessments for real estate transactions almost since the inception of Property Transfer Assessments, as they were called in the 1980's. Since that time Mr. Tom has performed thousands of environmental assessments and has seen the industry mature and reports become standardized under ASTM in 1994 and AAI in 2006.

Basics was formed by Mr. Tom to apply his in-depth knowledge of the Phase I & II industry and provide the required due diligence demanded by the financial industry and compile the data and recommendations into professionally stamped high-quality reports quickly and cost-effectively in accordance with industry standards and/or client defined protocols. Basics specializes in providing only these "basic" Phase I & II environmental reports for sites throughout Northern California and as such we believe our Phase I & II environmental site assessment reports are the best in Northern California!

As an "approved environmental consultant" with almost all of the major financial institutions as well as a U.S. Small Business Administration (SBA) preferred contractor, Basics implements various Phase I environmental site assessment studies and Phase I environmental reviews for properties under consideration by public and private financial institutions for real estate transfer and financial transactions.

The various environmental site assessment studies ranged in scope from performing ASTM Environmental Transaction Screens to Full ASTM/AAI Phase I Environmental Site Assessments. In addition, expert opinion and recommendations were given on prior environmental reports performed by other environmental professionals. Sites assessed have ranged from commercial office buildings and motels to gasoline service stations and hazardous waste processing facilities.



## ***References***

Below is a brief list of references who can attest to the overall firm capabilities, performance and quality of work products. In addition, copies of letters of recommendation have been attached.

- The Mechanics Bank  
1111 Civic Drive, Suite 240  
Walnut Creek, CA 94596  
Mr. Tony Barsotti (925) 256-3015  
Mr. Mark Corsa, MAI (925) 256-3071  
(Various Phase I/II/III Reports)
- River City Bank  
2485 Natomas Park Drive  
Sacramento, CA 95833  
Mr. Patrick McHone (916) 567-2640  
Ms. Karrie Blevins (916) 567-2732  
(Various Phase I Reports)
- Wells Fargo Bank  
1298 East 14th Street, Suite 320  
San Leandro, CA 94577  
Mr. Mark Raffield (415) 336-0465  
(Various Phase I/II Reports)
- California Bank of Commerce  
3595 Mt. Diablo Boulevard, 2<sup>nd</sup> Floor  
Lafayette, CA 94549  
Mr. Tom Park (925) 283-2265  
Ms. Terry Guillory (925) 283-2265  
(Various Phase I Reports)
- Fremont Bank  
39176 Fremont Blvd.  
Fremont, California 94538  
Ms. La Wana Whitley (925) 315-3890  
Ms. Kim Nguyen (925) 315-3734  
Mr. Ron La Rusa (510) 612-2346  
(Various Phase I Reports)



- First Republic Bank  
1400 Civic Drive  
Walnut Creek, CA 94596  
Mr. Doug Cook (925) 952-8296  
Ms. Houg Le (925) 952-8290  
(Various Phase I Reports)
- Cathay Bank  
2010 Tully Road  
San Jose, CA 95122  
Mr. Edward Wong (408) 238-8880  
Ms. Tracy Trinh (408) 238-8880  
(Various Phase I Reports)
- Bay Area Development Company  
1801 Oakland Boulevard, Suite #100  
Walnut Creek, CA 94596  
Mr. Joe Lampe (925) 926-1020  
Mr. Robert Thompson (650) 472-5603  
(Various Phase I/II Reports)
- Capital Access Group  
150 California Street, Suite 250  
San Francisco, CA 94111  
Ms. Jacquelin Jordan (415) 217-7600  
Mr. Kurt Chambliss (925) 786-7777  
(Various Phase I/II/III Reports)
- Capital Funding  
5428 Watt Avenue  
N. Highlands, CA, 95660  
Dennis Funkhouser (916) 339-0456  
(Various Phase I/II Reports)
- U.S. Bank  
101 California Street, Suite 130  
San Francisco, CA 94111  
Mr. Ole Tustin (415) 399-8068  
(Various Phase I/II/III Reports)



**WACHOVIA**

November 30, 2007

To Whom It May Concern:

I highly recommend Basics Environmental, Inc. based on my experience of utilizing the company for obtaining environmental due diligence reports over the past 10 years. Donovan Tom and his associates at Basics Environmental, Inc, provide comprehensive reports within a short period of time at fair price. My clients and Wachovia Small Business Capital have benefited greatly over the years by using this company's services.

Please do not hesitate to contact me for any questions.

Mark Raffield  
VP/Senior Business Development Officer  
Wachovia Small Business Capital  
1690 20th Avenue  
San Francisco, CA 94122  
Tel: 415-242-0486  
Fax: 415-242-0487  
Cell: 415-336-0465  
Email: [mark.raffield@wachoviasbc.com](mailto:mark.raffield@wachoviasbc.com)



185 Berry Street, Suite 4809  
San Francisco, CA 94107-1726  
415 357-1722  
415 862-7722 fax

August, 2000

Mr. Donovan Tom, R.E.A.  
116 Glorietta Blvd.  
Orinda, CA 94563

To Whom It May Concern:

US Bank, SBA Division has used Basics Environmental's services for over four years in environmental issues that face our transactions.

Donovan Tom and Basics Environmental has been the environmental consultant for most Commercial Real Estate loans originating from the San Francisco Loan Production Office. In every project (40+), Basics has exceeded expectations in timing, so much so that Donovan has earned the respect and admiration of many of our brokers and borrowers for his sense of urgency and expertise.

Donovan's professional detail and close personal attention are displayed in every deal. In addition, his solid environmental contacts in business and regulatory agencies throughout the Bay Area have further expedited the work process. We appreciate his work ethic and value the relationship.

We openly recommend Basics to clients and colleagues alike.

Sincerely,

A handwritten signature in black ink, appearing to read "Ole Tustin". The signature is written in a cursive, flowing style.

Ole Tustin  
Vice President  
SBA Business Development  
US Bank SBA Division, San Francisco



June 3, 1997

Mr. Donovan G. Tom, R.E.A.  
Basics Environmental  
46 Circle Creek Court  
Lafayette, CA 94549

To whom it may concern:

Bank of Commerce has used Donovan Tom's services for over one year in environmental issues that face our transactions.

Donovan Tom and Basics Environmental has been the environmental consultant for most Commercial Real Estate loans originating from the San Francisco Loan Production Office . In every project, Basics has exceeded expectations in timing. Donovan's professional detail and close personal attention are displayed in every deal. We appreciate his work ethic and value the relationship.

We openly recommend Basics to clients and colleagues alike.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Phillips".

Jeff Phillips  
Vice President  
SBA Business Development  
San Francisco L.P.O.





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**THE MECHANICS BANK**

The East Bay's most trusted bank. Since 1905.

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7 February 1997

Donavan G. Tom, R.E.A.  
Basics Environmental  
46 Circle Creek Court  
Lafayette, CA. 94549

Re: Recommendation of Basics Environmental

Dear Sir/Madam,

Basics Environmental has been providing environmental assessment services to The Mechanics Bank for the past several years. He has assisted me and several of my colleagues on many of our construction, mixed use, and industrial commercial loan transactions requiring Environmental Transaction Screens and Environmental Phase I Site Assessments.

Mr. Tom has demonstrated an ability to meet or exceed the standards set forth by our institution and the environmental industry. Mr. Tom is professional, provides a quality product, and has always delivered product in a timely manner.

For these reasons, we recommend the engagement of Basics Environmental for use in assessing environmental conditions of real property to other financial institutions and other users in need of environmental assessment services.

Most sincerely,

Patrick T. McHone  
Vice President  
Corporate Banking Department  
Walnut Creek Office



**GRAND PACIFIC  
FINANCING CORP.**

1350 Bayshore Hwy., Suite 520  
Burlingame, CA 94010  
Phone: (415) 342-2552  
Fax: (415) 348-3922

February 5, 1997

Donavan G. Tom, R.E.A.  
Basics Environmental  
46 Circle Creek Court  
Lafayette, CA 94549

To whom it may concern,

Basics Environmental (Basics) has been a valuable asset in providing environmental consulting services for our firm.

They have assisted us in many projects, including Environmental Transactions Screens and Environmental Phase I Site Assessments which have met or exceeded protocols set forth by the latest standards set forth by the American Society for Testing and Materials (ASTM) Standard E1528, Standard Practice for Environmental Site Assessments.

In all cases we have found Basics to be very competent and professional firm that has been instrumental in assessing the commercial properties within our portfolio.

We would not hesitate to give a strong recommendation of approval for the services of Basics to anyone who has need for an environmental consultant.

Sincerely yours,

Rita Chao  
Grand Pacific Financing Corp.

# **THE MONEY STORE®**

INVESTMENT CORPORATION

11 March 1997

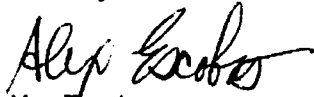
Donavan G. Tom, R.E.A.  
BASICS ENVIRONMENTAL  
48 Circle Creek Court  
Lafayette, Ca 94549

To Whom it may concern,

Finally, we met Donovan Tom who did everything he promised! We are very happy with the way Basics Environmental handled our request for an environmental survey.

As the Business Development Officer for Alameda County, we at The Money Store Investment Corporation want to mention how we appreciated working with your company and the fine level of service you gave us. It would be our pleasure to refer anyone looking for professional environmental services to you and your fine company.

Sincerely,



Alex Escobar  
The Money Store



925-288-9098



**DATE:** 1-12-01  
**TO:** Donavan Tom/ basics environmental  
cc: file  
**FROM:** Serpico Landscaping, Inc. / Sharon Serpico ~~Hanson~~  
**RE:** Environmental Report

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Thank you for the excellent report. It was well researched, well put together and understandable to someone not in your industry.

We have decided not to purchase the property due to the number of problems we have been made aware of. We are thankful for your advice and report as it helped clarify a number of questions we had.

We will absolutely contact you again if we ever need another environmental report.



CUPERTINO NATIONAL BANK & TRUST

Monday June 15, 1998

Donavan G. Tom, R.E.A.  
BASICS ENVIRONMENTAL  
46 Circle Creek Court  
Lafayette, Ca 94549

To Whom it may concern,

Finally, we met Donovan Tom who did everything he promised! We are very happy with the way Basics Environmental handled our request for an environmental survey.

As the Business Development Officer for Alameda and Contra Costa counties, we at Cupertino National Bank want to mention how we appreciated working with your company and the high level of service you gave us. It would be our pleasure to refer anyone looking for professional environmental services to you and your fine company.

Sincerely,

A handwritten signature in black ink that reads "Alex Escobar".

Alex Escobar  
Business Development Officer  
East Bay Region

## **DONAVAN G. TOM, M.B.A., E.P., R.E.P.A.**

**EDUCATION** M.B.A., Management, Golden Gate University, San Francisco, 1988  
B.S., Bio/Medical Physics, University of California, Berkeley; 1987

**REGISTRATION** Registered Environmental Assessor I, 1994 - California #05598  
Registered Environmental Assessor II, 1999 - California #20039  
Registered Environmental Property Assessor, 2013 - NREP #213165

### **PROFESSIONAL HISTORY**

1994 - Present	Principal Consultant, Basics Environmental, Inc. Oakland, California
1992 - 1996	Environmental/Sales Manager, MWW Global/The MARK Group, Inc., Pleasant Hill, California
1991 - 1992	Senior Environmental/Marketing Specialist, AECOM/Metcalf & Eddy, Inc., Santa Clara/Redwood City, California
1989 - 1991	Environmental/Marketing Coordinator, Kleinfelder Inc., Walnut Creek, California
1988 - 1989	Marketing Intern, Legal Assistance for Seniors Inc., Oakland, California
1988	Environmental Marketing Intern, Berkeley, California
1985 - 1987	Chemistry Intern, University of California, Berkeley, California

### **PROFESSIONAL AFFILIATIONS**

Professional Environmental Marketers Association - Board of Directors (92-94)  
Chinese American Environmental Protection Association - Member  
California State Bar Association of Environmental Law - Member  
Commercial Investment Marketing Forum - Member  
Northern California Commercial Association of Realtors - Member  
Association of Commercial Real Estate - Member  
City of Berkeley Breakfast Club - Member

### **SUMMARY**

Mr. Tom has over twenty years of professional experience in the environmental consultancy industry. He is an expert in managing, conducting and reviewing all phases of environmental site assessments involved in real estate transactions. Mr. Tom has specifically supervised, managed and directed activities relating to the development of hazardous substance or hazardous waste site cleanup opinions using industry standards (ASTM) and preliminary endangerment assessment (PEA) and All Appropriate Inquiry (AAI) protocols and procedures. These opinions have included determining whether a significant release has occurred, whether a response action is needed, and determining the activities needed to adequately reduce environmental risk. Mr. Tom, along (along with geologists, toxicologists, chemical engineers, and other environmental professionals, as necessary) has conducted environmental assessments and investigations; directed and performed site investigation and remediation activities; evaluated site information and data and rendered opinions derived from that data; defined the work required to reduce risk from contamination; and, determined and certified that all work necessary to reduce risk from contamination has been properly conducted and that all work has been completed.

### **SELECTED PROJECT EXPERIENCE**

- Managed and conducted a comprehensive Phase I and II environmental assessment of a former auto dismantler facility in Oakland, California. Performed the review of Federal, State and local regulatory agency records, aerial photos, and historical maps; site inspections; hydrogeologic review; personal interviews regarding previous and present hazardous material operating activities conducted at sites; and oversaw the drilling, sampling, and logging of soil borings and groundwater sampling for petroleum hydrocarbons, solvents, and metals. Secured all necessary

permits, prepared drawings and reports, negotiated with regulatory agencies on behalf of the client, and developed workplan for follow-up health risk assessment and remedial actions.

- Managed and conducted a comprehensive Phase I and II environmental assessment of a multi-tenant industrial facility in San Leandro, California. Performed the review of Federal, State and local regulatory agency records, aerial photos, and historical maps; site inspections; hydrogeologic review; personal interviews regarding previous and present hazardous material operating activities conducted at sites; and oversaw the sampling, and logging of soil and groundwater sampling as part of the final closure of former underground storage tanks at the site for petroleum hydrocarbons. Secured all necessary permits, prepared drawings and reports, negotiated with regulatory agencies on behalf of the client for site closure.
- Managed and conducted a comprehensive Phase I and II environmental assessment of a multi-tenant auto maintenance facility in Walnut Creek, California. Performed the review of Federal, State and local regulatory agency records, aerial photos, and historical maps; site inspections; hydrogeologic review; personal interviews regarding previous and present hazardous material operating activities conducted at sites; and oversaw the sampling, and logging of sediment and surface water sampling of impacted sumps for petroleum hydrocarbons, solvents, and metals. Secured all necessary permits, prepared drawings and reports, negotiated with regulatory agencies on behalf of the client, and implemented follow-up cleanup actions.
- Managed and conducted a comprehensive Phase II and III environmental site investigation and site closure of a construction maintenance yard in San Leandro, California. Managed and developed the remedial workplan for the excavation, sampling, and logging of soil impacted with petroleum hydrocarbons from former underground storage tanks. Managed the installation of ground water monitoring wells and subsequent sampling. Secured all necessary permits, prepared drawings and reports, and achieved site closure with regulatory agencies.
- Managed and conducted a comprehensive environmental assessment and facility compliance audit for two large steel processing facilities in Richmond, California. The environmental assessment was performed under Bank of America, Wells Fargo Bank and ASTM standard protocols. The facility audit included the review of all environmental documents pertaining to the general facility, Clean Air Act, Clean Water Act, Resource Conservation Recovery Act (RCRA), Storage Tanks, Emergency Planning and Community Right To Know, Polychlorinated Biphenols (PCBs), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and Environmental Management Pollution Prevention. A summary report describing the results of the environmental assessment and facility audit was completed on a "fast-track" basis within a two week period to meet the financial deadline.
- Managed and conducted a comprehensive Phase I Environmental Site Assessment for a large former shipyard facility in Alameda, California. The facility consisted of over 50 acres with numerous structures, and had an industrial history dating back to 1912. Performed the review of Federal, State and local regulatory agency records, aerial photos, and historical maps; site inspections; hydrogeologic review; personal interviews regarding previous and present hazardous material operating activities conducted at sites, and prepared drawings and reports. A summary report identifying areas of concern and further recommendations was completed on a "fast-track" basis within a two week period over the Christmas Holidays to meet the financial deadline.
- Managed in the preparation of an Oil Spill Contingency Plan (OSCP) for the County of Solano Office of Emergency Services. Work was performed according to Title 14, Subdivision 4 of the California Code of Regulations and with local agency coastal programs such as Marine Oil Spill Contingency and National Contingency Plans.

- Managed and performed the in-depth historical and environmental research to be used in as part of a litigation dispute between the State of California Department of Transportation and a large oil refining and marketing company. Gathered information from federal, state and local regulatory agencies, historical societies, universities and libraries, and aerial photographic libraries.
- Coordinated an environmental team of seven (7) environmental specialist for the conductance of thirty four (34) preacquisition environmental assessments for a large financial institution within the San Francisco Bay Area. Work performed included planning, budgeting, and scheduling for the review of Federal, State and local regulatory agency listings, title reports, and aerial photos; site inspections; asbestos surveys; hydrogeological review; personal interviews regarding previous and present hazardous material operating activities conducted at sites; and summary reports describing the results of the site visits and site history evaluations. All 34 assessments were completed on a "fast-track" basis within a two week period during a holiday period.
- Conducted a comprehensive regulatory agency list of all documented underground storage tank leak and toxic spill leak sites within the entire county of Santa Clara for the JP Morgan Investment Management Group. Work included the compilation and tabulation of all Federal, State and local regulatory agency listings into one complete report referenced by city complete with several maps denoting site location and type of spill.
- Performed data analysis and technical report preparation for the recently completed Trench Spoil Management Plan for the East Bay Municipal Utility District (EBMUD). Provided review of collected data and information regarding trench spoil characterization, usage, transportation and disposal. Assisted in the development of the decision and process flow diagrams and management tools utilized within the Trench Spoils Management Plan.
- Conducted numerous Phase I Property Transaction Assessments under ASTM and Financial Institution Guidelines for various financial institutions within California. Representative financial institutions include the following:
  - Federal Deposit and Insurance Corporation, Various Bay Area
  - The Mechanics Bank, Various Northern California
  - California Bank of Commerce, Various Northern California
  - River City Bank, Various Northern California
  - Fremont Bank, Various Northern California
  - First Republic Bank, Various Northern California
  - Cathay Bank, Various Northern California
  - Scott Valley Bank, Various Northern California
  - U.S. Bancorp, Various Northern California
  - Bank of the West, Various Northern California
  - Comerica Bank, Various Bay Area
  - Wells Fargo Bank, Various Bay Area
  - Bank of America, Various Bay Area
  - Bank of Alameda, Various Bay Area
  - General Bank, Various Bay Area
  - Wachovia Small Business Financial, Various Northern California
  - Capital Access Group, Various Bay Area
  - TMC Development, Various Bay Area
  - Greater Sacramento Development, Various Northern California
  - Bay Area Development, Various Northern California
  - Grand Pacific Financing Corporation, Various Bay Area
  - Union Bank, Fairfield
  - East County Bank, San Francisco



- Managed and conducted numerous Phase I and Phase II Environmental Site Assessments (ESAs) and facility evaluations for various light and heavy industrial facilities within California. Work performed typically included the review of Federal, State and local regulatory agency records, title reports, aerial photos, and historical maps; site inspections; hydrogeologic review; personal interviews regarding previous and present hazardous material operating activities conducted at sites; and summary reports describing the results of the site visits and records evaluations. Representative projects include the following:

- Electric Batter Facility, Burlingame
- Former UPS Facility, San Mateo
- LTM Construction Facility, San Leandro
- Former Southland Gas Station, San Francisco
- Shell Gasoline Stations, Sacramento Area
- Del Monte Produce Facilities, Tracy
- NewStar Produce Facilities, Salinas
- Woodworking Warehouse, San Francisco
- Empire Computer Components, Santa Clara
- Intelmatic, Fremont
- Lairds Plastics, Santa Clara
- TCL Circuit Boards, Fremont
- Codioli Motor Company, Livermore
- Crystal Springs Medical Facility, San Mateo
- Former Fish Farm Ponds, Gustine
- Central Dry Cleaners, South San Francisco
- Former J&R Autodismantlers, Oakland
- Former BF Goodrich Tire Facility, Oakland
- Carlisle Plastics, Brisbane
- Former Le Gas Station, Lafayette
- J&R Autodismantlers, Oakland
- Cummings Hwy Extension, Crockett
- Jay Forni Steel Pipe Facility, Concord
- St. Regis Retirement Center, Hayward
- Royal Kennels, Hayward
- J. Lohr Winery, San Jose
- Whalen Medical Facility, Oakland
- Turman Painting Facility, Livermore
- Oyster Point Culvert/Hwy 101 Interchange, South San Francisco
- River Street Automotive Center, Santa Cruz
- Dixon Convalescent Home, Dixon
- Fibreboard Wood Products Parcels, Stanislaus National Forest
- Former Chevron Station, Stockton
- Former Chevron Station, Berkeley
- Pinole Point Steel Facility, Richmond
- Colorstrip Facility, Richmond
- IC Sensors Facility, Sunnyvale, Milpitas
- Ice Chalet Ice Skating Rink, San Mateo
- Montgomery Wards Auto Center, San Mateo
- Valley Automatic Fuels, San Jose
- Auto Mechanic Center, Santa Clara
- Mann Packing Co., Salinas
- City of Santa Rosa, Hotel/Convention Center
- Byron Union School District, Byron
- Devcon Airport Business Park, Santa Rosa
- Pizzagoni Towing, Antioch
- Ace Recyclers, Oakland
- Golden Gate Lumber, San Rafael

- Lee Mah Laundry, San Francisco
  - East Bay Out Patient Surgery, Oakland
  - Crestwood Hospital, Vallejo
  - Robert Bond Parking Structure, Oakland
  - City of Pittsburg Shop 'n' Save, Pittsburg
- Conducted numerous Phase I Environmental Site Assessments (ESAs) and facility evaluations for various real estate developers within California. Representative projects include the following:
    - Contra Costa County Real Property Division, Various Locations
    - C&H Development, Various Northern California
    - Lafayette Town Center, Lafayette
    - Mariners Square Associates, Alameda
    - Children's World, Vacaville
    - Clark Avenue Office Complex, Dublin
    - Fillmore Marketplace Complex, San Francisco
    - Sierra Business Center, Dublin
    - Woodfield Complex, North Highlands
    - Gholami Properties, Walnut Creek
    - Vosti Properties, Santa Cruz
    - 318 Diablo Road Office Complex, Danville
    - Castlewood Properties, Pleasanton
    - Valley Vista Tennis Club, Walnut Creek
    - Mills Corporation, San Mateo Fashion Island Shopping Mall
    - Sammis Development, Fremont, Fairfield, Sunnyvale
    - Urban Frontier Development, San Francisco
    - Koll Company, San Jose
    - Setinel Real Estate, Benecia
    - Windsor Business Park, Windsor
    - Solano Avenue Partners, Napa
    - Toys "R" Us, San Rafael
    - AIG Partners, Vacaville
    - Lincoln Properties, San Ramon
    - Harbor Bay Isle Associates, Alameda
    - Hayman Homes, Burlingame
    - Brenn Company, Danville
    - Trans Pacific Metro Center, Foster City
    - Garrett Development, West Pittsburg, Antioch
    - Heinz Development, Vacaville
    - David Powers and Associates, San Jose
    - Cushman and Wakefield, Solano Business Park, Fairfield
    - Lazzarini Properties, Fairfield
    - Franklin Properties, Fremont
    - Oakmont Developers, Santa Rosa
    - Trans Pacific Metro Center, Foster City
    - Chase National Corporation Services, Pleasanton
    - A M Homes, San Jose
    - Housing Associates Napa Development, Napa
    - Speiker Partners, Milpitas, San Jose
    - Jonathan Development Group, Danville

## PUBLICATIONS

Tom, Donovan G., Reilly, Thomas C., and Spare, Robert S., "Subsurface Landfill Fires: Management By Evaluation", Waste Age Magazine, June 1993, Vol 24, Number 6, pp 271-274.



## Department of Toxic Substances Control

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Winston H. Hickox  
Agency Secretary  
California Environmental  
Protection Agency

Edwin F. Lowry, Director  
1001 "I" Street, 25<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Gray Davis  
Governor

### **THE REA II - SITE MITIGATION AUTHORITY AND EXPERTISE**

The Registered Environmental Assessor II (REA II) has significant authority under existing statutes and regulations to serve an extensive role in environmental programs and site mitigation activities. The REA II is the only environmental manager and practitioner over whom a Cal/EPA office has direct authority, and whose areas of professional environmental expertise are determined by Cal/EPA.

The REA II is a qualified environmental professional who may manage and conduct site investigation, assessment and remediation work at schoolsites, Brownfields, or other potentially contaminated properties. The REA II registration differs from other registrations traditionally used in site investigation and cleanup work by being a strictly environmental registration managed and directed by a Cal/EPA office.

In the role of a "Private Site Manager," the REA II is authorized to supervise, manage and direct activities relating to the development of hazardous substance or hazardous waste site cleanup opinions using preliminary endangerment assessment procedures. These opinions include determining whether a significant release has occurred, and whether a response action is needed.

Regulations (Title 14, California Code of Regulations, Section 19030 et seq.) describe the activities and evaluations that an REA II may perform as a project manager. An REA II:

- Determines the activities needed to adequately characterize hazardous waste or hazardous substance release sites;
- Conducts environmental assessments and investigations;
- Directs and performs site investigation and remediation activities;
- Evaluates site information and data and render opinions derived from that data;
- Defines the work required to reduce risk from contamination; and,
- Determines and certifies that all work necessary to reduce risk from contamination has been properly conducted and that all work has been completed.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov).*

Regulations specify that an REA II must meet certain performance standards when conducting, developing, performing or directing the following activities:

- Preliminary Endangerment Assessments;
- Remedial Investigations/Feasibility Studies;
- Remedial Design;
- Remedial Action;
- Remedial Action Plans;
- Corrective Action Plans;
- Removal Action Workplans; and,
- Remedial Work.

The REA II is not permitted to claim the privileges of a Department of Consumer Affairs (DCA) registrant, or the privileges of any other registration, certification or license unless the REA II holds that particular credential. Whether a particular activity requires professional registration typically can only be determined on a case-by-case basis. An REA II may obtain the assistance of registered subcontractors for the performance of any work requiring professional registration while performing environmental assessment and restoration activities, as long as the work is incidental to the business of the REA II. Any subcontractor's work, or the work performed by others, must be properly cited in any report prepared by the REA II. The REA program can assist registrants or interested parties in evaluating whether the activities of an REA II may be in an area reserved for other licensed professionals. The REA program will also disseminate useful information pertaining to the practice of other registered professionals to all REA II's.

In performing work activities, the REA II is charged to hold paramount the public health, safety and welfare, and to follow all applicable performance standards while conducting work activities. Regulations specify the performance standards for the work activities of an REA II. The REA program may randomly audit the work products of its registrants to ensure that all applicable performance standards are met. We will also investigate work-related complaints about registrants and will, if necessary, take disciplinary actions, or rescind the registration of an REA II whose work does not meet applicable performance standards.

For additional information about the program, its regulations, and applicable laws please review the other information on the REA program website <http://www.dtsc.ca.gov/REA/index.html> or contact the REA program at (916) 324-6881.