

JAMES C. SOPER, INC.  
PHILIP M. JELLEY, INC.  
JOHN L. McDONNELL, JR.  
GERALD C. SMITH  
LAWRENCE R. SHEPP  
LLEWELLYN E. THOMPSON II  
RICHARD T. WHITE  
MICHAEL P. WALSH  
J. BRITTAIN HABEGGER  
VIRGINIA PALMER  
STEPHEN M. JUDSON  
STEPHEN M. WILLIAMS  
BETTY J. ORVELL  
JONATHAN W. REDDING  
TIMOTHY W. MOPPIN  
KRISTIN PACE  
MICHAEL M. K. SEBREE  
ANTONIA L. BROADDUS

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

90 DEC 31 AM 11:25  
225 BROADWAY, 21ST FLOOR  
OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (415) 451-3300

R. M. FITZGERALD 1858-1934  
CARL H. ABBOTT 1867-1933  
CHARLES A. BEARDSLEY 1882-1963

STACY H. DOBRZENSKY  
OF COUNSEL

TELECOPIER: (415) 451-1527

December 21, 1990

Mark Borsuk, Esq.  
87 Rico Way  
San Francisco, California 94123

COPY

Re: Harrison Street Garage

Dear Mr. Borsuk:

This letter responds to your letter of December 6, 1990, and is written following our conversation of December 19, 1990. You have requested that my client remove several barrels of contaminated soil which contain the soil "cuttings" from boring holes made in connection with subsurface investigations at the Harrison Street Garage. As I informed you, we must decline your request.

It is our position that the contaminated soil was generated when gasoline escaped from leaking underground tank facilities, pipelines and sumps. The amount of contaminated soil in the barrels is de minimus, representing a total volume of approximately one cubic yard. It is common practice throughout the state that soil cuttings of contaminated soil are disposed of in the same manner and at the same time as the contaminated soil which is removed from the tank excavation area. At the Harrison Street Garage, your own expert had admitted that at least a hundred cubic yards of contaminated soil will be removed during the tank removal process. Assuming aeration or biotreatment of the soil prior to disposal, marginal cost of treating the one yard of soil would be approximately \$30.00 to \$40.00. On the other hand, the separate treatment of and disposal of one cubic yard will cost several thousand dollars.

Your clients are solely responsible for the contamination. They cannot seek to require defrauded tenants to bear any portion of the expense of remediation. This is especially true since the soil cuttings at issue were by-products of tests which your clients had an obligation to perform years before. Indeed, it is only because our clients had the tests performed at all that the massive extent of contamination came to light in the first instance.

Accordingly, the request is patently unreasonable and unwarranted and is rejected in its entirety.

At your request, however, I have authorized Subsurface Consultants to go to the site and label the drums, if it has not already been done.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By

Jonathan W. Redding

JWR:mah

cc: Steven Davis  
Jack Provine, Esq.  
Paul Smith

MARK BORSUK  
Attorney at Law

87 RICO WAY  
SAN FRANCISCO, CA 94123  
TELEPHONE: (415) 922-4740  
TELEX: 178249 AAMI SFO CABLE: MARKINSFCA

90 DEC 34 PM 12:08

December 20, 1990

Mr. Jonathan W. Redding  
Fitzgerald, Abbott & Beardsley  
21st Floor  
1221 Broadway  
Oakland, CA 94612  
(415) 451-3300

SUBJECT: Harrison Street Garage  
1432 Harrison St., Oakland  
Abandoned Soil Cuttings  
-----

Dear Mr. Redding:

I write pursuant to our telephone conversation of December 19 regarding the drums of soil cuttings which your consultant abandoned at the Harrison Street garage owned by Alvin Bacharach and Barbara Borsuk. You stated that you believe there is no need to remove the drums until the remediation for the property has begun, and moreover that removal of the drums is Mr. Bacharach's responsibility.

We reject both of these propositions. You hired the consultant to conduct the soil samples on behalf of your client, Mr. Steve Davis, which was at that time in possession of the property. You did so without notice to Mr. Bacharach and you made no effort to obtain his consent to the proposed sampling work. Nor was Mr. Bacharach notified when the work was being done. Moreover, the consultant abandoned the soil cuttings in the drums on the property without Mr. Bacharach's permission. Therefore, it is our position, these drums and their contents are your property, and it was and remains your obligation to characterize and remove these drums as soon as possible.

In light of the potential for public health and environmental impacts stemming from the presence of these drums on the property, we believe that it would be ill-advised at least to allow the drums to remain on the property. Consequently, we intend to remove them ourselves as soon as possible, and will

hold you responsible for the full costs associated with the removal and disposal of these abandoned materials.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Mark Borsuk", written over a horizontal line.

Mark Borsuk

cc: Alvin Bacharach  
James Bowers  
Jack Provine  
Paul Smith

DEPARTMENT OF HEALTH SERVICES  
TOXIC SUBSTANCES CONTROL PROGRAM  
700 HEINZ AVE., BLDG. F, STE. 200  
BERKELEY, CA 94710

90 DEC 19 PM 2:45  
December 19, 1990



Mr. Edgar Howell  
Alameda County Hazardous Waste Program  
80 Swan Way  
Oakland, CA 94621

Dear Mr. Howell:

Enclosed are copies of complaints received by Region 2 of the Toxic Substances Control Program for the month of November 1990. These complaints have already been referred to the county. A computer print-out of all complaints is also included.

Please notify the Department of the date of the inspection and the name of the inspector to assist Region 2 in maintaining its records on referral complaints. If possible, we would like this information by January 15, 1990.

If you have any questions or need additional information, please contact Patti Barni at (415) 540-3860.

Sincerely,

*Charlene F. Williams*

Charlene F. Williams, Chief  
Surveillance & Enforcement Branch  
Region 2  
Toxic Substances Control Program

Enclosures

cc: Gil Jensen  
Alameda County District Attorney's Office

# HELLER, EHRMAN, WHITE & MCAULIFFE

ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

525 UNIVERSITY AVENUE  
PALO ALTO, CALIFORNIA 94301-1908  
FACSIMILE (415) 324-0638  
TELEPHONE (415) 326-7600

333 BUSH STREET · SAN FRANCISCO, CALIFORNIA 94104-2875

CABLE HELPOW · TELEX 184-996 · FACSIMILE (415) 772-6268

TELEPHONE (415) 772-6000

701 FIFTH AVENUE  
SEATTLE, WASHINGTON 98104-7098  
FACSIMILE (206) 447-0849  
TELEPHONE (206) 447-0900

555 SOUTH FLOWER STREET  
LOS ANGELES, CALIFORNIA 90071-2308  
FACSIMILE (213) 614-1868  
TELEPHONE (213) 689-0200

December 13, 1990

1300 S. W. FIFTH AVENUE  
PORTLAND, OREGON 97201-5696  
FACSIMILE (503) 241-0950  
TELEPHONE (503) 227-7400

JONATHAN SEBASTIAN LEO  
DIRECT DIAL (415) 772-6066

550 WEST 7TH AVENUE  
ANCHORAGE, ALASKA 99501-3571  
FACSIMILE (907) 277-1920  
TELEPHONE (907) 277-1900

17409-0001

## BY TELECOPY

Mark Thomson, Esq.  
Deputy District Attorney  
Office of the Alameda County District Attorney  
7677 Oakport Street, Suite 400  
Oakland, California 94621

### Harrison Street Garage Underground Storage Tank Removal and Clean-Up

Dear Mr. Thomson:

This letter is intended to supplement our telephone conversation of Tuesday, December 11, 1990. We discussed the order that the Alameda County Health Care Services Agency issued on July 31, 1990 to my client, Alvin Bacharach (the owner and landlord of the above-referenced property). This order directed him to investigate and, as appropriate, remediate petroleum hydrocarbon contamination from the underground gasoline storage tanks which were installed, owned and operated by a former long-time tenant Douglas Motor Services ("Douglas"). We also discussed the substitution of Douglas for my client on the order. You asked me the following five questions:

1. When did my client first learn about the tank leaks?
2. How did we obtain the 1982 receipt noting the leaking tanks?
3. Did my client receive any share of Douglas' profits from the sale of gasoline in the form of rent?
4. When were the original 550-gallon underground tanks installed?

5. Could we provide you with copies of the earlier leases?

I will respond to each of these questions in turn.

In response to the first and second questions, my client first learned about the leaking tanks in January or February of 1983 when Douglas forwarded the bill from the Robert J. Miller Company seeking reimbursement for those costs from my client. See Attachment 4 to my November 27 letter to Paul Smith. Thus, we obtained the document directly from Douglas. It was my client's clear understanding that Douglas, as the owner and operator of the underground tanks, would take all necessary steps to remedy any problems associated with tank leakage identified by its consultant. Douglas was in the business of selling gasoline, and had expertise in this area. Moreover, my client had no reason to believe that Douglas would not honor the terms of the lease which required Douglas to comply with all laws (see leases paragraph 3) including then-applicable laws requiring the reporting of discharges or releases of petroleum to soil and groundwater. Mr. Bacharach was entirely unaware that Douglas' contractor had simply removed the tank without addressing or remedying the contamination caused by the tank leakage.

Turning to the third question, my client did not receive any share of Douglas' profits from the sale of gasoline. In fact, the rent which Douglas paid to my client was exclusive of such sales. For this reason, Mr. Bacharach declined to pay for the installation of the underground storage tank in 1975. See Attachment 5 to my November 27 letter to Paul Smith. He did contribute approximately 21% of the cost of installing the second underground storage tank in 1982 as a gesture in response to the tenant's increased rent payments from the parking revenue.

In response to your fourth question, unfortunately my client has no documentation regarding the installation of the original 550-gallon tanks on the Harrison Street property. We have checked with the Fire Department, but their files do not contain this information. We will be happy to cooperate with you in any way we can to ascertain this information.

Finally, the leases for the Harrison Street property between my client and Douglas from 1972 through 1988 are enclosed as per your request.

For your further information, Douglas took no action on one of the tanks for at period of a least seven months in 1982 after it had been informed of a release. It was informed on April 19, 1982 by the Robert J. Miller Company ("RJM") that one of the

Mark Thomson, Esq.  
December 13, 1990

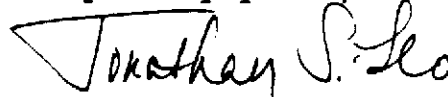
Page 3

underground storage tanks was leaking. On May 4, RJM submitted a bid to pull out and replace the tank. Nevertheless, Douglas took no action until October, when it requested a revised estimate. The tank was not removed until November, 1982.

As an additional matter, we have noticed that Paul Smith, the County Hazardous Materials Specialist handling this matter, has been sending copies of all correspondence with my clients to Jonathan Redding, counsel for Steve Davis, former tenant of the Harrison Street property. Davis relinquished possession of the property on November 6 and has no further interest in the property or the tank removal and clean-up. When I first brought this issue to Mr. Smith's attention last month, he said that he wanted you to respond to this request. Therefore, I would appreciate your instructing Mr. Smith that it is no longer appropriate to forward correspondence in this matter to Mr. Redding since his role in this matter has terminated.

Please let me know if there is any further information that we can provide which would be helpful to you in any way. I look forward to working with you toward a speedy and equitable resolution of this matter, and to meeting with you and Mr. Smith at your earliest convenience to discuss the status of my client (and that of Douglas) on the County's order.

Very truly yours,



Jonathan S. Leo

Enclosures

cc: (all without enclosures)  
Mark Borsuk, Esq.  
Mr. Alvin Bacharach  
Mr. Paul Smith ✓



Mark Thomson, Esq.  
December 13, 1990

Page 4

bcc: Mr. John Cummings

HELLER, EHRMAN, WHITE & McAULIFFE

ATTORNEYS

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525 UNIVERSITY AVENUE  
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TELEPHONE (503) 227-7400

November 27, 1990

JONATHAN SEBASTIAN LEO  
DIRECT DIAL (415) 772-6068

550 WEST 7TH AVENUE  
ANCHORAGE, ALASKA 99501-3571  
FACSIMILE (907) 277-1920  
TELEPHONE (907) 277-1900

BY HAND DELIVERY

Mr. Paul M. Smith  
Hazardous Materials Specialist  
Alameda County Health Care  
Services Agency  
80 Swan Way, Room 200  
Oakland, CA 94621

Re: Harrison Street Garage  
1432 Harrison Street  
Oakland, CA 94612

Dear Mr. Smith:

Your letter order of July 31, 1990, and subsequent letters of August 27 and September 24, name my clients, Alvin Bacharach and Barbara Borsuk, as the parties responsible for the clean-up in the above referenced matter. The order is grossly unjust in this regard. At no time did my clients ever own, operate or in any way control these underground petroleum tanks. They were owned and operated exclusively by Douglas Motor Services/Parking Company ("Douglas"), which leased my clients' property for use as an auto repair shop and parking garage for sixteen years. Douglas, and not my clients, is the party responsible for the contamination and as such is the party that should be named in the County's clean-up order. The County has the legal authority to take action against the actual polluter and equity requires that it do so in this case.

There is no question that Douglas was both the owner and operator of the two underground storage tanks at issue. It bought, installed and owned the tanks, and was responsible for their daily operation. See Health & Safety Code §§25299.19, 25299.20 (defining the terms "operator" and "owner"). Douglas registered itself as the "owner" of the tanks on permits issued by the City of Oakland in both 1975 and 1982 which authorized the installation of the two

Mr. Paul M. Smith  
November 27, 1990

Page 2

tanks. See Attachment 1. In addition, a permit to operate was issued to Douglas in November, 1987 by Alameda County. See Attachment 2. Moreover, Douglas identified itself as the "owner" of these tanks on several State Water Resources Control Board Hazardous Substance Storage Statements. See Attachment 3. The tanks were not used for any purpose once Douglas vacated the premises at the expiration of the lease in March 1988.

Not only did Douglas own, install and operate the tanks; it knew that they leaked. As long ago as 1982, Douglas was put on notice that there were "many leaks in [the] tank and product line." See Attachment 4. Moreover, it is our understanding that Steve Davis (who succeeded Douglas as the tenant of the Harrison Street Garage) testified in a deposition that Douglas had informed him that Douglas had known in 1988 that the tanks were leaking. By contrast, my clients never owned the tanks or had any control over them. Indeed, Douglas did not even inform my clients of its intent to install and operate these tanks. My clients were simply presented with a fait accompli once the tanks were in place. In a 1975 letter to Douglas, Mr. Bacharach declined to pay any of the costs incurred by Douglas relative to the installation of the first tank. See Attachment 5.

State agencies will remove a party named in an abatement order if there is no substantial evidence that the party was responsible for the contamination. See In Re Exxon Order No. 85-7 (1985). In that case the State Water Resources Control Board granted Exxon's petition to be removed from an abatement order regarding a leaking underground petroleum tank in the absence of substantial evidence that Exxon owned the tanks or was responsible for their operation. There is no reason why the County should not follow that precedent here with regard to my clients in light of the overwhelming evidence that they never had anything to do with the tanks at issue. All of the equities in this case weigh heavily against charging Mr. Bacharach and Ms. Borsuk with any of the liability for cleaning up the site, since it is beyond dispute that the contamination was due entirely to the actions of Douglas.

Douglas is the responsible party not only under all precepts of basic fairness, but pursuant to state law as well. The California Underground Storage Tank Act, Health & Safety Code § 25280 et seq., authorizes the County to require all responsible parties to incur cleanup and remediation costs associated with underground storage tanks, not just present landowners. Section 25299.37 provides that:

Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release \* \* \*.

This broad language is inclusive enough to encompass owners and operators of underground tanks even if they leased the premises.

The statute does not limit the scope of liability to owners or operators but includes also "other responsible parties." Surely a prior tenant which installed, owned and operated the tanks for well over a decade falls within this category. In a similar case involving a prior lessee's responsibility for petroleum contamination the State Water Resources Control Board found:

[Lessee's] lack of present control is not relevant. Responsibility for a problem created in the past is.

In Re Stuart Petroleum, Order No. WQ 86-15 at 8-9 (1986). ✓

As the owner, operator and party responsible for the tanks, Douglas was required to close the tanks pursuant to Health & Safety Code §25298(c). Moreover, §25298(a) prohibits abandonment of underground tanks. Douglas blatantly violated these express code sections by failing to remove the tanks and clean up the site when its lease ended in 1988. In addition, Water Code §13272, provides that "persons," which would include Douglas, must notify the state regarding any discharge to water of oil or petroleum. At no time did Douglas comply with this mandate although it knew about the gas leakage since 1982, the year §13272 was enacted. These code violations further argue in favor of naming Douglas as the party responsible under the County's current clean-up order.

Douglas is also responsible for site assessment and closure under federal law. The state statute, Health & Safety Code §25299.37(e), provides that the federal Underground Storage Tank Act, 42 U.S.C. § 6991 et seq., is applicable to corrective actions which must be taken by responsible parties. Under the federal regulations, 40 CFR §280.73, owners and operators of USTs which are permanently closed before December 1988 -- and this system was permanently abandoned as of March 1988:

must assess the excavation zone and close the UST system in accordance with this subpart if releases from the UST may, in the judgment of the implementing agency, pose a current or potential threat to human health and the environment.

Thus, under federal law, which is applicable here by way of Health and Safety Code Section 25299.37(e), Douglas is directly responsible for evaluation and closure of the site.

Mr. Paul M. Smith  
November 27, 1990

Page 4

Finally, Douglas is responsible for removal and cleanup of the tanks pursuant to the lease agreement with my clients in several respects. First, the lease contains an express statement that:

Lessee agrees to keep, save, and hold Lessor free from all liability, penalties . . . from any causes whatsoever, including leakage . . .

See January 30, 1981 Lease ¶9, Attachment 6. Thus the parties specifically agreed that Douglas, and not the landlord, would bear the responsibility of damages and costs associated with leakage from the tanks.

Second, the lease provides that the lessee agrees to: repair and maintain the demised premises in compliance and conformity with all laws and ordinances, municipal, state, federal and/or any other governmental authority and all lawful requirements or orders of any . . . [government] in anyway relating to the condition, use or occupancy of the . . . premises throughout the entire term of this lease and to the perfect exoneration from liability of the lessor.

Lease ¶ 3. Thus, the parties contemplated that any statutory or regulatory violation occurring during the term of the lease was to be Douglas' sole responsibility.

Third, the lease establishes that the landlord had the express right to request that Douglas remove any fixtures installed by Douglas. See Lease ¶ 5. At least one court has held that a UST is a removable fixture which does not become a part of the realty. See Murr v. Cohn (1927), 87 Cal. App. 478. The critical issue, the court stated, was the intent of the parties. In this case, Mr. Bacharach specifically informed Douglas in 1988 (the year the lease expired) that it was responsible for the remediation of any contamination caused by leakage from the tanks.

In sum, it is our position that Douglas, and not the landowners, is the party entirely responsible for the contamination of the Harrison Street property under both applicable law and the lease agreement. The equities here argue overwhelmingly in favor of substituting Douglas for my clients in the County's cleanup order.

I would also like to take this opportunity to address the issues raised in your letter of September 24. In that letter you instructed my clients to remove the liquid remaining in the tanks

Mr. Paul M. Smith  
November 27, 1990

Page 5

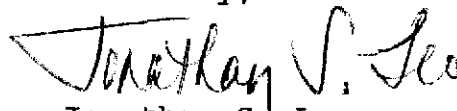
prior to their removal. You requested a response to this, and the other concerns raised, within fourteen days. On October 12 SCS Engineers, my clients' consultant, wrote to you in response and informed you that it had attempted to remove the remaining liquid from the tanks on October 3 but was denied access by Steve Davis, the tenant on the premises at that time. Access to the site was eventually provided and all of the product was removed from both the waste oil and the gasoline tanks on October 27. See Uniform Hazardous Waste Manifest, Attachment 7. We would like to discuss this activity with you when we meet.

Your September 24 letter also refers to the need for a preliminary site assessment to assist in the determination of the amount and extent of site contamination and suggested that tank excavation and soil stockpiling may present human health hazards. We want to discuss these concerns with you, as well as the timing of tank removal and the other issues raised previously in this letter, as soon as possible.

We believe that a meeting with you, the Alameda County District Attorney and us (including our consultant) is far preferable to telephone communication and is also more likely to result in a quicker resolution of the issues. To that end, we request such a meeting on Friday, November 30 (when our consultant, Dr. John Cummings of SCS, will be available).

Please call me as soon as you have had the chance to review this letter and discuss it with the District Attorney, so that we can schedule the meeting. Thank you very much for your cooperation in this matter.

Sincerely,

  
Jonathan S. Leo

Attachments

cc: Mr. Alvin Bacharach  
Mr. Mark Borsuk  
Gil Jensen (Alameda County D.A.)

COMPLAINT REPORT FORM  
(Use ball-point pen.)

Is this an emergency? Yes  No  If yes, call the Office of Emergency Services (OES): 800-852-7550

Log Number: 02.100.0037 Date Complaint Received: 10/26/90 Time: 12:45 Received By: C. Younts

Has a Proposition 65 notification been made?  Yes  No

INFORMANT	ALLEGED RESPONSIBLE PARTY
Name: <u>Lew Schalit</u>	Name: _____
Address: _____	Firm: _____
City: _____	Address: <u>1432 Harrison St (14th &amp; Harrison)</u>
Phone: <u>(415) 550-7652</u>	City: <u>Oakland</u>
<input checked="" type="checkbox"/> Confidential <sup>← but willing to testify</sup> OR <input type="checkbox"/> Anonymous (Check one.)	County Code*: <u>01</u> Phone: (____) _____

COMPLAINT DATA

Date of Incident: \_\_\_\_\_ Allegation Code\*: G, Potential Illegal Disposal Quantity: Unk

Type/Condition of Containers Visible: \_\_\_\_\_

Source of Complaint/Code\*: D If Code A, Specify: \_\_\_\_\_

Response Code\*: R Region/Agency Referred To: Alameda Co DA Office + Oakland P.D. - Alan Widman

Other Comments: Lew Schalit is a consultant to a lawyer (listed below) who represents a lessor in a suit with the property owner charging health problems from hazardous waste and materials on the site. Mr Schalit has sampled or overseen sampling of soils and the contents of several tanks and sumps. The analyses are incomplete but indicate that the contents of a tank under the lower basement and a sump in the basement are probably hazardous. Mr Schalit has heard about 3<sup>rd</sup> hand that the owner plans to have the contents of the tanks and sumps pumped out this Sunday, 10/29/90. Additional details attached. Schalit stated to C. Younts he is willing to provide copies of the lab results

Response Date: \_\_\_\_\_ Investigator: \_\_\_\_\_

Note: Information to be transferred to complaint log is highlighted in bold print. Attach an addendum if necessary.

\* See code on reverse side. faxed to Alameda Co DA - G. Jensen 10/26  
" " Oakland Police Dept. - Alan Widman 10/26

Original—Regional Office      Duplicate—Log      Triplicate—Investigations

## CALIFORNIA COUNTY CODE NUMBERS\*

Code Number	County	TSCD Section	Code Number	County	TSCD Section
1	Alameda	Region 2	30	Orange	Region 4
2	Alpine	Region 1	31	Placer	Region 1
3	Amador	Region 1	32	Plumas	Region 1
4	Butte	Region 1	33	Riverside	Region 4
5	Calaveras	Region 1	34	Sacramento	Region 1
6	Colusa	Region 1	35	San Benito	Region 2
7	Contra Costa	Region 2	36	San Bernardino	Region 4
8	Del Norte	Region 2	37	San Diego	Region 4
9	El Dorado	Region 1	38	San Francisco	Region 2
10	Fresno	Region 1-F	39	San Joaquin	Region 1
11	Glenn	Region 1	40	San Luis Obispo	Region 1-F
12	Humboldt	Region 2	41	San Mateo	Region 2
13	Imperial	Region 4	42	Santa Barbara	Region 3
14	Inyo	Region 1-F	43	Santa Clara	Region 2
15	Kern	Region 1-F	44	Santa Cruz	Region 2
16	Kings	Region 1-F	45	Shasta	Region 1
17	Lake	Region 1	46	Sierra	Region 1
18	Lassen	Region 1	47	Siskiyou	Region 1
19	Los Angeles	Region 3/Region 4	48	Solano	Region 2
20	Madera	Region 1-F	49	Sonoma	Region 2
21	Marin	Region 2	50	Stanislaus	Region 1
22	Mariposa	Region 1-F	51	Sutter	Region 1
23	Mendocino	Region 2	52	Tehama	Region 1
24	Merced	Region 1-F	53	Trinity	Region 1
25	Modoc	Region 1	54	Tulare	Region 1-F
26	Mono	Region 1	55	Tuolumne	Region 1
27	Monterey	Region 2	56	Ventura	Region 3
28	Napa	Region 2	57	Yolo	Region 1
29	Nevada	Region 1	58	Yuba	Region 1

### LEGEND

#### ALLEGATION CODES

A	Disposal to a sanitary sewer system
B	Disposal during transportation
C	Disposal to a surface water, including storm drains
D	Disposal onto ground
E	Illegal storage
F	Unpermitted treatment
G	Illegal transportation
H	Buried hazardous waste
I	Leaking underground tanks (Refer to local Environmental Health Department.)
J	Abandoned hazardous waste
K	Air emissions (Refer to local Air Pollution Control District.)
L	Other

#### SOURCE OF COMPLAINT CODES

H	Hotline call
D	Direct public contact (phone, walk-in, mail)
A	Referred from another agency
Q	Referred from Headquarters or other TSCD region

#### RESPONSE CODES

I	Investigated
L	Letter sent
R	Referred

#### TSCD SECTION CODES

Region 1	Sacramento Regional Office
Region 1-F	Fresno District Office
Region 2	Emeryville Regional Office
Region 3	Burbank Regional Office
Region 4	Long Beach Regional Office

\* County code designations by the California Department of Motor Vehicles



COMPLAINT REPORT FORM  
(Use ball-point pen.)

Is this an emergency? Yes  No  If yes, call the Office of Emergency Services (OES): 800-852-7550

Log Number: 02-100-0037 Date Complaint Received: 10/26/90 Time: 12:45 Received By: C. Younts

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Type/Condition of Containers Visible: \_\_\_\_\_

Source of Complaint/Code\*: D If Code A, Specify: \_\_\_\_\_

Response Code\*: F Region/Agency Referred To: Alameda Co DA's office + Oakland P.D - Alan Widman

Other Comments: Lew Schalit is a consultant to a lawyer (listed below) who represents a lessor in a suit with the property owner charging health problems from hazardous waste and materials on the site. Mr Schalit has sampled or overseen sampling of soils and the contents of several tanks and sumps. The analyses are incomplete but indicate that the contents of a tank under the lower basement and a sump in the basement are probably hazardous. Mr Schalit has heard about 3<sup>rd</sup> hand that the owner plans to have the contents of the tanks and sumps pumped out this Sunday, 10/28/90. Additional details attached. Schalit stated to C. Younts he is willing to provide copies of the lab results

Response Date: \_\_\_\_\_ Investigator: \_\_\_\_\_

Note: Information to be transferred to complaint log is highlighted in bold print. Attach an addendum if necessary.  
See code on reverse side. **faxed to Alameda Co DA - Jensen 10/26**  
**" " Oakland Police Dept. - Alan Widman 10/26**

Original—Regional Office Duplicate—Log Triplicate—Investigations

Re 1432 Harrison St., Oakland

Owners: Alvin Bacharach (415)(820-8468 ?  
383 Diablo Road, Suite 100  
Danville, 94526

Barbara Jean Borsuk  
100 Sandringham  
Piedmont 94611

Lessor: ?

Lessors Lawyer: Jonathon Redding 451-3300  
of Fitzgerald, Abbott + Beardsley  
1221 Broadway  
Oakland

Sample Results - additional results available next week

1. Pipe, apparently filler pipe to tank under lower basement floor

450 mg/kg Benzene

7000 mg/kg Xylenes

60 " Trichloroethylene

21 mg/kg PCBs

3020 " Toluene

94 " Perchloroethylene

- Only liquid ?

1000 " Ethyl Benzene

2. Sump on Main Floor next to parking place designated Munch, under metal plate  
Appearance - Used oil, total lead = 760 mg/kg  
Awaiting PCB analyses

3. Additional samples including soil samples have been taken - results due next Wednesday.  
Informant stated that ~~they~~ at least some smelled of chlorinated solvents and aromatic hydrocarbons.

Re 1432 Harrison St., Oakland

Owner: Anna Basilevich (415) 568-4008?  
183 Dublin Road, Suite 100  
Dublin, CA 94568

Dr. J. M. Ryan  
1000 ...  
...

- sample ...
- 990 ...
- 60 ...
- 3000 ...
- 94 ...
- 1000 ...

street  
...

...

...



COMPLAINT DETAIL  
REGION 2 (EMERYVILLE)  
09/90 through 11/90

10/05/90

LOG NUMBER	ALLEGED RESPONSIBLE PARTY	DATE RECEIVED	SOURCE OF COMPLAINT	ADDRESS	CITY	COUNTY CODE	ALLEGATION CODE	RESPONSE CODE	INSPECTOR	TYPE OF VIOLATION	REFERRED TO	RESPONSE DATE	COMPLETION DATE	EPA NUMBER
• 2-100-0037	UNKNOWN	10/26/90	DIRECT CONTACT	1432 HARRISON ST	OAKLAND	01	ILLEGAL TRANSPORTATION	REFERRED			ALA CO	10/26/90	/ /	

Scott,

Enclosed please find documents pertaining to the Harrison Street Garage located at 1432 Harrison Street in Oakland.

There are at least six leaking underground storage tanks; water has been degraded and air quality impacted.

The owners, Alvin Bacharach of San Ramon and his sister Barbara Bousuk or Piedmont, have owned the garage since 1945. They have hired John Leo of Heller, Erdman and Randall Morrison of Crosby, Heafey.

While the owners and regulatory agencies are dancing about the extent of site assessment and ultimate remediation, nobody is looking after the neighborhood residents. The neighborhood is composed of people without a lot of economic firepower. Unfortunately, these people are probably being exposed to contaminants over a prolonged time.

The tanks have been leaking since at least 1982. The regulatory agencies were notified in June of 1990. The owner's attorneys have delayed and resisted any attempts to enforce site assessment and site remediation.

## SCS ENGINEERS

November 14, 1990  
File No. 0390044.00

Robert A. Buchman, Esq.  
King, Shapiro, Mittelman & Buchman  
3650 Mount Diablo Boulevard, Suite 130  
Lafayette, California 94549

Reference: Harrison Street Garage, Waste Oil and Gasoline Product Removal

Dear Mr. Buchman:

On October 27, 1990, SCS Engineers (SCS) represented by John P. Cummings met with Mark Borsuk and Barbara Borsuk, as well as Jim Hoblitzell and Brian Manning of Falcon Energy. Falcon Energy was to remove the waste oil and gasoline product in the four known underground tanks at the site identified as 1432 Harrison Street in Oakland, California, aka Harrison Street Garage.

The work commenced approximately 10:00 O'clock when the garage was opened by Mr. Davis' representative. The work progressed in the following manner. A grate on the Powell Street side was removed and a vacuum hose placed thru the grate opening to the waste oil tanks in the basement of the Harrison Street Garage on the Alice Street side. Upon removing the metal plate covering the waste oil tanks, it was noted that the pipes into the tank were smaller than the normal size utilized in waste oil tanks. A 1-inch by 10-foot probe had to be obtained to remove the product from the tanks. This was obtained from a local hardware facility. Figure 1 shows the location of the tanks and identifies the tanks. Waste Oil tank No. 1 had 29-inches of product in it, and Waste Oil No. 2 had 40-inches of product in it, prior to vacuum removal.

Samples were taken from each of the waste oil tanks, using clean plastic bailers. A sample from each tank was poured into two 1-liter amber jars. The samples were placed in a cooler with ice and shipped to a state-certified laboratory under the Chain-of-Custody documentation (see Appendix 1). The results from the analysis for cadmium, chromium, lead and zinc, PCB and halogenated chlorides are shown in Table 1.

Dedicated bailers were used in this sampling event to minimize possibilities of cross contamination possible with re-used equipment. During removal of the waste oil from the waste oil tanks, samples were analyzed for chloride contamination in used oil, using a Clor-D-Tect Q 4,000, oil titration qualitative test kit. The samples from Waste



Mr. Robert A. Buchman, Esq.

November 14, 1990

Page Two

Oil tank No. 1, showed chloride contamination in the used oil of less than 800 parts per million. The analysis for waste oil tank No. 2, showed less than 600 parts per million chloride contamination in the waste oil.

1300-gallons of waste oil were removed from Waste Oil tanks 1 and 2 combined. There remained some sludge in the bottom of both Waste Oil tank 1 and Waste Oil tank 2 which will be removed upon excavation of the waste oil underground storage tanks.

After completing the removal of the liquid waste oil, the vacuum truck moved around to the front of the facility and removed gasoline product from gasoline tank No. 1 and gasoline tank No. 2. Prior to removal of the product, tank 1 was measured and there was 7-inches of product in it. Tank No. 2 was also measured and 5-inches of product was in tank No. 2. Product in gasoline tank No. 1, indicated a presence of rust, the gasoline product removed from gasoline tank 2, was clear and appeared to be clean, non-contaminated gasoline.

#### RECOMMENDATIONS

The samples were taken from each of the underground storage tanks for gasoline with a clean bailer, and the material was placed in a cooler with ice and shipped to a state-certified laboratory using a Chain-of-Custody form. The oil samples taken during the October 27th sampling event were analyzed for PCBs EPA Protocol 8080; for halogenated hydrocarbons, EPA Protocol 8010; and for cadmium, chromium, lead and zinc EPA Protocol 6010. The gasoline samples were tested for iron content, organic lead and water content.

The results of the analysis for waste oil and gasoline are shown in Table 1 and Table 2 respectively. Copies of laboratory reports are attached in Appendix 1, along with the copy of Chain-of-Custody document.

#### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

Table 1 contains the results of the chemical analysis for waste oil, contamination in the waste oil tanks located on the subject site during the October 27, 1990 sampling event. Neither waste oil tank shows cadmium contamination. The results of other metal contamination showed that chromium was minor, lead and zinc were more substantial but not excessive.

Mr. Robert A. Buchman, Esq.  
November 14, 1990  
Page Three

PCB 1242 was found at 110 parts per million (ppm) in Waste Oil tank 1 and 93 ppm in Waste Oil tank 2. Di-bromo chloromethane, 1,2 dichloroethene, tetrachloroethene and trichloroethene were found at levels as shown in Table 1, however, they were less than 1,000 parts per million total, and therefore were acceptable to become a recycled product.

The gasoline showed minor contamination. Evergreen Environmental Services used both products as a recycled product. SCS judged that the material was recyclable from the beginning, and this was confirmed by both the transporter, Falcon Energy, and Evergreen Environmental Services who took the product, and have recycled it. A copy of the manifest which was signed by Ms. Barbara Borsuk, the transporter, and the facility operator, is enclosed as Appendix 2.

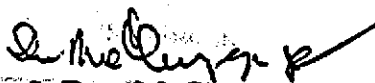
In summary, the waste oil recovered from the waste oil tanks at the Harrison Street Garage, along with the gasoline product which was recovered, has been accepted and utilized by recycling contractor.

#### RECOMMENDATIONS

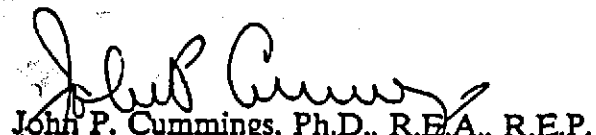
SCS Engineers recommends that the tanks, all four, be removed as soon as possible. Sludge and any residual products will be removed at the time of the tank excavation.

SCS recommends that this site's tanks be removed as soon as possible. Permits for the waste oil tanks need to be obtained, all of this work should take place after a workplan is put together and on agreement with the owner.

Sincerely,



J. Don McClenagan  
Project Geologist  
SCS Engineers



John P. Cummings, Ph.D., R.E.A., R.E.P.  
Office Director  
SCS Engineers

JDM/JPC/egh  
Enclosure

cc: Mark Borsuk

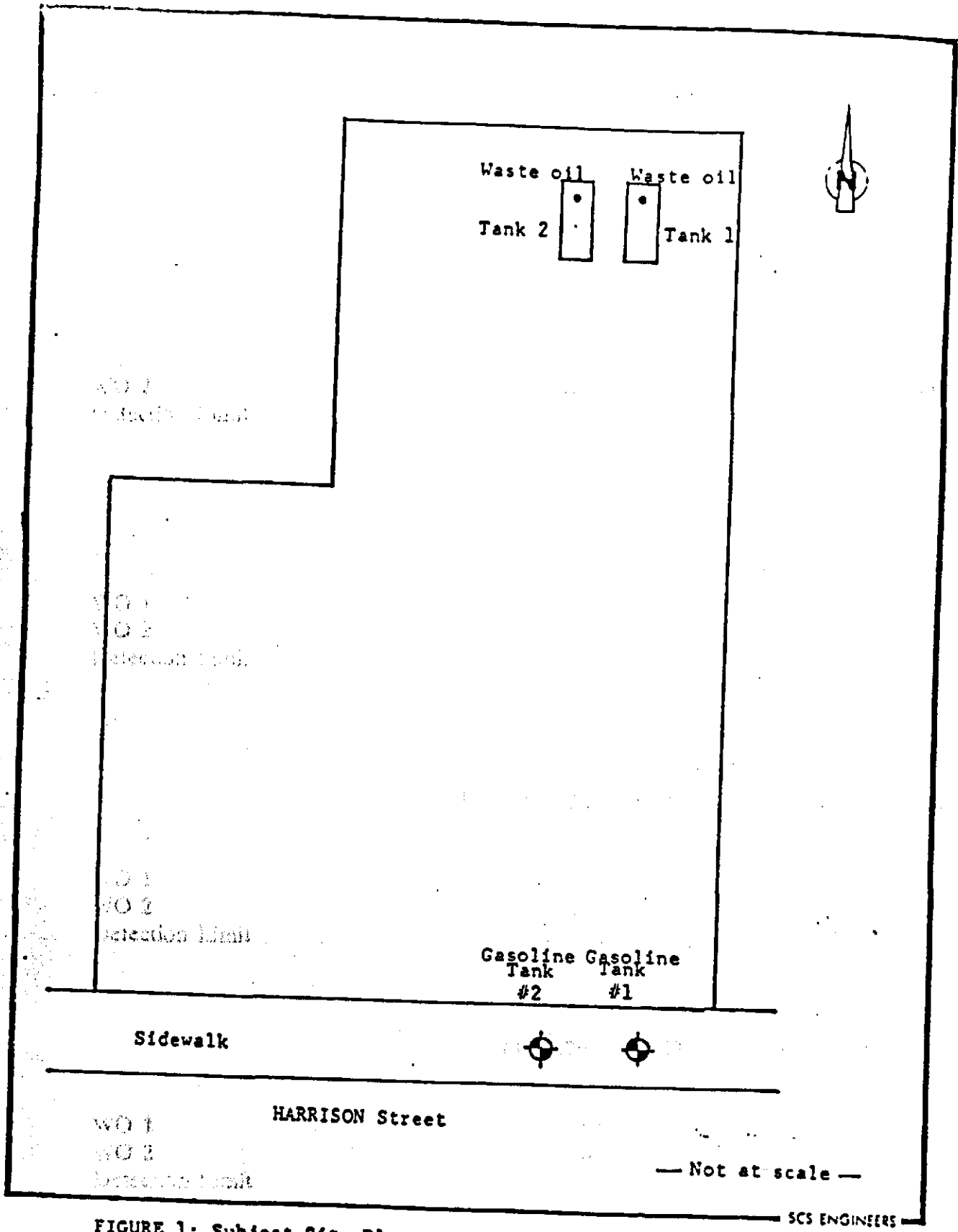


FIGURE 1: Subject Site Plan

SCS ENGINEERS

TABLE 1  
Waste Oil Analysis (ppm)

	<u>Cd</u>	<u>Cr</u>	<u>Pb</u>	<u>Zn</u>
WO 1	ND	8	2340	800
WO 2	ND	78	3440	735
Detection Limit	4	1	10	2

PCB - 1248

WO 1	110
WO 2	93
Detection Limit	1

Halogenated Hydrocarbons  
Di-bromo chloromethane      1-2 Dichloroethene

WO 1	13	1.8
WO 2	11	1.2
Detection Limit	1.5	0.75

Tetrachloroethene      Trichloroethene

WO 1	8.6	2.5
WO 2	16.6	9.8
Detection Limit	0.75	0.75

ND - Not Detected  
ppm - parts per million

TABLE 2  
Gasoline Analysis (ppm)

	<u>Organic Lead</u>	<u>Fe</u>	<u>Water</u>
Gas 1	ND	385	300
Gas 2	ND	6	60
Detection Limit	5	4	10

ND - Not Detected  
ppm - parts per million



2240 VALLEY AVENUE  
LONG BEACH, CALIFORNIA 90804  
(714) 595-9324  
FAX (714) 595-6709

MEMO

To: John Cummings

From: Lam V. Ho

Job No.: 0390044.00

November 13, 1990

Page 1 of 1

LABORATORY REPORT

Samples: Four (4) oil samples and four (4) gasoline samples from Harrison St. Garage received 10/30/90, analyzed 11/12/90. Results for the oil samples were sent at an earlier date. Remainder of samples to be archived. Gasoline sample #1D received broken.

Sample ID	Organic Pb (DHS) -----mg/kg-----	Fe (6010) -----mg/kg-----	Water Content (Karl Fischer) -----mg/kg-----
Gas #1	ND	385	300
Gas #2	ND	6	60
Detection Limit	5	4	10
ND - Not Detected			

*David Mikesell*

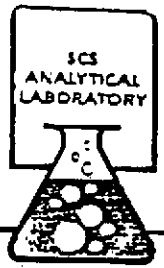
David Mikesell  
(Chemist)

*Lam V. Ho*

Lam V. Ho PhD, REP  
Laboratory Director

Harris2.rep

NOV 07 1990



2867 WALNUT AVENUE  
LONG BEACH CALIFORNIA 90801  
TEL 714 595-9324  
FAX 714 595-6709

MEMO

To: John Cummings

From: Lam V. Ho

November 1, 1990

Job No.: 0390044.00

Page 1 of 5

LABORATORY REPORT

Samples: Four (4) oil samples and four (4) gasoline samples from Harrison St. Garage received 10/30/90, analyzed 10/31/90. Results for gasoline samples to follow at a later date. Remainder of samples to be archived. Gasoline sample #1D received broken. (RUSH ANALYSIS on oil samples only)

Sample ID	Cd (6010)	Cr (6010)	Pb (6010)	Zn (6010)
W01	ND	8	2340	800
W02	ND	7	3440	735
Detection Limit	4	1	10	2
ND - Not Detected				

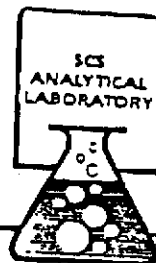
ALL SAMPLES RECEIVED  
RESULTS TO BE REPORTED

EPA PCB and 8010- see attached sheets

David Mikesell  
Chemist

Lam V. Ho  
Laboratory Director

Harris1.rep



2860 WALNUT AVENUE  
LONG BEACH, CALIFORNIA 90804  
(213) 595-9324  
FAX (213) 595-6709

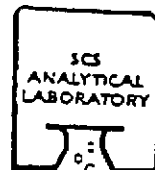
Addendum Report, PCB's  
Page 2 of 5

Sample I.D.: WO1  
Date Received: 10/30/90  
Date Analyzed: 10/31/90  
Matrix: oil  
Project #: 0390044.00  
File #: Harris1.rep

Compound	Result ----mg/kg (ppm)----	D.L.
PCB-1016	ND	1
PCB-1221	ND	1
PCB-1232	ND	1
PCB-1242	ND	1
PCB-1248	110	1
PCB-1254	ND	1
PCB-1260	ND	1

D.L. = Detection Limit  
ND = Not Detected





2850 WALNUT AVENUE  
LONG BEACH, CALIFORNIA 90806  
(714) 595-9324  
FAX (714) 595-6709

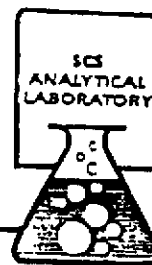
Addendum Report, PCB's  
Page 3 of 5

Sample I.D.: WO2  
Date Received: 10/30/90  
Date Analyzed: 10/31/90  
Matrix: oil  
Project #: 0390044.00  
File #: Harris1.rep

Compound	Result ----mg/kg (ppm)----	D.L.
PCB-1016	ND	1
PCB-1221	ND	1
PCB-1232	ND	1
PCB-1242	93	1
PCB-1248	ND	1
PCB-1254	ND	1
PCB-1260	ND	1

D.L. = Detection Limit  
ND = Not Detected

- 1,1-Dichloroethane
- 1,1-Dichloroethene
- trans-1,2-Dichloroethane
- 1,2-Dichloroethene
- cis-1,2-Dichloroethane
- trans-1,2-Dichloroethene
- Methylene Chloride
- 1,1,1-Trichloroethane
- 1,1,2-Trichloroethane
- 1,1,2-Trichloroethene



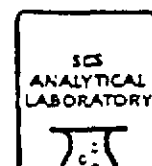
2667 WALNUT AVENUE  
LONG BEACH, CALIFORNIA 90801  
(714) 595-5324  
FAX (714) 595-6709

Addendum Report, EPA 8010  
Page 4 of 5

Sample I.D.: W01  
Date Received: 10/30/90  
Date Analyzed: 10/31/90  
Matrix: oil  
Project #: 0390044.00  
File #: Harris1.rep

Compound	Result ----ug/kg (ppb)----	D.L.
Benzyl Chloride	ND	4500
Bis(2-Chloroethoxy)methane	ND	7500
Bis(2-Chloroisopropyl) Ether	ND	4500
Bromobenzene	ND	1500
Bromomethane	ND	4500
Bromodichloromethane	ND	1500
Bromoform	ND	4500
Carbon Tetrachloride	ND	750
Chlorobenzene	ND	750
Chloroethane	ND	4500
2-Chloroethylvinyl Ether	ND	37500
Chloroform	ND	1500
1-Chlorohexane	ND	750
Chloromethane	ND	4500
Chloromethylmethylether	ND	37500
2-Chlorotoluene	ND	750
Dibromochloromethane	13000	1500
Dibromomethane	ND	3000
1,2-Dichlorobenzene	ND	1500
1,3-Dichlorobenzene	ND	1500
1,4-Dichlorobenzene	ND	1500
Dichlorodifluoromethane	ND	30000
1,1-Dichloroethane	ND	1500
1,2-Dichloroethane	1800	750
1,1-Dichloroethene	ND	1500
trans-1,2-Dichloroethene	ND	750
1,2-Dichloropropane	ND	750
cis-1,3-Dichloropropene	ND	4500
trans-1,3-Dichloropropene	ND	1500
Methylene Chloride	ND	7500
1,1,2,2-Tetrachloroethane	ND	750
Tetrachloroethene	8600	750
1,1,1-Trichloroethane	ND	750
1,1,2-Trichloroethane	ND	750
Trichloroethene	2500	750
Trichlorofluoromethane	ND	4500
Trichloropropane	ND	750
Vinyl Chloride	ND	3000

D.L. = Detection Limit  
ND = Not Detected



Addendum Report, EPA 8010  
Page 5 of 5

2860 WALNUT AVENUE  
LONG BEACH, CALIFORNIA 90806  
(714) 595-5324  
FAX (714) 595-6709

Sample I.D.: W02  
Date Received: 10/30/90  
Date Analyzed: 10/31/90  
Matrix: oil  
Project #: 0390044.00  
File #: Harris1.rep

Compound	Result ----ug/kg	D.L. (ppb)----
Benzyl Chloride	ND	4500
Bis(2-Chloroethoxy)methane	ND	7500
Bis(2-Chloroisopropyl) Ether	ND	4500
Bromobenzene	ND	1500
Bromomethane	ND	4500
Bromodichloromethane	ND	1500
Bromoform	ND	4500
Carbon Tetrachloride	ND	750
Chlorobenzene	ND	750
Chloroethane	ND	4500
2-Chloroethylvinyl Ether	ND	37500
Chloroform	ND	1500
1-Chlorohexane	ND	750
Chloromethane	ND	4500
Chloromethylmethylether	ND	37500
2-Chlorotoluene	ND	750
Dibromochloromethane	11000	1500
Dibromomethane	ND	3000
1,2-Dichlorobenzene	ND	750
1,3-Dichlorobenzene	ND	750
1,4-Dichlorobenzene	ND	750
Dichlorodifluoromethane	ND	30000
1,1-Dichloroethane	ND	1500
1,2-Dichloroethane	1200	750
1,1-Dichloroethene	ND	1500
trans-1,2-Dichloroethene	ND	750
1,2-Dichloropropane	ND	750
cis-1,3-Dichloropropene	ND	4500
trans-1,3-Dichloropropene	ND	1500
Methylene Chloride	ND	3000
1,1,2,2-Tetrachloroethane	ND	750
Tetrachloroethene	16600	750
1,1,1-Trichloroethane	ND	750
1,1,2-Trichloroethane	ND	750
Trichloroethene	9800	750
Trichlorofluoromethane	ND	4500
Trichloropropane	ND	750
Vinyl Chloride	ND	3000

D.L. = Detection Limit  
ND = Not Detected

Mr. John A. ...  
December 4, 1996  
Page Two

... of less than 500 parts per million  
... showed less than 500 parts per million

... average

...

...

...

Name  
...

...

Table 1 contains the results of the chemical analysis performed on the sediment in the ... tank located on the subject site during the December 27, 1996 sampling event. Neither water or sediment shows cadmium contamination. The results of other ... analysis showed that chromium was minor, lead and zinc were more abundant but not excessive.

At ...  
...  
...

**228702**  
...

**13/...**

**On bank ... 92 ppv**



...

...

...

...

...

...

...

...

...

...

...



Washington, D.C.  
The Honorable Secretary

Dear Mr. Secretary:

I am writing to you regarding the issue of waste oil from used oil. I have been informed that there is a significant amount of waste oil being generated in the United States, and it is being disposed of in a manner that is not only wasteful but also potentially harmful to the environment. I believe that it is essential that we take immediate action to address this problem. I would like to discuss this matter with you and explore possible solutions. I am confident that we can find a way to reduce the amount of waste oil being generated and ensure that it is disposed of in a safe and responsible manner. I would appreciate your input on this matter and would be happy to provide any additional information that you may need. Thank you for your time and attention.

Sincerely,  
[Name]

**FAX TRANSMITTAL COVER SHEET**

**FROM: LEW SCHALIT**

**TECH/ART; 462 DOUGLASS STREET; SAN FRANCISCO, CA 94114-2761**

**TELEPHONE # (415)550-2435 AUTOSWITCHED FAX OR PHONE**

**(IF YOU CALL ON A FAX MACHINE HANDSET, PRESS THE NUMBER "3" ON YOUR HANDSET WHEN OUR LINE ANSWERS. THIS WILL SWITCH US FROM YOUR HANDSET TO YOUR FAX. THEN PUT YOUR HANDSET BACK ON ITS CRADLE AND PRESS START. THANK YOU.)**

**TO: JONATHAN REDDING**

**IN CARE OF:**

**FITZGERALD, ABBOTT & BEARDSLEY  
1221 BROADWAY, 21 FLOOR  
OAKLAND, CA 94612**

**PHONE: 415-451-3300  
FAX #: 415-451-1527**

**# OF PAGES FOLLOWING THIS ONE = 3  
DATE: October 31, 1990**

**JONATHAN:**

**7:37 PM; OCTOBER 31, 1990**

**HERE ARE THE RESULTS RETURNED BY THE LABORATORY FOR 3 SAMPLES:**

**#1 (SOIL) IS A SAMPLE TAKEN OF SOLID SCRAPED FROM THE CONCRETE SURROUNDING THE THE BASE OF THE PIPE EXTENDING FROM THE LOWER BASEMENT FLOOR TO THE CEILING OF THE LOWER BASEMENT. THIS PIPE APPEARS TO PIERCE THE CEILING AND TO EXTEND THROUGH IT TO THE SIDEWALK ABOVE, ON ALICE STREET. THE PIPE WAS WITHIN A COUPLE OF INCHES OF THE 'ALICE STREET WALL' AND ABOUT SIX FEET FROM THE ROOM CORNER CLOSEST TO THE PARKING LOT ON THE 14TH STREET SIDE.**

**#2 (SOIL) WAS COLLECTED AT THE BASE OF AN OPEN PIPE ADJACENT TO THE PIPE REFERRED TO ABOVE. THIS PIPE IS ABOUT 15 INCHES LONG AND WAS ABOUT 15 INCHES FROM THE SAME CORNER. THIS PIPE IS ALSO WITHIN A COUPLE OF INCHES OF THE ALICE STREET WALL.**

**#3 WAS SOIL SCRAPED FROM THE OPEN HOLE IN THE CENTER OF THE LOWER BASEMENT FLOOR IN THE AUTO DRIVE PATH IMMEDIATELY ADJACENT TO THE OPEN GRILL CONTAINING AN OILY LIQUID WHICH APPEARS TO BE A DRAIN LINE FOR OILS, SOLVENTS, ETC.**

**ALL THREE SAMPLES SHOW SUBSTANTIAL CONCENTRATIONS OF BTEX. NO VOLATILE CHLORINATED HYDROCARBONS WERE FOUND IN ANY SAMPLE. PCB ANALYSES ON THESE SOIL SAMPLES HAVE NOT YET BEEN RETURNED TO ME. THE BTEX IN THESE 3 SOIL SAMPLES WOULD CERTAINLY HAVE BEEN IN EQUILIBRIUM WITH BTEX VAPORS IN THE AIR IN THESE AREAS AT THE TIME THE SAMPLE WAS COLLECTED, INCLUDING THE VOLUME OF AIR IN THE CENTER DRIVEWAY AREA OF THE LOWER BASEMENT. YOU SHOULD ALSO NOTE THAT THE APPEARANCE OF THE SOLID COLLECTED AT ALL THREE LOCATIONS WAS CONSISTENT WITH THE OILY APPEARANCE OF THE SURFACE OF THE PIPE EXTENDING TO THE CEILING (SAMPLING LOCATION #1), AND THAT THE PIPE HAS HAD THIS OILY APPEARANCE ON EVERY OCCASION THAT I HAVE BEEN IN THE LOWER BASEMENT.**

**FINALLY, I AM PREPARED TO STATE UNEQUIVOCALLY THAT THE SAMPLES WERE KEPT IN A SEALED COOLER, WERE COLLECTED AND MAINTAINED UNDER CHAIN OF CUSTODY, AND WERE MAINTAINED AT APPROXIMATELY 4 CELSIUS BY MEANS OF AN ICE-WATER SLURRY UNTIL THEY WERE RECEIVED AT THE LABORATORY WITHIN A FEW HOURS AFTER COLLECTION. IN ADDITION, THE SAMPLE JARS WERE FILLED AS FULL AS POSSIBLE TO MINIMIZE LOSS OF VOLATILES INTO JAR HEADSPACE.**

**YOURS TRULY,**

**LEW SCHALIT**

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 31, 1990

ChromaLab File # 1090171 A

Client: TECH/ART  
 Date Sampled: Oct. 25, 1990  
 Date of Analysis: Oct. 31, 1990

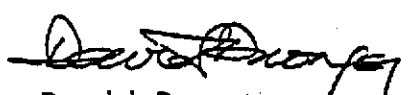
Attn: Lew Schalit  
 Date Submitted: Oct. 25, 1990


Project Name: 1432 Harrison  
 Sample I.D.: # 1 (soil)  
 Method of Analysis: 8240

Detection Limit: 1000 µg/Kg

COMPOUND NAME	µg/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	99.7%	95.6%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	98.2%	96.8%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	11,000	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	120,000	105.0%	95.2%
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	29,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	97.5%	96.8%
TOTAL XYLENES	170,000	---	---

ChromaLab, Inc.

  
 David Duong  
 Senior Chemist

  
 Eric Tam  
 Lab Director



# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 31, 1990

ChromaLab File # 1090171 B

Client: TECH/ART  
Date Sampled: Oct. 25, 1990  
Date of Analysis: Oct. 31, 1990

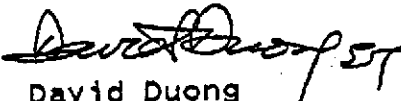
Attn: Lew Schalit  
Date Submitted: Oct. 25, 1990

Project Name: 1432 Harrison  
Sample I.D.: # 2 (soil)  
Method of Analysis: 8240

Detection Limit: 1000 ug/Kg

COMPOUND NAME	ug/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	99.7%	95.6%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	98.2%	96.8%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	31,000	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	280,000	105.8%	95.2%
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	59,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	97.5%	96.8%
TOTAL XYLENES	350,000	---	---

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E604)
- Drinking Water (#955)
- Waste Water
- Consultation

October 31, 1990

ChromaLab File # 1090171 D

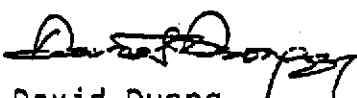
Client: TECH/ART  
Date Sampled: Oct. 25, 1990  
Date of Analysis: Oct. 31, 1990

Attn: Lew Schalit  
Date Submitted: Oct. 25, 1990

Project Name: 1432 Harrison  
Sample I.D.: # 4 (soil)  
Method of Analysis: 8240 Detection Limit: 1000 ug/Kg

COMPOUND NAME	ug/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	99.7%	95.6%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	98.2%	96.8%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	29,000	---	---
1,2-DICHLOROPROTHANF	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	230,000	105.8%	95.2%
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	59,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	97.5%	96.8%
TOTAL XYLENES	350,000	---	---

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

# FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1221 BROADWAY, 24TH FLOOR

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CHARLES A. BEARDSLEY 1888-1963

JUDITH M. DOBRYNSKY  
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WILLIAM H. SMITH  
WALTER E. WATKINS  
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MICHAEL T. WHITE  
MICHAEL R. WATSON  
WILLIAM H. HARRISON  
MURIEL A. CRAMER  
STEPHEN M. WOODSON  
STEPHEN M. WOODSON  
BETTY W. LEE  
JONATHAN L. BROWN  
TIMOTHY J. BROWN  
KRISTINA TALE  
MICHAEL J. HOFFER  
ANTHONY J. BROWN

100-111-1111

RE: [Illegible]  
[Illegible]  
[Illegible]  
[Illegible]  
[Illegible]

Very truly yours,

[Illegible text]

[Illegible text]

100-111-1111  
[Illegible]  
[Illegible]  
[Illegible]

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E894)
- Drinking Water (#955)
- Waste Water
- Consultation

October 22, 1990

ChromaLab File No.: 1090197D


RE: 8090 analysis  
Client Sample Number: LB-PP-D  
Project Location: 1432 HARRISON STREET  
Date Analyzed: October 22, 1990

## CHLORINATED PESTICIDE ANALYSIS

<u>COMPOUNDS</u>	<u>CONCENTRATION</u> (ug/Kg)	<u>DETECTION LIMIT</u> (ug/Kg)	<u>SPIKE RECOVERY</u>
ALDRIN	N.D.	10	----
DIELDRIN	N.D.	10	----
ENDRIN ALDEHYDE	N.D.	50	----
ENDRIN	N.D.	10	102.0%
HEPTACHLOR	N.D.	10	----
HEPTACHLOR EPOXIDE	N.D.	10	----
P,P' - DDT	N.D.	50	101.6%
P,P' - DDE	N.D.	10	93.3%
P,P' - DDD	N.D.	50	----
ENDOSULFAN I	N.D.	50	107.7%
ENDOSULFAN II	N.D.	50	----
α - BHC	N.D.	10	----
β - BHC	N.D.	10	----
γ - BHC (LINDANE)	N.D.	10	103.6%
δ - BHC	N.D.	10	----
ENDOSULFAN SULFATE	N.D.	100	----
P,P' - METHOXYCHLOR	N.D.	100	----
TOXAPHENE	N.D.	100	----
PCB's*	21000	100	----
CHLORDANE	N.D.	100	99.1%

\*PCB 1260

CHROMALAB, INC.

  
David Duong  
Senior Chemist

  
Eric Tam  
Laboratory Director

JAMES C. SOPER, INC.  
PHILIP M. JELLEY, INC.  
JOHN L. McDONNELL, JR.  
GERALD C. SMITH  
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LLEWELLYN E. THOMPSON II  
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J. BRITTAIN HABEGGER  
VIRGINIA PALMER  
STEPHEN M. JUDSON  
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BETTY J. ORVELL  
JONATHAN W. REDDING  
TIMOTHY W. MOPPIN  
KRISTIN PACE  
MICHAEL M. K. SEBREE  
ANTONIA L. BROADDUS

FITZGERALD, ABBOTT & BEARDSLEY

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1221 BROADWAY, 21ST FLOOR

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CHARLES A. BEARDSLEY 1882-1963

STACY H. DOBRZENSKY  
OF COUNSEL

TELECOPIER: (415) 451-1527

October 25, 1990

Mr. Paul Smith  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Dear Mr. Smith:

As we discussed recently, enclosed is our consultant's report documenting soil and groundwater pollution at the Harrison Street garage. Also enclosed is a letter concerning the suspected presence of PCB's in the basement of the Alice Street structure and our consent to removal of all product.

Please contact me if you have any questions.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By *Jonathan W. Redding*  
Jonathan W. Redding

JWR:lm

Enclosures

cc: Jack Provine, Esq.  
Steve Davis

61:1 113 09 100 06  
90 OCT 30 PM 1:19

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

November 1, 1990

ChromaLab File No.: 1090171

TECH-ART

Attn: Lew Schalit

RE: One oil and three soil samples for PCB's analysis


Date Sampled: Oct. 25, 1990      Date Submitted: Oct. 25, 1990  
 Date Extracted: Oct. 29-31, 1990      Date Analyzed: Oct. 29-31, 1990

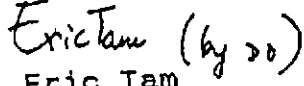
RESULTS:

Sample No.	PCB's* (ug/Kg)
1	1100
2	1100
3	2300
4	390
BLANK	N.D.
SPIKED RECOVERY	92.5%
DUPLICATED SPIKED RECOVERY	98.9%
DETECTION LIMIT	100
METHOD OF ANALYSIS	8080

\*PCB 1260

CHROMALAB, INC.

  
 David Duong  
 Senior Chemist

  
 Eric Tam  
 Laboratory Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

November 1, 1990

ChromaLab File No.: 0990161

TECH-ART

Attn: Lew Schalit

RE: One soil and two oil samples for PCB's analysis

Date Sampled: Sept. 28, 1990

Date Submitted: Sept. 28, 1990

Date Extracted: Oct. 29-30, 1990

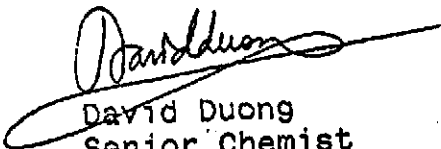
Date Analyzed: Oct. 29-30, 1990

RESULTS:

Sample No.	PCB's* (ug/Kg)
LB #1	N.D.
LB #3	5500
LB #6	540
BLANK	N.D.
SPIKED RECOVERY	92.5%
DUPLICATED SPIKED RECOVERY	98.9%
DETECTION LIMIT	100
METHOD OF ANALYSIS	8080

\*PCB 1260

CHROMALAB, INC.

  
David Duong  
Senior Chemist

*Eric Tam (by DD)*

Eric Tam  
Laboratory Director

FITZGERALD, ABBOTT & BEARDSLEY

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KRISTIN PACE  
MICHAEL M. K. SEBREE  
ANTONIA L. BROADDUS

October 25, 1990

VIA FACSIMILE AND HAND DELIVERY

Jack Provine, Esq.  
500 Ygnacio Valley Rd., Ste. 390  
Walnut Creek, California 94596

Re: Harrison Street Garage

Dear Mr. Provine:

This letter follows our several discussions this morning, particularly our discussion at approximately 10:45. Although I called you back within five minutes after our last conversation, your secretary said you had left for the day and she would not give me any information as to how to reach you.

In our 10:45 a.m. discussion, I requested that your clients delay pumping of the tanks in the Alice Street structure until we could complete further testing. You indicated that your contractors would not remove the product from the Harrison Street tanks unless they could also pick up the product from the Alice Street tanks. You further alleged that my actions were obstructing your clean up efforts which were required by the county and that you would seek to subpoena me on this subject. You also threatened that, if I did not let you pump the tanks, my clients would be responsible for the PCB removal. While I hardly believe that a few days additional delay for the back tanks constitutes hinderance, given the illegal abandonment of the tanks many years ago, we do not wish to even provide any opportunity to your client to make such a spurious claim. Since your intentions in raising such claims are clear, we yield to your demand. As I intended to tell you when I called you back this morning, your clients may remove all tank products on this Saturday at 10:00 a.m.

However, as you were advised during depositions on October 24, 1990, recent air samples were invalidated due to equipment failure. Therefore, as I told you on the phone, removal of the Alice tank product, before we can conduct further testing, may result in the destruction of evidence. Such would certainly result in reported



Jack Provine, Esq.

Page 2

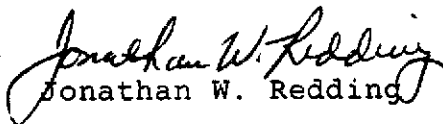
October 25, 1990

values of air emissions in the garage to be substantially lower when we do test them. By refusing our request for a nominal delay to allow retesting with functional equipment, your clients will be estopped to challenge the results.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By

  
Jonathan W. Redding

JWR:lm

cc: Mr. Paul Smith  
Mr. Steve Davis

**FAX TRANSMITTAL COVER SHEET**

**FROM: LEW SCHALIT**

**TECH/ART; 462 DOUGLASS STREET; SAN FRANCISCO, CA 94114-2761**

**TELEPHONE # (415)550-2435 AUTOSWITCHED FAX OR PHONE**

(IF YOU CALL ON A FAX MACHINE HANDSET, PRESS THE NUMBER "3" ON YOUR HANDSET WHEN OUR LINE ANSWERS. THIS WILL SWITCH US FROM YOUR HANDSET TO YOUR FAX. THEN PUT YOUR HANDSET BACK ON ITS CRADLE AND PRESS START. THANK YOU.)

**TO: JONATHAN REDDING**

**IN CARE OF:  
FITZGERALD, ABBOTT & BEARDSLEY  
1221 BROADWAY, 21 FLOOR  
OAKLAND, CA 94612**

**PHONE: 415-451-3300  
FAX #: 415-451-1527**

**# OF PAGES FOLLOWING THIS ONE =3  
DATE: October 19, 1990**

**MR. REDDING**

**ATTACHED ARE INITIAL RESULTS FOR SOME OF THE ANALYSES ON SAMPLES COLLECTED ON 10/6/90, BROUGHT TO THE LAB ON 10/8/90, & ANALYZED. DASHED LINES DENOTE 'NO ANALYSIS PERFORMED; 'ND' DENOTES 'NOT DETECTED'.**

**SAMPLES MARKED 'UST' ('CENTER FRONT' & '1428 DOOR') HAVE BTEX AS LISTED AND 'ND' OR MINIMAL LEAD CONCENTRATIONS. ANY PLUMES EXTENDING FROM THOSE TANKS INWARDS INTO THE GARAGE WILL CONTAIN BTEX. THE BTEX WILL HAVE PERMEATED THROUGH THE GARAGE FLOOR INTO THE ROOM AIR THEREBY EXPOSING INDIVIDUALS WITHIN THE MAIN FLOOR AREA TO BTEX ON A CONTINUING BASIS. ONE TANK HAD 13% BENZENE !! THE OTHER HAD 14% BENZENE. THESE NUMBERS WERE SO HIGH I CALLED THE LAB TO CONFIRM THAT THERE WAS NO TYPING ERROR; THE LAB CONFIRMS THE NUMBERS.**

**THE SAMPLE MARKED 'MUNCK' HAS PB AND ZN POSSIBLY ATTRIBUTABLE TO WASTE OIL TRACE METAL PICK-UP.**

**TWO OF THREE REMAINING SAMPLES ('HOLMES-ABBAS' & 'MU') DID NOT SHOW GASOLINE OR BTEX. (STEVE CHOSE TO CHECK THESE LOCATIONS OUT BUT ALTHOUGH THERE WAS SOME ODOR AT THESE LOCATIONS IT WAS NOT CLEAR THEY WERE HEAVILY CONTAMINATED.) THE THIRD AND LAST SAMPLE ('HYDLIFT-SKINNER') HAS ENOUGH GASOLINE TO SAY THAT IT WAS CONTAMINATED BUT NOT ENOUGH TO REQUIRE DEFINITE REMEDIAL ACTION BY LUFT GUIDELINES; DITTO FOR 'TEX' (NO 'B' PRESENT).**

**YOURS TRULY,**

*Lew Schalit*  
**LEW SCHALIT**

**END OF TRANSMISSION**

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 19, 1990

ChromaLab File No.: 1090048

TECH-ART

Attn: Lew Schalit

RE: Six samples for Gasoline/BTEX analysis

Project Name:

Date Sampled: Oct. 6, 1990

Date Submitted: Oct. 8, 1990

Date Extracted: Oct. 15-19, 1990

Date Analyzed: Oct. 15-19, 1990

RESULTS:

Sample No.	Gasoline (mg/Kg)	Benzene (ug/Kg)	Toluene (ug/Kg)	Ethyl Benzene (ug/Kg)	Total Xylenes (ug/Kg)
CENTER FRONT DRIVE, UST	----	130000000	52000000	27000000	41000000
1428 DOOR UST	----	140000000	61000000	28000000	44000000
MUNCK, UST	----	50	72	62	97
HYDLIFT-1.5/ SKINNER	35	N.D.	13	36	72
HOLMES-ABBAS	N.D.	N.D.	N.D.	N.D.	N.D.
MULLER VENT	N.D.	N.D.	N.D.	N.D.	N.D.
BLANK	N.D.	N.D.	N.D.	N.D.	N.D.
SPIKED RECOVERY	91.7%	98.6%	99.1%	103.5%	105.6%
DUP SPIKED RECOVERY	91.1%	89.3%	89.7%	90.05	107.6%
DETECTION LIMIT	2.5	5	5	5	5
METHOD OF ANALYSIS	5030/ 8015	8020	8020	8020	8020

CHROMALAB, INC.

*David Duong*  
David Duong  
Senior Chemist

*Eric Tam*  
Eric Tam  
Laboratory Director

10/8/90

**FAX TRANSMITTAL COVER SHEET**

**FROM:**

**EET; SAN FRANCISCO, CA 94114-2761**

**TELEPHONE # (415)**

**AUTOSWITCHED FAX OR PHONE**

(IF YOU CALL ON A FAX MACHINE HANDSET, PRESS THE NUMBER "3" ON YOUR HANDSET WHEN OUR LINE ANSWERS. THIS WILL SWITCH US FROM YOUR HANDSET TO YOUR FAX. THEN PUT YOUR HANDSET BACK ON ITS CRADLE AND PRESS START. THANK YOU.)

**TO:**

**IN CARE OF:**

**OAKLAND, CA 94612**

**PHONE:  
FAX #:**

**# OF PAGES FOLLOWING THIS ONE =3  
DATE: October 19, 1990**

**MR.**

**ATTACHED ARE INITIAL RESULTS FOR SOME OF THE ANALYSES ON SAMPLES COLLECTED ON 10/6/90, BROUGHT TO THE LAB ON 10/8/90, & ANALYZED. DASHED LINES DENOTE 'NO ANALYSIS PERFORMED; 'ND' DENOTES 'NOT DETECTED'.**

**SAMPLES MARKED 'UST' ['CENTER FRONT' & '1428 DOOR'] HAVE BTEX AS LISTED AND 'ND' OR MINIMAL LEAD CONCENTRATIONS. ANY PLUMES EXTENDING FROM THOSE TANKS INWARDS INTO THE GARAGE WILL CONTAIN BTEX. THE BTEX WILL HAVE PERMEATED THROUGH THE GARAGE FLOOR INTO THE ROOM AIR THEREBY EXPOSING INDIVIDUALS WITHIN THE MAIN FLOOR AREA TO BTEX ON A CONTINUING BASIS. ONE TANK HAD 13% BENZENE !! THE OTHER HAD 14% BENZENE. THESE NUMBERS WERE SO HIGH I CALLED THE LAB TO CONFIRM THAT THERE WAS NO TYPING ERROR: THE LAB CONFIRMS THE NUMBERS.**

**THE SAMPLE MARKED 'MUNCK' HAS PB AND ZN POSSIBLY ATTRIBUTABLE TO WASTE OIL TRACE METAL PICK-UP.**

**TWO OF THREE REMAINING SAMPLES ('HOLMES-ABBAS' & 'MU') DID NOT SHOW GASOLINE OR BTEX. (STEVE CHOSE TO CHECK THESE LOCATIONS OUT BUT ALTHOUGH THERE WAS SOME ODOR AT THESE LOCATIONS IT WAS NOT CLEAR THEY WERE HEAVILY CONTAMINATED.) THE THIRD AND LAST SAMPLE ('HYDLIFT-SKINNER') HAS ENOUGH GASOLINE TO SAY THAT IT WAS CONTAMINATED BUT NOT ENOUGH TO REQUIRE DEFINITE REMEDIAL ACTION BY LUFT GUIDELINES; DITTO FOR 'TEX' (NO 'B' PRESENT).**

**YOURS TRULY,**

**END OF TRANSMISSION**

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Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 19, 1990

ChromaLab File No.: 1090048

Attn:

RE: Six samples for Lead, Cadmium, Chromium, and Zinc analyses

Project Name: DAVIS PARKING

Date Sampled: Oct. 6, 1990

Date Submitted: Oct. 8, 1990


Date Extracted: Oct. 15-19, 1990


Date Analyzed: Oct. 15-19, 1990

RESULTS:

Sample No.	Lead (mg/Kg)	Cadmium (mg/Kg)	Chromium (mg/Kg)	Zinc (mg/Kg)
CENTER FRONT DRIVE, UST	2.17	----	----	----
1428 DOOR UST	N.D.	----	----	----
MUNCK, UST	760	0.292	0.62	87.1
HYDLIFT-1.5/SKINNER	----	----	----	----
HOLMES-ABBAS	----	----	----	----
MULLER VENT	----	----	----	----
BLANK	N.D.	N.D.	N.D.	N.D.
SPIKED RECOVERY	94.5%	101.1%	100.0%	92.5%
DUP SPIKED RECOVERY	----	----	----	----
DETECTION LIMIT	0.05	0.005	0.05	0.005
METHOD OF ANALYSIS	7420	7130	7190	7950

CHROMALAB, INC.

  
 David Duong  
 Senior Chemist

  
 Eric Tam  
 Laboratory Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 19, 1990

ChromaLab File No.: 1090048

Attn:

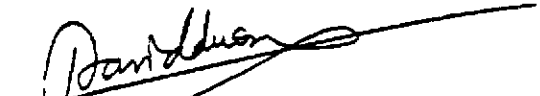
RE: Six samples for Gasoline/BTEX analysis


Project Name: DAVIS PARKING  
 Date Sampled: Oct. 6, 1990  
 Date Extracted: Oct. 15-19, 1990  
 Date Submitted: Oct. 8, 1990  
 Date Analyzed: Oct. 15-19, 1990

RESULTS:

Sample No.	Gasoline (mg/Kg)	Benzene (ug/Kg)	Toluene (ug/Kg)	Ethyl Benzene (ug/Kg)	Total Xylenes (ug/Kg)
CENTER FRONT DRIVE, UST	----	130000000	52000000	27000000	41000000
1428 DOOR UST	----	140000000	61000000	28000000	44000000
MUNCK, UST	----	50	72	62	97
HYDLIFT-1.5/ SKINNER	35	N.D.	13	36	72
HOLMES-ABBAS	N.D.	N.D.	N.D.	N.D.	N.D.
MULLER VENT	N.D.	N.D.	N.D.	N.D.	N.D.
BLANK	N.D.	N.D.	N.D.	N.D.	N.D.
SPIKED RECOVERY	91.7%	98.6%	99.1%	103.5%	105.6%
DUP SPIKED RECOVERY	91.1%	89.3%	89.7%	90.05	107.6%
DETECTION LIMIT	2.5	5	5	5	5
METHOD OF ANALYSIS	5030/ 8015	8020	8020	8020	8020

CHROMALAB, INC.

  
 David Duong  
 Senior Chemist

  
 Eric Tam  
 Laboratory Director

ANALYSIS REQUEST

PROJ. MOR. \_\_\_\_\_  
 COMPANY DAVIS PARKING  
 ADDRESS 1432 HARRISON  
OAKLAND, CA

SAMPLERS (SIGNATURE) Leo Schalit (PHONE NO.) 415-550-2435

SAMPLE ID.	DATE	TIME	MATRIX	LAB ID.	TPH - Gasoline (EPA 5030)	TPH - Gasoline (5030) w/STEX (EPA 602, 8020)	TPH - Diesel (EPA 3510, 3550)	PURGEABLE AROMATICS (EPA 602, 8020)	PURGEABLE HALOCARBONS (EPA 601, 8010)	VOLATILE ORGANICS (EPA 624, 8240)	BASE/NEUTRALS, ACIDG (EPA 624/627, 8270)	TOTAL OIL & GREASE (EPA 8030A)	PESTICIDES/PCB (EPA 605, 8050)	PHENOLS (EPA 604, 8040)	TOTAL LEAD	METALS: Cd, Cr, Pb, Zn	CAR METALS (18) w/CP VI	PRIORITY POLLUTANT METALS (13)
<u>FENTER FRONT DRIVE UST</u>	<u>10/6/90</u>	<u>11 AM</u>	<u>OIL/GAS</u>					X							X			
<u>1428 DOOR UST</u>	<u>10/6/90</u>	<u>10<sup>45</sup></u>	<u>OIL/GAS</u>					X							X			
<u>AWNCH UST</u>	<u>10/6/90</u>	<u>10<sup>30</sup></u>	<u>OIL/GAS</u>					X	<u>add</u>						X			
<u>HYDLIFT - 1.5/SK</u>	<u>10/6/90</u>	<u>10</u>	<u>SOIL</u>					X										
<u>WOMES - A/BAS</u>	<u>10/6/90</u>	<u>10</u>	<u>SOIL</u>					X	<u>composite for halocarbons</u>									
<u>MULLER VENT</u>	<u>10/6/90</u>	<u>9<sup>30</sup></u>	<u>SOIL</u>					X										

PROJECT INFORMATION		SAMPLE RECEIPT		RELINQUISHED BY		1. RELINQUISHED BY		2. RELINQUISHED BY	
PROJECT:		TOTAL NO. OF CONTAINERS	<u>6</u>	(Signature)	(Time)	(Signature)	(Time)	(Signature)	(Time)
PJ NO.		CHAIN OF CUSTODY SEALS		(Printed Name)	(Date)	(Printed Name)	(Date)	(Printed Name)	(Date)
SHIPPING ID. NO.		REC'D GOOD CONDITION/COLD		(Company)		(Company)		(Company)	
VIA:		CONFORMS TO RECORD		RECEIVED BY	1.	RECEIVED BY	2.	RECEIVED BY (LABORATORY)	
SPECIAL INSTRUCTIONS/COMMENTS:		LAB NO.		(Signature)	(Time)	(Signature)	(Time)	(Signature)	(Time)
				(Printed Name)	(Date)	(Printed Name)	(Date)	(Printed Name)	(Date)
				(Company)		(Company)		(Company)	

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# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 12, 1990

ChromaLab File # 0990161 C

Client: \_\_\_\_\_  
Date Sampled: Sept. 28, 1990  
Date of Analysis: Oct. 12, 1990

Attn: \_\_\_\_\_  
Date Submitted: Sept. 28, 1990

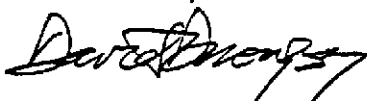
Project Name: \_\_\_\_\_  
Sample I.D.: LB #3  
Method of Analysis: EPA 8240

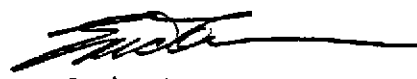
Project No.: \_\_\_\_\_  
Detection Limit: 200 mg/Kg\*

COMPOUND NAME	mg/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	98.5%	97.2%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	96.5%	98.2%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	950	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	6300	---	---
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	110.5%	102.5%
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYLBENZENE	1000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	92.3%	110.8%
TOTAL XYLENES	5900	---	---

\*High detection limit due to presence of high concentration of compounds in sample.

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director



# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

October 22, 1990

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

ChromaLab File # 1090137 D

Client: \_\_\_\_\_  
Date Sampled: Oct. 19, 1990  
Date of Analysis: Oct. 20, 1990


Attn: \_\_\_\_\_  
Date Submitted: Oct. 19, 1990

Project Name: S Davis Garage, 1432 Harrison Street  
Sample I.D.: LB-PP-D (OIL)  
Method of Analysis: EPA 8240 Detection Limit: 75000ug/Kg

COMPOUND NAME	ug/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	102.5%	82.3%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	90.5%	91.7%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	450,000	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	60,000 -	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	3,200,000	93.2%	88.4%
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	94,000	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	1,000,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	91.5%	87.5%
TOTAL XYLENES	7,000,000	---	---

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

October 12, 1990

Chromalab File # 0990161 G

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

Client: \_\_\_\_\_  
Date Sampled: Sept. 28, 1990  
Date of Analysis: Oct. 12, 1990


Attn: \_\_\_\_\_  
Date Submitted: Sept. 28, 1990

Project Name: \_\_\_\_\_  
Sample I.D.: MGF # 7  
Method of Analysis: EPA 8240

Project No.: \_\_\_\_\_  
Detection Limit: 10 µg/Kg

COMPOUND NAME	µg/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	98.5%	97.2%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	18	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	96.5%	98.2%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	10	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	30	---	---
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	110.5%	102.5%
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	16	---	---
ETHYLBENZENE	10	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	92.3%	110.8%
TOTAL XYLENES	68	---	---

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

October 19, 1990

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

ChromaLab File # 1090048 C


Client: \_\_\_\_\_  
Date Sampled: Oct. 06, 1990  
Date of Analysis: Oct. 19, 1990

Attn: \_\_\_\_\_  
Date Submitted: Oct. 08, 1990

Project Name: Davis Parking, 1432 Harrison, Oakland, CA  
Sample I.D.: MUNCK UST (OIL)  
Method of Analysis: EPA 8010 Detection Limit: 20 ug/Kg

COMPOUND NAME	ug/Kg	Spike Recovery
CHLOROMETHANE	N.D.	---
VINYL CHLORIDE	N.D.	---
BROMOMETHANE	N.D.	---
CHLOROETHANE	N.D.	---
TRICHLOROFLUOROMETHANE	N.D.	98.5% 97.2%
1,1-DICHLOROETHENE	N.D.	---
METHYLENE CHLORIDE	160	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---
1,1-DICHLOROETHANE	N.D.	---
CHLOROFORM	N.D.	101.3% 92.5%
1,1,1-TRICHLOROETHANE	N.D.	---
CARBON TETRACHLORIDE	N.D.	---
1,2-DICHLOROETHANE	N.D.	---
TRICHLOROETHENE	N.D.	---
1,2-DICHLOROPROPANE	N.D.	---
BROMODICHLOROMETHANE	N.D.	---
2-CHLOROETHYL VINYLETHER	N.D.	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---
CIS-1,3-DICHLOROPROPENE	N.D.	---
1,1,2-TRICHLOROETHANE	N.D.	108.3% 102.5%
TETRACHLOROETHENE	110	---
DIBROMOCHLOROMETHANE	N.D.	---
CHLOROBENZENE	N.D.	---
BROMOFORM	N.D.	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---
1,3-DICHLOROBENZENE	N.D.	---
1,4-DICHLOROBENZENE	N.D.	---
1,2-DICHLOROBENZENE	N.D.	92.8% 96.5%

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

**FAX TRANSMITTAL COVER SHEET**

FROM:

SAN FRANCISCO, CA 94114-2761

TELEPHONE #

AUTOSWITCHED FAX OR PHONE

(IF YOU CALL ON A FAX MACHINE HANDSET, PRESS THE NUMBER '3' ON YOUR HANDSET WHEN OUR LINE ANSWERS. THIS WILL SWITCH US FROM YOUR HANDSET TO YOUR FAX. THEN PUT YOUR HANDSET BACK ON ITS CRADLE AND PRESS START. THANK YOU.)

TO:

IN CARE OF:

OAKLAND, CA 94612

PHONE:

FAX #:

# OF PAGES FOLLOWING THIS ONE = 3

DATE: October 31, 1990

JONATHAN:

7:37 PM; OCTOBER 31, 1990

HERE ARE THE RESULTS RETURNED BY THE LABORATORY FOR 3 SAMPLES:

#1 (SOIL) IS A SAMPLE TAKEN OF SOLID SCRAPED FROM THE CONCRETE SURROUNDING THE THE BASE OF THE PIPE EXTENDING FROM THE LOWER BASEMENT FLOOR TO THE CEILING OF THE LOWER BASEMENT. THIS PIPE APPEARS TO PIERCE THE CEILING AND TO EXTEND THROUGH IT TO THE SIDEWALK ABOVE, ON ALICE STREET. THE PIPE WAS WITHIN A COUPLE OF INCHES OF THE 'ALICE STREET WALL' AND ABOUT SIX FEET FROM THE ROOM CORNER CLOSEST TO THE PARKING LOT ON THE 14TH STREET SIDE.

#2 (SOIL) WAS COLLECTED AT THE BASE OF AN OPEN PIPE ADJACENT TO THE PIPE REFERRED TO ABOVE. THIS PIPE IS ABOUT 15 INCHES LONG AND WAS ABOUT 15 INCHES FROM THE SAME CORNER. THIS PIPE IS ALSO WITHIN A COUPLE OF INCHES OF THE ALICE STREET WALL

#3 WAS SOIL SCRAPED FROM THE OPEN HOLE IN THE CENTER OF THE LOWER BASEMENT FLOOR IN THE AUTO DRIVE PATH IMMEDIATELY ADJACENT TO THE OPEN GRILL CONTAINING AN OILY LIQUID WHICH APPEARS TO BE A DRAIN LINE FOR OILS, SOLVENTS, ETC.

ALL THREE SAMPLES SHOW SUBSTANTIAL CONCENTRATIONS OF BTEX. NO VOLATILE CHLORINATED HYDROCARBONS WERE FOUND IN ANY SAMPLE. PCB ANALYSES ON THESE SOIL SAMPLES HAVE NOT YET BEEN RETURNED TO ME. THE BTEX IN THESE 3 SOIL SAMPLES WOULD CERTAINLY HAVE BEEN IN EQUILIBRIUM WITH BTEX VAPORS IN THE AIR IN THESE AREAS AT THE TIME THE SAMPLE WAS COLLECTED, INCLUDING THE VOLUME OF AIR IN THE CENTER DRIVEWAY AREA OF THE LOWER BASEMENT. YOU SHOULD ALSO NOTE THAT THE APPEARANCE OF THE SOLID COLLECTED AT ALL THREE LOCATIONS WAS CONSISTENT WITH THE OILY APPEARANCE OF THE SURFACE OF THE PIPE EXTENDING TO THE CEILING (SAMPLING LOCATION #1), AND THAT THE PIPE HAS HAD THIS OILY APPEARANCE ON EVERY OCCASION THAT I HAVE BEEN IN THE LOWER BASEMENT.

FINALLY, I AM PREPARED TO STATE UNEQUIVOCALLY THAT THE SAMPLES WERE KEPT IN A SEALED COOLER, WERE COLLECTED AND MAINTAINED UNDER CHAIN OF CUSTODY, AND WERE MAINTAINED AT APPROXIMATELY 4 CELSIUS BY MEANS OF AN ICE-WATER SLURRY UNTIL THEY WERE RECEIVED AT THE LABORATORY WITHIN A FEW HOURS AFTER COLLECTION. IN ADDITION, THE SAMPLE JARS WERE FILLED AS FULL AS POSSIBLE TO MINIMIZE LOSS OF VOLATILES INTO JAR HEADSPACE.

YOURS TRULY,

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 31, 1990

ChromaLab File # 1090171 A

Client: \_\_\_\_\_  
Date Sampled: Oct. 25, 1990  
Date of Analysis: Oct. 31, 1990


Attn: \_\_\_\_\_  
Date Submitted: Oct. 25, 1990

Project Name: 1432 Harrison  
Sample I.D.: # 1 (soil)  
Method of Analysis: 8240

Detection Limit: 1000 µg/Kg

COMPOUND NAME	µg/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	99.7%	95.6%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	98.2%	96.8%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	11,000	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	120,000	105.8%	95.2%
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	29,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	97.5%	96.8%
TOTAL XYLENES	170,000	---	---

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 31, 1990

ChromaLab File # 1090171 B

Client: \_\_\_\_\_  
 Date Sampled: Oct. 25, 1990  
 Date of Analysis: Oct. 31, 1990

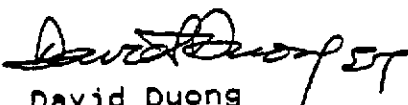
Attn: \_\_\_\_\_  
 Date Submitted: Oct. 25, 1990

Project Name: 1432 Harrison  
 Sample I.D.: # 2 (soil)  
 Method of Analysis: 8240

Detection Limit: 1000 ug/Kg

COMPOUND NAME	ug/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	99.7%	95.6%
TRICHLOROFLUOROMETHANE	N.D.	---	---
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	98.2%	96.8%
CHLOROFORM	N.D.	---	---
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	31,000	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	105.8%	95.2%
TOLUENE	280,000	---	---
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	59,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	97.5%	96.8%
1,2-DICHLOROBENZENE	N.D.	---	---
TOTAL XYLENES	350,000	---	---

ChromaLab, Inc.

  
 David Duong  
 Senior Chemist

  
 Eric Tam  
 Lab Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#604)
- Drinking Water (#955)
- Waste Water
- Consultation

October 31, 1990

ChromaLab File # 1090171 D

Client: \_\_\_\_\_  
Date Sampled: Oct. 25, 1990  
Date of Analysis: Oct. 31, 1990

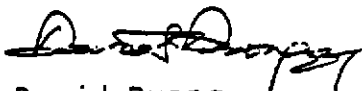
Attn: \_\_\_\_\_  
Date Submitted: Oct. 25, 1990

Project Name: 1432 Harrison  
Sample I.D.: # 4 (soil)  
Method of Analysis: 8240

Detection Limit: 1000 µg/Kg

COMPOUND NAME	µg/Kg	Spike Recovery	
CHLOROMETHANE	N.D.	---	---
VINYL CHLORIDE	N.D.	---	---
BROMOMETHANE	N.D.	---	---
CHLOROETHANE	N.D.	---	---
TRICHLOROFLUOROMETHANE	N.D.	99.7%	95.6%
1,1-DICHLOROETHENE	N.D.	---	---
METHYLENE CHLORIDE	N.D.	---	---
1,2-DICHLOROETHENE (TOTAL)	N.D.	---	---
1,1-DICHLOROETHANE	N.D.	---	---
CHLOROFORM	N.D.	98.2%	96.8%
1,1,1-TRICHLOROETHANE	N.D.	---	---
CARBON TETRACHLORIDE	N.D.	---	---
BENZENE	29,000	---	---
1,2-DICHLOROETHANE	N.D.	---	---
TRICHLOROETHENE	N.D.	---	---
1,2-DICHLOROPROPANE	N.D.	---	---
BROMODICHLOROMETHANE	N.D.	---	---
2-CHLOROETHYL VINYLETHER	N.D.	---	---
TRANS-1,3-DICHLOROPROPENE	N.D.	---	---
TOLUENE	230,000	105.8%	95.2%
CIS-1,3-DICHLOROPROPENE	N.D.	---	---
1,1,2-TRICHLOROETHANE	N.D.	---	---
TETRACHLOROETHENE	N.D.	---	---
DIBROMOCHLOROMETHANE	N.D.	---	---
CHLOROBENZENE	N.D.	---	---
ETHYL BENZENE	59,000	---	---
BROMOFORM	N.D.	---	---
1,1,2,2-TETRACHLOROETHANE	N.D.	---	---
1,3-DICHLOROBENZENE	N.D.	---	---
1,4-DICHLOROBENZENE	N.D.	---	---
1,2-DICHLOROBENZENE	N.D.	97.5%	96.8%
TOTAL XYLENES	350,000	---	---

ChromaLab, Inc.

  
David Duong  
Senior Chemist

  
Eric Tam  
Lab Director

**FAX TRANSMITTAL COVER SHEET**

**FROM:**

**STREET; SAN FRANCISCO, CA 94114-2761**

**TELEPHONE #**

**AUTOSWITCHED FAX OR PHONE**

(IF YOU CALL ON A FAX MACHINE HANDSET, PRESS THE NUMBER "3" ON YOUR HANDSET WHEN OUR LINE ANSWERS. THIS WILL SWITCH US FROM YOUR HANDSET TO YOUR FAX. THEN PUT YOUR HANDSET BACK ON ITS CRADLE AND PRESS START. THANK YOU.)

**TO:**

**IN CARE OF:**

**OAKLAND, CA 94612**

**PHONE:**

**FAX #:**

**# OF PAGES FOLLOWING THIS ONE = 3**

**DATE: November 1, 1990**

**JONATHAN:**

**9: PM; NOVEMBER 1, 1990**

**HERE ARE THE RESULTS FOR PCB ANALYSES FROM TWO SETS OF SAMPLES.**

**SET A:**

**#1 (SOIL) IS A SAMPLE TAKEN OF SOLID SCRAPED FROM THE CONCRETE SURROUNDING THE THE BASE OF THE PIPE EXTENDING FROM THE LOWER BASEMENT FLOOR TO THE CEILING OF THE LOWER BASEMENT. THIS PIPE APPEARS TO PIERCE THE CEILING AND TO EXTEND THROUGH IT TO THE SIDEWALK ABOVE, ON ALICE STREET. THE PIPE WAS WITHIN A COUPLE OF INCHES OF THE 'ALICE STREET WALL' AND ABOUT SIX FEET FROM THE ROOM CORNER CLOSEST TO THE PARKING LOT ON THE 14TH STREET SIDE.**

**#2 (SOIL) WAS COLLECTED AT THE BASE OF AN OPEN PIPE ADJACENT TO THE PIPE REFERRED TO ABOVE. THIS PIPE IS ABOUT 15 INCHES LONG AND WAS ABOUT 15 INCHES FROM THE SAME CORNER. THIS PIPE IS ALSO WITHIN A COUPLE OF INCHES OF THE ALICE STREET WALL**

**#3 WAS LIQUID FROM THE OPEN-TOP PIPE LEADING INTO THE LEFT HAND TANK IN THE LOWER BASEMENT.**

**#4 WAS SOIL SCRAPED FROM THE OPEN HOLE IN THE CENTER OF THE LOWER BASEMENT FLOOR IN THE AUTO DRIVE PATH IMMEDIATELY ADJACENT TO THE OPEN GRILL CONTAINING AN OILY LIQUID WHICH APPEARS TO BE A DRAIN LINE FOR OILS, SOLVENTS, ETC.**

**ALL FOUR SAMPLES SHOW SMALL CONCENTRATIONS OF PCBs.**

**SET B: HAS THE RESULTS FROM THE ORIGINAL SET OF LOWER BASEMENT SAMPLES COLLECTED ON 9/28. SAMPLE LB#3 IS OF GREATEST INTEREST SINCE IT CAME FROM THE SAME TANK PIPE AS #3 ABOVE. THESE ANALYSES WERE RUN AT THE SAME TIME AND THEY DIFFER BY A FACTOR OF TWO.**

**THE LAB HAS BEEN ASKED TO EXPLAIN THE DISCREPANCY, SINCE PCB ANALYSES DO NOT USUALLY HAVE THIS GREAT AN IMPRECISION.**

**YOURS TRULY,**



# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

November 1, 1990

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

ChromaLab File No.: 0990161

Attn:

RE: One soil and two oil samples for PCB's analysis

Date Sampled: Sept. 28, 1990  
Date Extracted: Oct. 29-30, 1990

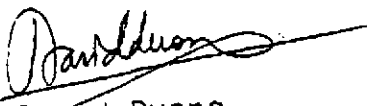
Date Submitted: Sept. 28, 1990  
Date Analyzed: Oct. 29-30, 1990

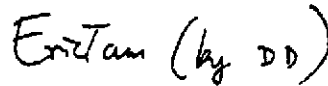
RESULTS:

<u>Sample No.</u>	<u>PCB's* (ug/Kg)</u>
LB #1	N.D.
LB #3	5500
LB #6	540
BLANK	N.D.
SPIKED RECOVERY	92.5%
DUPLICATED SPIKED RECOVERY	98.9%
DETECTION LIMIT	100
METHOD OF ANALYSIS	8080

\*PCB 1260

CHROMALAB, INC.

  
David Duong  
Senior Chemist

  
Eric Tam (by DD)

Eric Tam  
Laboratory Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

November 1, 1990

ChromaLab File No.: 1090171

Attn:

RE: One oil and three soil samples for PCB's analysis

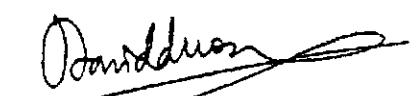
Date Sampled: Oct. 25, 1990      Date Submitted: Oct. 25, 1990  
 Date Extracted: Oct. 29-31, 1990      Date Analyzed: Oct. 29-31, 1990

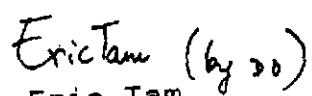
RESULTS:

<u>Sample No.</u>	<u>PCB's* (µg/Kg)</u>
1	1100
2	1100
3	2300
4	390
BLANK	N.D.
SPIKED RECOVERY	92.5%
DUPLICATED SPIKED RECOVERY	98.9%
DETECTION LIMIT	100
METHOD OF ANALYSIS	8080

\*PCB 1260

CHROMALAB, INC.

  
 David Duong  
 Senior Chemist

  
 Eric Tam  
 Laboratory Director

# CHROMALAB, INC.

Analytical Laboratory  
Specializing in GC-GC/MS

- Environmental Analysis
- Hazardous Waste (#E694)
- Drinking Water (#955)
- Waste Water
- Consultation

October 22, 1990

ChromaLab File No.: 1090137D

RE: 8080 analysis  
Client Sample Number: LB-PP-D  
Project Location: 1432 HARRISON STREET  
Date Analyzed: October 22, 1990

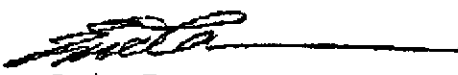
## CHLORINATED PESTICIDE ANALYSIS

<u>COMPOUNDS</u>	<u>CONCENTRATION</u> (ug/Kg)	<u>DETECTION LIMIT</u> (ug/Kg)	<u>SPIKE RECOVERY</u>
ALDRIN	N.D.	10	----
DIELDRIN	N.D.	10	----
ENDRIN ALDEHYDE	N.D.	50	----
ENDRIN	N.D.	10	102.0%
HEPTACHLOR	N.D.	10	----
HEPTACHLOR EPOXIDE	N.D.	10	----
p,p' - DDT	N.D.	50	101.6%
p,p' - DDE	N.D.	10	93.3%
p,p' - DDD	N.D.	50	----
ENDOSULFAN I	N.D.	50	107.7%
ENDOSULFAN II	N.D.	50	----
α - BHC	N.D.	10	----
β - BHC	N.D.	10	----
γ - BHC (LINDANE)	N.D.	10	103.6%
δ - BHC	N.D.	10	----
ENDOSULFAN SULFATE	N.D.	100	----
p,p' - METHOXYCHLOR	N.D.	100	----
TOXAPHENE	N.D.	100	----
PCB's*	21000	100	----
CHLORDANE	N.D.	100	98.1%

\*PCB 1260

CHROMALAB, INC.

  
David Duong  
Senior Chemist

  
Eric Tam  
Laboratory Director

JAMES C. SOPER, INC.  
PHILIP M. JELLEY, INC.  
JOHN L. McDONNELL, JR.  
GERALD C. SMITH  
LAWRENCE R. SHEPP  
LLEWELLYN E. THOMPSON II  
RICHARD T. WHITE  
MICHAEL P. WALSH  
J. BRITTAIN HABEGGER  
VIRGINIA PALMER  
STEPHEN M. JUDSON  
STEPHEN M. WILLIAMS  
BETTY J. ORVELL  
JONATHAN W. REDDING  
TIMOTHY W. MOPPIN  
KRISTIN PACE  
MICHAEL M. K. SEBREE  
ANTONIA L. BROADDUS

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1221 BROADWAY, 21ST FLOOR

OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (415) 451-3300

R. M. FITZGERALD 1858-1934  
CARL H. ABBOTT 1867-1933  
CHARLES A. BEARDSLEY 1882-1963

STACY H. DOBRZENSKY  
OF COUNSEL

October 18, 1990

TELECOPIER: (415) 451-1527

VIA FACSIMILE

Jack Provine, Esq.  
500 Ygnacio Valley Road, Suite 390  
Walnut Creek, California 94596

Re: Harrison Street Garage, 1432 Harrison Street,  
Oakland, CA 94612

Dear Mr. Provine:

I am in receipt of your letter of October 18, 1990, concerning the removal of product from underground storage tanks on the above-referenced property.

We have absolutely no objection to your prompt removal of product from the two tanks in front of the Harrison Street garage. Indeed, we have requested that the County require such removal. Had you placed a call to me requesting access for this purpose there would have been no problem. Unfortunately, your engineers arrived without any advance notice to my clients. As we have previously informed you, the parking lot attendants have been instructed to refuse access to any persons other than those authorized for entry.

Please call me and make an appointment for the removal of the product.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By   
Jonathan W. Redding

JWR:sdh

cc: Mr. Steve Davis  
Paul Smith

**SCS ENGINEERS**

90 OCT 17 PM 12:31

October 12, 1990  
File No. 0390044.00

Mr. Paul H. Smith  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
Department Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

Reference: Harrison Street Garage  
1432 Harrison Street  
Oakland, California 94612

Dear Mr. Smith:

I am in receipt of your letter of September 24, 1990, to Mr. Bacharach and Ms. Borsuk, and was requested by them to arrange for the removal of any liquid currently in the underground storage tanks (UST) at the front of the property at 1432 Harrison Street, Oakland, California.

On October 3, 1990, SCS Engineers employed personnel to take a vacuum truck and remove whatever material remained in the two tanks (underground storage tanks) at the above noted facility. The present tenant refused to allow the removal of the material and rather than cause an altercation SCS personnel left the scene.

SCS Engineers plans to have the liquid removed, and the tanks removed as soon as a Court Order allows our client, the owner of the property, to go on the property for the removal of the tanks and the possible liquid in the tanks. This situation has become somewhat exacerbated by the fact that there is a law suit between the tenants and the owner. However, as you mentioned, it is possible that the liquid in the tanks could cause problems, and SCS would like to get into the site as soon as possible.

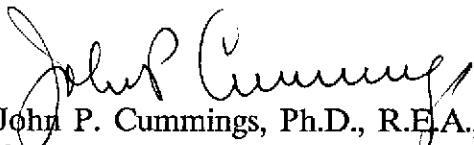
SCS is also aware that Section 25299.37(A) of Division 20 Chapter 6.7 of the Health and Safety Code, states that "each owner, operator or other responsible parties shall take corrective action in response to an unauthorized release and compliance with the section." While SCS is are not sure that there has been an unauthorized release, SCS

Mr. Paul H. Smith  
October 12, 1990  
Page Two

Engineers wishes to act as rapidly as possible, but does not want to get into an altercation with the present tenants. SCS is requesting that you keep this letter on file so that you are aware of what has happened.

Should you have any questions, please contact me at (415) 829-0661.

Sincerely,

  
John P. Cummings, Ph.D., R.E.A., R.E.P.  
Office Director  
SCS Engineers

JPC/egh

DEPARTMENT OF ENVIRONMENTAL HEALTH

APPLICATION FORM

MFR Sent \_\_\_\_\_ (date)

PURPOSE: Permit Application  Service  Renewal

Computer No.

TYPE OF ACTION: New Premises  Change of Owner  Change of Name  Change of Status  Change of Mailing Address  Inactivate  Delete  Unincorp.

Premises Name 1432 Harrison St. SUPV. DIST.  C.T. 4

A. Premises Address 301 14th St Oakland 94612  
Number Street City Zip Code Phone

Owner/Applicant SUBSURFACE CONSULTANTS 268-0461  
If corporation, also show name of corporation president Phone

B. Mailing Address 171-12TH ST. SUITE 201, OAKLAND, CA 94607  
Number Street City Zip Code

SEND BILLING TO ADDRESS: A  B  (circle one)

Prior Business Name \_\_\_\_\_ Prior Owner's Name \_\_\_\_\_

Property Owner \_\_\_\_\_  
If corporation, also show name of corporation president Phone

Address \_\_\_\_\_  
Number Street City Zip Code

E.U. NO.  C.P. CODE

FOOD CATEGORIES

Bakery

- \_\_\_ Under 2,000 sq. ft. (130)
- \_\_\_ 2,000 - 6,000 sq. ft. (131)
- \_\_\_ Over 6,000 sq. ft. (132)

Food Market, Retail

- \_\_\_ Under 3,000 sq. ft. (120)
- \_\_\_ 3,000 - 10,000 sq. ft. (121)
- \_\_\_ Over 10,000 sq. ft. (122)

Confectionary (125)

Restaurant

- \_\_\_ Tavern, Cocktail lounge (104)
- \_\_\_ Snack Bar (105)
- \_\_\_ Drive-In, Take Out (110)
- \_\_\_ Catering Commissary (111)
- \_\_\_ Under 26 seats (100)
- \_\_\_ 26 - 50 seats (101)
- \_\_\_ 51 - 75 seats (102)
- \_\_\_ Over 75 seats (103)
- \_\_\_ In Plant Feeding (114)
- \_\_\_ Bed & Breakfast (Cont.) (115)
- \_\_\_ Bed & Breakfast (Reg.) (116)

Vending Machine

Other Food

Temporary Food Operation

- \_\_\_ Special Event Facility (113) (not to exceed 3 days)
- \_\_\_ Temporary Food Facility (108) (not to exceed 21 days)
- \_\_\_ Seasonal Food Facility (129) (not to exceed 45 days)

Food Vehicle

- \_\_\_ Vehicle Application Fee
- \_\_\_ Mobile Food Prep. Unit (107)
- \_\_\_ Stationary M.F.P.U. (117)
- \_\_\_ Retail Food Vehicle (112)
- \_\_\_ Itinerant Vehicle (128)

GENERAL CATEGORIES

- \_\_\_ Plan Review
- \_\_\_ Special Service
- \_\_\_ Public Swimming Area
- \_\_\_ Commercial Spa
- \_\_\_ Mobilehome Park
- No. Spaces \_\_\_\_\_

Private Waste Disposal

- \_\_\_ Site Evaluation
- \_\_\_ Percolation Test
- \_\_\_ Plan Review
- \_\_\_ Installation

Holding Tank

- \_\_\_ Site Evaluation
- \_\_\_ Installation
- \_\_\_ Inspection

Water Supply-Utility

- \_\_\_ Community System
- \_\_\_ Non-Community System
- \_\_\_ State Small Water System
- \_\_\_ Local Small Water System

Private Water Supply

- \_\_\_ Flow, Bacti. & Chem. Anal.

Drinking Water Analysis

- \_\_\_ Bacterial
- \_\_\_ Chemical
- \_\_\_ Flow Rate

Other

Number of Units/Hrs. \_\_\_\_\_ Fee Per Unit/Hr. 60<sup>00</sup> Total Fee \$ 85.00

REMARKS: Copies \$1.00/copy = 25 +

CHECK ATTACHED

PAID IN FULL

You will receive a BILL in accordance with Article 11 of Chapter 6, Title 3 of the Ordinance Code of Alameda County

Owner/Applicant \_\_\_\_\_ Date \_\_\_\_\_

Sanitarian Paul M. Brink Phone 271-4320 Date 9/25/90

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



Certified Mail P 052 128 176

Mark Borsuk  
922-1485  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415)

September 24, 1990

Mr. Alvin Bacharach & Ms. Barbara Borsuk  
383 Diablo Road #100  
Danville, CA 94526

RE: Harrison Street Garage, 1432 Harrison St., Oakland,  
CA, 94612

Dear Mr. Bacharach and Ms. Borsuk:

We have received and approved the tank closure plan for the removal of two gasoline tanks located at the above site submitted by Veris Construction. Before the tank removals can be scheduled the following concerns need to be addressed:

There is some concern of subsurface contamination levels which may cause a human health problem during and after the tank removal. A preliminary subsurface investigation dated August 8, 1990 performed by Subsurface Consultants of the gasoline tanks at the above site identified contamination levels in soil which indicate that high levels of contamination of Total Petroleum hydrocarbon (TPH) and Benzene, Toluene, Ethylbenzene and Xylene (BTEX) are present in the soil from an underground tank leak. Based on the levels of contamination reported it is likely that groundwater has also been impacted.

The levels of contamination present from the tank excavation and stockpiles could present hazards to human health. For example if levels of benzene are determined, via monitoring with Draeger tubes or Organic Vapor Analysis, to exceed the permissible exposure limit (PEL) the stockpiles cannot remain onsite. If the stockpile tailings (which must be covered with visqueen) or tank excavation emit contamination below the PEL the excavation pit can remain open until the chemical analysis results become available so that the characterized soil can be appropriately dealt with. There is some question as to where the stockpiles will be stored and what mitigative measures will be taken if any?

A preliminary site assessments would assist in the determination of the amount and extent of contamination at the above site.

It is our understanding that there are several hundred gallons of liquid currently in each tank. This liquid needs to be removed prior to the tank removal. You are requested to provide copies of waste recycling receipts or manifests of waste disposal to this office.

Chemical sampling beneath underground piping every 20 linear feet are required in order to examine for subsurface contamination. Arrangements for performing this sampling must be made.



Mr. Bacharach/Ms. Borsuk  
September 24, 1990  
Page 2 of 2

Based upon the findings referred to in the above report you are legally obligated to report any unauthorized release to this department. Section 2652 of Title 23 of the CA Code of Regulations states that within 24 hours of the discovery of the release the release shall be reported to the local agency and the State Office of Emergency Services or the Regional Board. Title 23 further states that within 5 working days of detecting the release, the operator or permittee shall submit to the local agency a full report of the extent of contamination, the proposed method and location of disposal. You are requested to fill out an unauthorized release form (enclosed with this letter).

Please be advised that section 25299.37(a) of Division 20 Chapter 6.7 of the Health and Safety Code states that each owner, operator or other responsible party shall take corrective action in response to an unauthorized release in compliance with this section. Section 25299.37(c) states that the local agency may issue an order to the owner requiring compliance with this section. Section 25298(c)(4) states that no person shall close an underground tank unless he demonstrates to the appropriate agency that the site has been investigated to determine if contamination is present, or if there were past releases, and if so, that appropriate corrective or remedial actions have been taken. If appropriate remediation is not taken this could be considered improper closure of an underground tank making the responsible party liable for a civil penalty of not less than \$500.00 to more than \$5000.00 per each day per violation.

You are requested to respond to the above concerns within 14 days of the receipt of this letter.

Should you have any questions, please contact me at (415) 271-4320.

Sincerely,

*Paul M. Smith*

Paul M. Smith,  
Hazardous Materials Specialist

PMS:

cc: Gil Jansen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
Lester Feldman, SFBRWQCB  
Robert Buchman, King, Schapiro, Nittleman & Buchman  
Steve Davis, Leasee  
Jonathan Redding, Fitzgerald, Abbot & Beardley  
Files

September 20, 1990  
SCI 447.019

Mr. Paul Smith  
Department of Environmental Health  
Hazardous Material Division  
Alameda County Health Care Services Association  
80 Swan Way, Room #200  
Oakland, CA 94621

**File Review**  
301 14th Street, Oakland, CA 94612  
1432 Harrison Street, Oakland, CA 94612  
Oakland, CA 94612

Dear Mr. Smith:


Subsurface Consultants, Inc. (SCI) is currently involved in an environmental assessment for property located near 14th and Harrison Streets in Oakland, California. As part of our research, we are interested in reviewing files for the referenced projects. We understand that ACSCA maintains files for these locations. Accordingly, we wish to request a search of the files for the address: 301 14th Street, Oakland, California, 94612. (a.k.a. Harrison Car Wash, and 1432 Harrison Street, Oakland, CA, 94612.

We understand that we will be billed \$60 per hour for this service. Please contact me when the files are ready for review.

We appreciate any assistance you can offer with respect to this issue. If you have any questions, please call.

Yours very truly,

Subsurface Consultants, Inc.



Craig Fletcher  
Geologist

CRF:clh

■ Subsurface Consultants, Inc.

171 12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0461 • FAX 415-268-0137

8-6-90

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH  
470 - 27th Street, 4th Floor  
Oakland, CA 94612  
Telephone: (415) 394-7212

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
DEPARTMENT OF ENVIRONMENTAL HEALTH  
HAZARDOUS MATERIALS DIVISION  
80 SWAN WAY, ROOM 200  
OAKLAND, CA 94621  
PHONE NO. 415/271-4320

These plans have been reviewed and found to be acceptable and essentially meet the requirements of local health laws. Changes to comply with Department are to assure compliance with local laws. The project proposed here is in accordance of any required utility permits.

One copy of these accepted plans shall be available to all contractors and workers involved with the removal.

Any change or alterations of these plans by contractors must be submitted to this Department and the Building Inspection Department to determine if such changes meet the requirements of State and local laws.

Notify this Department at least 48 hours prior to the following required inspections:

Project # U577022  
Fee Paid \$558.00  
Date 8-30-90

- P. Mick Removal of Tank and Piping
- \_\_\_\_\_ Sampling
- \_\_\_\_\_ Final Inspection

Issuance of a permit to operate is dependent on compliance with accepted plans and all applicable regulations.

**UNDERGROUND TANK CLOSURE/MODIFICATION PLANS**

THERE IS A FINANCIAL LIABILITY TO THE OBTAINING THESE INSPECTIONS

1. Business Name HARRISON ST. GARAGE  
Business Owner STEVEN M. DAVIS
2. Site Address 1432 HARRISON ST  
City OAKLAND Zip \_\_\_\_\_ Phone \_\_\_\_\_
3. Mailing Address 1432 HARRISON ST.  
City OAKLAND Zip \_\_\_\_\_ Phone \_\_\_\_\_
4. Land Owner ALVIN H. BACHRACH, BARBARA J. BOZSUK  
Address 383 DIABLO RD, STE 100 City, State DANVILLE, CA Zip 94526
5. EPA I.D. No. CAC 000510512
6. Contractor VERL'S CONSTRUCTION, INC.  
Address 753 PERALTA AVE  
City SAN LEANDRO, CA. Phone 415-562-1234  
License Type A.B. & HAZ. ID# 97-2988449
7. Consultant SCS ENGINEERS  
Address 6761 SIERRA COURT. SUIT D.  
City DUBLIN, CA. Phone 415-829-0661

8. Contact Person for Investigation

Name KENT MADENWALD Title PROJECT MANAGER  
Phone 415 - 829 - 0661

9. Total No. of Tanks at facility 2

10. Have permit applications for all tanks been submitted to this office?  
Yes [] No []

11. State Registered Hazardous Waste Transporters/Facilities

a) Product/Waste Tranporter

Name ERICKSON EPA I.D. No. CA0009464 392  
Address 255 PARR BLVD.  
City RICH MEND State CA. Zip 94801

b) Rinsate Transporter

Name ERICKSON EPA I.D. No. SAME  
Address SAME  
City SAME State — Zip —

c) Tank Transporter

Name ERICKSON EPA I.D. No. SAME  
Address SAME  
City — State — Zip —

d) Tank Disposal Site

Name ERICKSON EPA I.D. No. SAME  
Address SAME  
City SAME State — Zip —

e) Contaminated Soil Transporter

Name — EPA I.D. No. —  
Address —  
City — State — Zip —

12. Sample Collector

Name KENT MADENWALD  
 Company SCS ENGINEERS  
 Address 6761 SIERRA CT., SUITE D.  
 City DUBLIN State CA. Zip 94568 Phone 415-827-0661

13. Sampling Information for each tank or area

Tank or Area		Material sampled	Location & Depth
Capacity	Historic Contents (past 5 years)		
1,000 GALLON	GASOLINE		2 FEET BELOW TANK
550 GALLON	GASOLINE		

14. Have tanks or pipes leaked in the past? Yes [ ] No [ ]

If yes, describe. UNKNOWN

15. NFPA methods used for rendering tank inert? Yes [ ] No [ ]

If yes, describe. STEAM RINSE AND DRY ICE STORAGE

An explosion proof combustible gas meter shall be used to verify tank inertness.

16. Laboratories

Name SCS ANALYTICAL LAB  
 Address 2860 WALNUT AVE.  
 City LONG BEACH State CA Zip 90500  
 State Certification No. 205

17. Chemical Methods to be used for Analyzing Samples

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Number
<p>GASOLINE</p> <p>BTX &amp; E</p>	<p>EPA 8230</p>	<p>LEAF MANUAL GUIDELINES MODIFIED 8015</p> <p>8020 OR 8240</p>

18. Submit Site Safety Plan

19. Workman's Compensation: Yes  No

Copy of Certificate enclosed? Yes  No

Name of Insurer STATE FUND INSURANCE

20. Plot Plan submitted? Yes  No

21. Deposit enclosed? Yes  No

22. Please forward to this office the following information within 60 days after receipt of sample results.

- a) Chain of Custody Sheets
- b) Original Signed Laboratory Reports
- c) TSD to Generator copies of wastes shipped and received
- d) Attachment A summarizing laboratory results

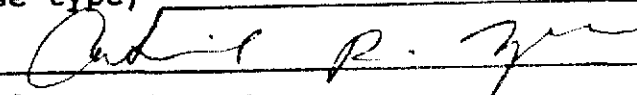
I declare that to the best of my knowledge and belief the statements and information provided above are correct and true. I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

I understand that any changes in design, materials or equipment will void this plan if prior approval is not obtained.

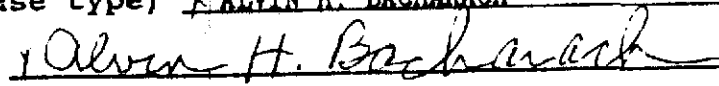
I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel and safety.

I will notify the Department of Environmental Health at least two (2) working days (48 hours) after approval of this closure plan in advance to schedule any required inspections. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Signature of Contractor

Name (please type) CATHERINE MAYER DBA VERL'S CONSTRUCTION, INC  
Signature   
Date 8-16-90

Signature of Site Owner or Operator

Name (please type) X ALVIN H. BACHARACH  
Signature   
Date 8-28-90

NOTES:

1. Any changes in this document must be approved by this Department.
2. Any leaks discovered must be submitted to this office on an underground storage tank unauthorized leak/contamination site report form within 5 days of its discovery.
3. Three (3) copies of this plan must be submitted to this Department. One copy must be at the construction site at all times.
4. After approval of plan, notification of at least two (2) working days (48 hours) must be given to this Department prior to removal of tank(s).
5. A copy of your approved plan must be sent to the landowner.
6. Triple rinse means that:
  - a) Final rinse must contain less than 100 ppm of Gasoline (EPA method 8020 for soil, or EPA method 602 for water) or Diesel (EPA method 418.1). Other methods for halogenated volatile organics (EPA method 8010 for soil, EPA method 601 for water) may be required. The composition of the final rinse must be demonstrated by an original or facsimile report from a laboratory certified for the above analyses.
  - b) Tank interior is shown to be free from deposits or residues upon a visual examination of tank interior.
  - c) Tank should be labelled as "tripled rinsed; laboratory certified analysis available upon request" with the name and address of the contractor.

If all the above requirements cannot be met, the tank must be transported as a hazardous waste.

7. Any cutting into tanks requires local fire department approval.



UNDERGROUND TANK CLOSURE/MODIFICATION PLANS

ATTACHMENT A  
SAMPLING RESULTS

Tank or Area	Contaminant	Location & Depth	Results (specify units)

## INSTRUCTIONS

### 2. SITE ADDRESS

Address at which closure or modification is taking place.

### 5. EPA I.D. NO.

This number may be obtained from the State Department of Health Services, 916/324-1781.

### 6. CONTRACTOR

Prime contractor for the project.

### 7. OTHER

List professional consultants here.

### 12. SAMPLE COLLECTOR

Persons who are collecting samples.

### 13. SAMPLING INFORMATION

Historic contents - the principal product(s) used in the last 5 years.

Material sampled - i.e., water, oil, sludge, soil, etc.

### 16. LABORATORIES

Laboratories used for chemical and geotechnical analyses.

### 17. CHEMICAL METHODS:

All sample collection methods and analyses should conform to EPA or DHS methods.

Contaminant - Specify the chemical to be analyzed.

Sample Preparation Method Number - The means used to prepare the sample prior to analyses - i.e., digestion techniques, solvent extraction, etc. Specify number of method and reference if not an EPA or DHS method.

Analysis Method Number - The means used to analyze the sample - i.e., GC, GC-MS, AA, etc. Specify number of method and reference if not a DHS or EPA method.

#### NOTE:

Method Numbers are available from certified laboratories.

### 18. SITE SAFETY PLAN

A plan outlining protective equipment and additional specialized personnel in the event that significant amount of hazardous materials are found. The plan should consider the availability of respirators, respirator cartridges, self-contained breathing apparatus (SCBA) and industrial hygienists.

19. ATTACH COPY OF WORKMAN'S COMPENSATION

20. PLOT PLAN

The plan should consists of a scaled view of the facility at which the tank(s) are located and should include the following information:

- a) Scale
- b) North Arrow
- c) Property Line
- d) Location of all Structures
- e) Location of all relevant existing equipment including tanks and piping to be removed
- f) Streets
- g) Underground conduits, sewers, water lines, utilities
- h) Existing wells (drinking, monitoring, etc.)
- i) Depth to ground water
- j) All existing tanks in addition to the ones being pulled

rev. 9/88  
mam

## APPLICATION FOR PERMIT TO OPERATE UNDERGROUND STORAGE TANK

01 NEW PERMIT       05 RENEWED PERMIT       07 TANK CLOSED       09 DELETE FROM FILE (NO FEE)  
 02 CONDITIONAL PERMIT       06 AMENDED PERMIT       08 MINOR CHANGE (NO SURCHARGE)

## I OWNER

NAME (CORPORATION, INDIVIDUAL OR PUBLIC AGENCY) DOUGLAS PARKING CO.		PUBLIC AGENCY ONLY <input type="checkbox"/> 01 FED <input type="checkbox"/> 02 STATE <input type="checkbox"/> 03 LOCAL	
STREET ADDRESS 1721 WEBSTER ST.		CITY OAKLAND	STATE CA
			ZIP 94612

## II FACILITY

FACILITY NAME HARRISON ST. GARAGE		DEALER/FOREMAN/SUPERVISOR MAXIMO VASQUEZ	
STREET ADDRESS 1432 HARRISON ST.		NEAREST CROSS STREET 14TH ST.	
CITY OAKLAND		COUNTY ALAMEDA	ZIP 94612
MAILING ADDRESS 1721 WEBSTER ST.		CITY OAKLAND	STATE CA
			ZIP 94612
PHONE W/AREA CODE 415-452-2440	TYPE OF BUSINESS <input checked="" type="checkbox"/> 01 GASOLINE STATION <input type="checkbox"/> 02 OTHER		
NUMBER OF CONTAINERS 2	RURAL AREAS ONLY :	TOWNSHIP	RANGE
			SECTION

*AB AND DOUGLAS 6/86*

## III 24 HOUR EMERGENCY CONTACT PERSON

DAYS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE VASQUEZ, MAX      415-452-2440	NIGHTS: NAME (LAST NAME FIRST) AND PHONE W/AREA CODE VASQUEZ, MAX      415-522-4428
--	--

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

## IV DESCRIPTION

A. <input checked="" type="checkbox"/> 01 TANK <input type="checkbox"/> 04 OTHER:		CONTAINER NUMBER 006
B. MANUFACTURER (IF APPROPRIATE): UNK	YEAR MFG:	C. YEAR INSTALLED <input checked="" type="checkbox"/> UNKNOWN
D. CONTAINER CAPACITY: 1000 GALLONS <input type="checkbox"/> UNKNOWN	E. DOES THE CONTAINER STORE: <input type="checkbox"/> 01 WASTE <input checked="" type="checkbox"/> 02 PRODUCT	
F. DOES THE CONTAINER STORE MOTOR VEHICLE FUEL OR WASTE OIL ? <input checked="" type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO IF YES CHECK APPROPRIATE BOX(ES): <input type="checkbox"/> 01 UNLEADED <input type="checkbox"/> 02 REGULAR <input checked="" type="checkbox"/> 03 PREMIUM <input type="checkbox"/> 04 DIESEL <input type="checkbox"/> 05 WASTE OIL <input type="checkbox"/> 06 OTHER		

## V CONTAINER CONSTRUCTION

A. THICKNESS OF PRIMARY CONTAINMENT: <input type="checkbox"/> GAUGE <input type="checkbox"/> INCHES <input type="checkbox"/> CM <input checked="" type="checkbox"/> UNKNOWN
B. <input type="checkbox"/> 01 VAULTED (LOCATED IN AN UNDERGROUND VAULT) <input type="checkbox"/> 02 NON-VAULTED <input checked="" type="checkbox"/> 03 UNKNOWN
C. <input type="checkbox"/> 01 DOUBLE WALLED <input type="checkbox"/> 02 SINGLE WALLED <input type="checkbox"/> 03 LINED
D. <input type="checkbox"/> 01 CARBON STEEL <input type="checkbox"/> 02 STAINLESS STEEL <input type="checkbox"/> 03 FIBERGLASS <input type="checkbox"/> 04 POLYVINYL CHLORIDE <input type="checkbox"/> 05 CONCRETE <input type="checkbox"/> 06 ALUMINUM <input type="checkbox"/> 07 STEEL CLAD <input type="checkbox"/> 08 BRONZE <input type="checkbox"/> 09 COMPOSITE <input type="checkbox"/> 10 NON-METALLIC <input checked="" type="checkbox"/> 12 UNKNOWN <input type="checkbox"/> 13 OTHER:

**CONTAINER CONSTRUCTION**

E.  01 RUBBER LINED  02 ALKYD LINING  03 EPOXY LINING  04 PHENOLIC LINING  05 GLASS LINING  
 07 UNLINED  08 UNKNOWN  09 OTHER:

F.  01 POLYETHYLENE WRAP  02 VINYL WRAPPING  03 CATHODIC PROTECTION  04 UNKNOWN  05 NONE  
 06 TAR OR ASPHALT  09 OTHER:

**VI PIPING**

A. ABOVEGROUND PIPING:  01 DOUBLE-WALLED PIPE  02 CONCRETE-LINED TRENCH  03 GRAVITY  
(CHECK APPROPRIATE BOX(ES))  04 PRESSURE  05 SUCTION  06 UNKNOWN  07 NONE

B. UNDERGROUND PIPING:  01 DOUBLE-WALLED PIPE  02 CONCRETE-LINED TRENCH  03 GRAVITY  
(CHECK APPROPRIATE BOX(ES))  04 PRESSURE  05 SUCTION  06 UNKNOWN  07 NONE

**VII LEAK DETECTION**

01 VISUAL  02 STOCK INVENTORY  04 VAPOR SNIFF WELLS  05 SENSOR INSTRUMENT  
 06 GROUND WATER MONITORING WELLS  07 PRESSURE TEST  09 NONE  10 OTHER:

**VIII CHEMICAL COMPOSITION OF MATERIALS STORED IN UNDERGROUND CONTAINERS**

IF YOU CHECKED YES TO IV-F YOU ARE NOT REQUIRED TO COMPLETE THIS SECTION

CURRENTLY STORED	PREVIOUSLY STORED	DELETE	CASH (IF KNOWN)	CHEMICAL (DO NOT USE COMMERCIAL NAME)
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		
<input type="checkbox"/> 01	<input type="checkbox"/> 02	<input type="checkbox"/> 03		

\* CHECK STATE BOARD CHEMICAL CODE LISTING FOR POSSIBLE SYNONYMS

IS CONTAINER LOCATED ON AN AGRICULTURAL FARM?  01 YES  02 NO

THIS FORM HAS BEEN COMPLETED UNDER THE PENALTY OF PERJURY AND, TO THE BEST OF MY KNOWLEDGE, IS TRUE AND CORRECT.

PERSON FILING (SIGNATURE) \_\_\_\_\_ PHONE W/AREA CODE \_\_\_\_\_

**FOR LOCAL AGENCY USE ONLY**

ADMINISTRATING AGENCY		CITY CODE		COUNTY CODE	
CONTACT PERSON			PHONE W/AREA CODE		
DATE OF LAST INSPECTION	IN COMPLIANCE <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO	PERMIT APPROVAL DATE	TRANSACTION DATE	LOCAL PERMIT ID #	

# ROBERT J. MILLER CO.

*Service Station and Industrial Equipment*

04776

CONTRACTORS LICENSE NO. 118850  
 3261 GROVE STREET OAKLAND, CALIFORNIA 94609  
 (415) 653-5469

DATE 10/19/32	YOUR ORDER NO. Ron Douglas	OUR ORDER NO. 15931	VIA	TERMS NET 30 DAYS
------------------	-------------------------------	------------------------	-----	----------------------

SOLD TO Douglas Motor Service  
 1721 Webster Street  
 Oakland, CA 94612

SHIPPED TO 1432 Harrison Street  
 Oakland, CA

PART NO.	DESCRIPTION	UNIT	AMOUNT
	Dug up sidewalk - found many leaks in tank and product line. (Note: Barricades are still at job site - to be billed upon removal)		\$ 332 50
	Rental for compressor, jack hammer, asphalt blade and air hose.		150 00
	<b>TOTAL.....</b>		<b>3 332 50</b>
	Any invoice not paid within 30 days from date of invoice will be subject to finance charge of 1 1/2% per month or unpaid balance (18%) annually.		
	<b>NO STATEMENT WILL BE SENT UNLESS REQUESTED</b>		

It is understood that the title of goods received shall remain in the name of Robert J. Miller Company until the full amount of this invoice is paid.

Maximum FINANCE CHARGE, if any, is determined by applying a Periodic Rate of 1 1/2% per month or unpaid balance (18%) annually.

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Director



Certified Mailer P 062 127 745

Telephone Number: (415)

August 27, 1990

Mr. Alvin Bacharach & Ms. Barbara Borsuk  
383 Diablo Road #100  
Danville, CA 94526

**RE: Harrison Street Garage, 1432 Harrison St., Oakland, CA 94612**

Dear Mr. Bacharach and Ms. Borsuk:

I have received a letter from Fitzgerald, Abbott and Beardsley dated August 22, 1990 and a Preliminary Subsurface Investigation Report from Subsurface Consultants, Inc. dated August 18, 1990. The report identified substantial leaks of petroleum products from underground tanks and probable impact to groundwater.

A preliminary site assessment should be conducted immediately to ascertain the extent of contamination to the groundwater. According to Section 2652 of Title 23 of the CA Code of Regulations (CCR):

Within 24 hours after the release has been detected, or should have been detected, using required monitoring, the operator shall notify the local agency and the State Office of Emergency services or the regional board.

Within 5 working days of detecting the release, the operator or permittee shall submit to the local agency a full written report to include all of the following information which is known at the time of filing the report:

- 1) List the type, quantity, and concentration of hazardous materials released.
- 2) The results of all investigations completed at that time to determine the extent of soil or groundwater or surface water contamination due to the release.
- 3) Method of cleanup implemented to date, proposed cleanup actions, and approximate cost of actions taken to date.
- 4) Method and location of disposal of the released hazardous substance and any contaminated soils or groundwater or surface water (indicate whether a hazardous waste manifest[s] is utilized).
- 5) Facility operators name and phone number.

Mr. Bacharach & Ms. Borluk  
August 27, 1990  
Page 2 of 2

Until cleanup is complete, the operator or permittee shall submit reports to the local agency and the regional board every 3 months or at a more frequent interval specified by a responsible agency. The reports shall include the information requested in 2, 3, and 4 above.

The reporting requirements of this section are in addition to any reporting requirements specified by Section 13271 of Division 7 of the Water Code and other laws and regulations.

You are requested to conduct an assessment (within 5 days of the receipt of this letter) of the extent of the contamination which has occurred at the above site. You are also requested to set a schedule within 10 days for the completion of the various phases of the remediation; including the identification of the number of tanks on the property and a schedule for tank removal or permitting.

Cases are prioritized by our department based upon the potential threat to human health and the environment to which they pose. This case is given a high priority for investigation/remediation due to the potential for the presence of free petroleum product and the contamination to groundwater.

Should you have any questions, please contact me at (415) 271-4320.

Sincerely,

*Paul M. Smith*

Paul M. Smith,  
Hazardous Materials Specialist

PMS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
Lester Feldman, SFBRWQCB  
Robert Buchman, King, Schapiro, Mittleman & Buchman  
Steve Davis, Leasee  
Jonathan Redding, Fitzgerald, Abbot & Beardley  
Files



JAMES C. SOPER, INC.  
PHILIP M. JELLEY, INC.  
JOHN L. McDONNELL, JR.  
GERALD C. SMITH  
LAWRENCE R. SHEPP  
LLEWELLYN E. THOMPSON II  
RICHARD T. WHITE  
MICHAEL P. WALSH  
J. BRITAIN HABEGGER  
VIRGINIA PALMER  
STEPHEN M. JUDSON  
STEPHEN M. WILLIAMS  
BETTY J. ORVELL  
JONATHAN W. REDDING  
TIMOTHY W. MOPPIN  
KRISTIN PACE  
MICHAEL M. K. SEBREE  
ANTONIA L. BROADDUS

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1221 BROADWAY, 21ST FLOOR

OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (415) 451-3300

R. M. FITZGERALD 1858-1934  
CARL H. ABBOTT 1867-1933  
CHARLES A. BEARDSLEY 1882-1963

STACY H. DOBRZENSKY  
OF COUNSEL

TELECOPIER: (415) 451-1527

August 22, 1990

Paul Smith  
Hazardous Materials Specialist  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, California 94621

Re: Harrison Street Garage,  
1432 Harrison Street, Oakland, CA 94612

Dear Mr. Smith:

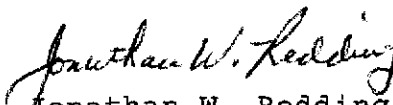
This letter is in follow-up to our conversation of July 30, 1990 and your letter of July 31, 1990 concerning violations of the Health and Safety Code at the above-referenced facility.

As promised, I am enclosing a copy of the preliminary subsurface investigation of the gasoline tank area in front of the structure at 1432 Harrison Street. The laboratory analysis of soil samples taken confirms substantial leaks of petroleum product from the underground facilities, which have impacted groundwater. A copy of the consultant report is enclosed with this letter. Also enclosed is the regional board's unauthorized release form.

We have already made the consultant report available to the owner, through his attorney, and understand that the owner intends to remove the tanks. We are not certain, however, as to when this removal would occur, especially given the lack of a full subsurface investigation and the access problems created by the presence of these tanks in the entrance to the garage.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By   
Jonathan W. Redding

JWR:kal  
Enclosures  
cc: Steve Davis  
Jack Provine, Esq.  
Robert A. Buchman, Esq.

**SCS ENGINEERS**

September 5, 1990  
File No. 0390044.00

Alameda County Health Care Services  
Division of Hazardous Materials  
Department of Environmental Health (ACDEH)  
80 Swan Way, Room 200  
Oakland, California 94621

Attention: Mr. Paul M. Smith

Subject: Harrison Street Garage  
1432 Harrison Street  
Oakland, California

Dear Mr. Smith:

Pursuant to our conversation on September 4, 1990, SCS Engineers (SCS) as Environmental Consultants, to Mr. Robert Buchman our client, has proposed the following to Mr. Buchman as the expected schedule of events:


- 1 - Determine if any fluid is in the tanks and pump out all fluid if any is present.
- 2 - Remove the two (2) known gasoline tanks from the Harrison Street entrance.
- 3 - Remove the existing hydraulic lift system (s) and ancillary hydraulic reservoir.
- 4 - Remove the two (2) underground waste oil tanks from the basement on the Alice Street side of building.
- 5 - Initiate a program to determine the extent, if any, of the soil and water contamination under the existing building lower level.
- 6 - Based on the information gained from the soil, and groundwater investigation in conjunction with the tanks removal, SCS shall prepare a soil and/or groundwater remediation plan for ACDEH approval. (SCS believes, based on the September 4th conversation with you that, groundwater remediation is the foremost priority of any remedial effort).

Mr. Paul M. Smith  
September 5, 1990  
Page Two

This property is in litigation and it would be SCS recommendation to complete investigations inside the building as soon as practical.

If there are any questions please call me at (415) 829-0661

Regards,

  
John P. Cummings, Ph.D., R.E.A., R.E.P.  
Office Director  
SCS Engineers

JPC/sar

cc: B. Buchman  
M. Borsuk

NOV 10 11/9/90

# UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

<b>EMERGENCY</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>FOR LOCAL AGENCY USE ONLY</b> I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25100.7 OF THE HEALTH AND SAFETY CODE. SIGNED: <u>Paul M. Brink</u> DATE: <u>11/28/90</u>	
<b>REPORT DATE</b> 0 M 8 M 2 D 1 D 9 Y 0 Y		<b>CASE #</b>			
<b>REPORTED BY</b>	<b>NAME OF INDIVIDUAL FILING REPORT</b> Jonathan W. Redding, Esq.		<b>PHONE</b> (415) 451-3300		<b>SIGNATURE</b> <i>Jonathan W. Redding</i>
	<b>REPRESENTING</b> <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OTHER <u>Lessee (not operator)</u>		<b>COMPANY OR AGENCY NAME</b> Fitzgerald, Abbott & Seal		
	<b>ADDRESS</b> 1221 Broadway, 21st Floor Oakland California 94612				
<b>RESPONSIBLE PARTY</b>	<b>NAME</b> Mr. Alvin Bacharach and Ms. Borsuk <input type="checkbox"/> UNKNOWN		<b>CONTACT PERSON</b> Robert Buchman, Esq.		<b>PHONE</b> (415) 273-8833
	<b>ADDRESS</b> 333 Diablo Road, #100 Danville California 94526				
<b>SITE LOCATION</b>	<b>FACILITY NAME (IF APPLICABLE)</b> Harrison Street Garage		<b>OPERATOR</b> Tanks abandoned by owner years ago		<b>PHONE</b> ( )
	<b>ADDRESS</b> 1432 Harrison Street Oakland Alameda 94607				
	<b>CROSS STREET</b> 14th Street		<b>TYPE OF AREA</b> <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER		<b>TYPE OF BUSINESS</b> <input checked="" type="checkbox"/> RETAIL FUEL STATION <input type="checkbox"/> FARM <input type="checkbox"/> OTHER <u>parking</u>
<b>IMPLEMENTING AGENCIES</b>	<b>LOCAL AGENCY</b> Alameda County Health Care Services		<b>CONTACT PERSON</b> Mr. Dennis Byrnes		<b>PHONE</b> (415) 271-4320
	<b>REGIONAL BOARD</b> San Francisco Bay		<b>CONTACT PERSON</b> Mr. Lester Feldman		<b>PHONE</b> (415) 464-1255
<b>SUBSTANCES INVOLVED</b>	(1) <u>Gasoline</u>		<b>NAME</b>		<b>QUANTITY LOST (GALLONS)</b> <input checked="" type="checkbox"/> UNKNOWN
	(2)		<b>NAME</b>		<input type="checkbox"/> UNKNOWN
<b>DISCOVERY/ABATEMENT</b>	<b>DATE DISCOVERED</b> 0 M 8 M 1 D 8 D 9 Y 0 Y		<b>HOW DISCOVERED</b> <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER <u>Subsurface investigation</u>		
	<b>DATE DISCHARGE BEGAN</b> <input checked="" type="checkbox"/> UNKNOWN		<b>METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY)</b> <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER		
	<b>HAS DISCHARGE BEEN STOPPED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, DATE				
<b>SOURCE/CAUSE</b>	<b>SOURCE OF DISCHARGE</b> <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		<b>TANKS ONLY/CAPACITY</b> _____ GAL. AGE _____ YRS <input checked="" type="checkbox"/> UNKNOWN		<b>MATERIAL</b> <input type="checkbox"/> FIBERGLASS <input checked="" type="checkbox"/> STEEL <input type="checkbox"/> OTHER
	<b>CAUSE(S)</b> <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> SPILL <input type="checkbox"/> OTHER				
<b>CASE TYPE</b>	<b>CHECK ONE ONLY</b> <input type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input checked="" type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
<b>CURRENT STATUS</b>	<b>CHECK ONE ONLY</b> <input type="checkbox"/> SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) <input type="checkbox"/> CLEANUP IN PROGRESS <input type="checkbox"/> SIGNED OFF (CLEANUP COMPLETED OR UNNECESSARY) <input checked="" type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> NO FUNDS AVAILABLE TO PROCEED <input type="checkbox"/> EVALUATING CLEANUP ALTERNATIVES				
<b>REMEDIAL ACTION</b>	<b>CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)</b> <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> OTHER (OT) <u>Study not yet started</u>				
<b>COMMENTS</b>	The Harrison Street Garage is currently the subject of litigation in Alameda County Superior Court. The current lessee, Steve Davis, has never operated or utilized the gas pumps or tanks at the garage. The tanks were abandoned by the owner several years ago.				

WATER  
 1990  
**QUALITY CONTROL BOARD**  
 94612

## INSTRUCTIONS

### EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

### LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety Code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

### REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

### RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

### SITE LOCATION

Enter information regarding the tank facility and surrounding area. At a minimum, you must provide the facility name and full address.

### IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

### SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

### DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

### SOURCE/CAUSE

Indicate source(s) of leak. Provide details on tank age; capacity and material if known. Check box(es) indicating cause of leak.

### CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

### CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

### REMEDIAL ACTION

Indicate which actions have been used to cleanup or remediate the leak. Descriptions of options follow:

- Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.
- Containment Barrier - install vertical dike to block horizontal movement of contaminant.
- Excavate and Dispose - remove contaminated soil and dispose in approved site.
- Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).
- Remove Free Product - remove floating product from water table.
- Pump and Treat Groundwater - generally employed to remove dissolved contaminants.
- Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.
- Replace Supply - provide alternative water supply to affected parties.
- Treatment at Hookup - install water treatment devices at each dwelling or other place of use.
- No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.

SIGNATURE - Sign the form in the space provided.

### DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies in tact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Water Quality, Underground Tank Program, P. O. Box 100, Sacramento, CA 95801
3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

90 AUG 15

**SCS ENGINEERS**

August 14, 1990  
File No. 0390044.00

Alameda County Health Agency  
Division of Hazardous Materials  
Department of Environmental Health  
80 Swan Way, Room 200  
Oakland, California 94621

Attention: Mr. Dennis Byrnes

Subject: Copies of UST Permits  
1432 Harrison Street  
Oakland, California

Dear Mr. Byrnes:

SCS Engineers (SCS) respectfully requests copies of the following information.


- 1 - 1986 Permit for Abandonment of 550-gallon tank.
- 2 - June 1988 Permit for Temporary Operation of 1000-gallon tank.

This information is required by Mr. Mark Borsuk, the current owner. Thank you for your assistance.

Sincerely,



D. Edward MacDaniel  
Associate Staff Geologist  
SCS Engineers



Kent A. Madenwald, P.E., R.G., R.E.A.  
Project Manager  
SCS Engineers

DEM/KAM/egh

timely response to letter dated 1/11/01

letter

as a result there are definite measures removed

within 30 days

deadlines

ppr co. submit app. for permit  
the schedule for trenching removed  
consultants report at meeting.  
the home & schedule of events

\*\* TX CONFIRMATION REPORT \*\*

AS OF AUG 14 '90 14:31 PAGE.01

ALCO HAZMAT

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
01	8/14 14:28	4158295493	G3--S	02"25	04	OK

Sent: copy of permit &  
application form SCS



LAW OFFICES OF  
KING, SHAPIRO, MITTELMAN & BUCHMAN

GEORGE KING  
ROBERT W. SHAPIRO  
MARK R. MITTELMAN  
ROBERT A. BUCHMAN, P.C.\*

LAKE MERRITT PLAZA, SUITE 1600  
1999 HARRISON STREET  
OAKLAND, CA 94612  
TELEPHONE (415) 273-8633  
FACSIMILE (415) 273-8636

CONTRA COSTA COUNTY OFFICE  
3650 MT. DIABLO BOULEVARD  
SUITE 130  
LAFAYETTE, CA 94549  
TELEPHONE (415) 283-1563  
FACSIMILE (415) 283-1595

CHRISTOPHER R. AKER  
KATHRYN J. BROWN  
JOAN D. B. EDELSON  
PAUL ANTHONY ELIZONDO  
DONALD S. HONIGMAN  
JAMES V. KRAUS  
NOËL M. NINO  
ROBERT D. REITER  
MARY B. RIER  
STEVEN ROOD  
THOMAS C. TAGLIARINI  
JORDAN J. YUDIEN  
MARK J. ZANOBINI

\*RESIDENT CONTRA COSTA OFFICE

August 9, 1990

PLEASE REPLY TO  
Lafayette

REFER TO FILE NUMBER  
038.013

Mr. Paul M. Smith  
Hazardous Materials Specialist  
Alameda County  
Department of Health Services  
80 Swan Way, Room 200  
Oakland, CA 94621

Re: Notice of Violation  
Harrison Street Garage  
1432 Harrison Street  
Oakland, California

Dear Mr. Smith:

SCS Engineers have been retained to assess, characterize and recommend action for the removal of underground storage tanks and any other environmental impact at the referenced site. The work is expected to commence shortly.

The work plans and progress reports will be sent to your Department to keep you informed.

Yours very truly,

  
Robert A. Buchman

RAB:pb  
cc: Alvin H. Bacharach  
cc: Mark Borsuk, Esq.  
cc: SCS Engineers

ALAMEDA COUNTY  
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



Certified Mailer #P 062 128 227

DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Program  
80 Swan Way, Rm. 200  
Oakland, CA 94621  
(415) 271-4326

July 31, 1990

Mr. Alvin Bacharach & Ms. Barbara Borsuk  
383 Diablo Road #100  
Danville, CA 94526

**\*\*\*Notice of Violation\*\*\***

RE: Harrison Street Garage, 1432 Harrison St., Oakland, CA 94612

Dear Mr. Bacharach and Ms. Borsuk:

This is a follow-up letter to an inspection performed on Friday, July 27, 1990, with regard to an expired underground storage tank permit at the above facility.

Upon inspection, it appears that there are additional underground tanks on the property which are currently unpermitted. You are currently in violation of the Health and Safety Code, Section 25284.

The following concerns need to be addressed regarding this location:

An investigation of this site needs to be performed to find out the correct number of tanks which currently exist at the above location.

In accordance with the California Code of Regulations (CCR), Title 23, Chapter 3, Subchapter 16 Underground Tank Regulations, you must perform one of the following actions:

1. Submit a tank closure plan to this Department as required by Article 7, 2670, or
2. Apply for a permit as required by Article 10, 2710.  
(Permit applications are attached)

If the single walled tanks are to be permitted, they must be precision tested annually, piping must have leak detection devices (if delivery lines are pressurized), fuel inventory must be monitored daily and quarterly monitoring reports must be sent to this office.

Mr. Alvin Bacharach & Ms. Barbara Borsuk  
383 Diablo Road #100  
Danville, CA 94526  
July 31, 1990  
Page 2 of 2

Our files show no past records of any tank tightness tests, line leak detection tests, or records of quarterly reports. You are currently in violation of Title 23 of the CA Code of Regulations, Sections 2712, 2651, 2643, 2644 & 2632.

It is our understanding that an investigation is currently underway to determine if there is contamination from the underground tanks at the site. You are required to submit copies of all laboratory analyses of borings, chain of custody, and associated reports. If a leak has occurred, you are required by law, to submit within 5 days, a full written report (including an unauthorized release form). In addition, you will be required to assess the extent of hydrocarbon contamination to soil and groundwater.

According to Section 25299 of the Health and Safety Code (H&SC), any operator of an underground tank system who fails to report an unauthorized release, or fails to permit an inspection of the facility, or to perform any monitoring, testing, or reporting required, shall be liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars for each underground storage tank per day.

You are requested to notify this office in writing within 10 days of the receipt of this letter of your intent with regard to the disposition of the underground tanks at the above location and to inform this office of any contamination problems associated with this site.

Should you have any questions, please contact me at (415) 271-4320.

Sincerely,

*Paul M. Smith*

Paul M. Smith,  
Hazardous Materials Specialist

PMS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and  
Environmental Protection Agency  
Lester Feldman, SFERWQCB  
Robert Buchman, King, Schapiro, Mittleman & Buchman  
Steve Davis, Leasee  
Jonathan Redding, Fitzgerald, Abbot & Beardley  
Files

white -env.health  
 yellow -facility  
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

80 Swan Way, #200  
 Oakland, CA 94621  
 (415) 271-4320

Hazardous Materials Inspection Form

II, III

John Redding - Attorney

Fitzgerald Abbot Bendley 451-3300

Site ID # \_\_\_\_\_ Site Name \_\_\_\_\_ Today's Date 7/27/90

II.A BUSINESS PLANS (Title 19)

- \_\_\_ 1. Immediate Reporting 2703
- \_\_\_ 2. Bus. Plan Stds. 25503(b)
- \_\_\_ 3. RR Cars > 30 days 25503.7
- \_\_\_ 4. Inventory Information 25504(a)
- \_\_\_ 5. Inventory Complete 2730
- \_\_\_ 6. Emergency Response 25504(b)
- \_\_\_ 7. Training 25504(c)
- \_\_\_ 8. Deficiency 25505(a)
- \_\_\_ 9. Modification 25505(b)

Site Address 1432 - 1438 Harrison  
 City \_\_\_\_\_ Zip 94 \_\_\_\_\_ Phone \_\_\_\_\_  
 Alice

MAX AMT stored > 500 lbs, 55 gal., 200 cft.?

Inspection Categories:

- \_\_\_ I. Haz. Mat/Waste GENERATOR/TRANSPORTER
- \_\_\_ II. Business Plans, Acute Hazardous Materials
- \_\_\_ III. Underground Tanks

\* Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

II.B ACUTELY HAZ. MATLS

- \_\_\_ 10. Registration Form Filed 25533(a)
- \_\_\_ 11. Form Complete 25533(b)
- \_\_\_ 12. RMPP Contents 25534(c)
- \_\_\_ 13. Implement Sch. Req'd? (Y/N)
- \_\_\_ 14. OffSite Conseq. Assess. 25524(c)
- \_\_\_ 15. Probable Risk Assessment 25534(d)
- \_\_\_ 16. Persons Responsible 25534(g)
- \_\_\_ 17. Certification 25534(i)
- \_\_\_ 18. Exemption Request? (Y/N) 25536(b)
- \_\_\_ 19. Trade Secret Requested? 25538

Comments:

- Steve Davis Attorney  
 Jonathan John Redding  
 1881 Drake Drive 1221 Broadway  
 Oakland, 94611 21st Floor  
 (415) 339-3717 Oakland 94612

Subsurface const. consultants

Barbucker owner

2 CST's installed

3 fill covers

parking garage

273-8833

Attorney Robert Buchman King Schapiro Mittelman & Buchman

1999 Harrison St Oakland 94612

Alvin Bacharach & Barbara Barsuk & Mark Barsuk

383 Diablo Rd #100

Danville 94526

no phone Alvin Bacharach Inc

II, III

III. UNDERGROUND TANKS (Title 23)

- |                               |  |
|-------------------------------|--|
| General                       | ___ 1. Permit Application 25284 (H&S)  |
|                               | ___ 2. Pipeline Leak Detection 25292 (H&S)   |
|                               | ___ 3. Records Maintenance 2712  |
|                               | ___ 4. Release Report 2651   |
|                               | ___ 5. Closure Plans 2670  |
| Monitoring for Existing Tanks | ___ 6. Method  |
|                               | 1) Monthly Test  |
|                               | 2) Daily Vadose<br>Semi-annual groundwater<br>One time soils                               |
|                               | 3) Daily Vadose<br>One time soils<br>Annual tank test                                      |
|                               | 4) Monthly Groundwater<br>One time soils   |
|                               | 5) Daily Inventory<br>Annual tank testing<br>Cont pipe leak det<br>Vadose/groundwater mon. |
|                               | 6) Daily Inventory<br>Annual tank testing<br>Cont pipe leak det                            |
|                               | 7) Weekly Tank Gauge<br>Annual tank testing  |
|                               | 8) Annual Tank Testing<br>Daily Inventory  |
|                               | 9) Other _____   |
|                               | ___ 7. Pretest Tank Test 2643  |
|                               | Date: _____  |
|                               | ___ 8. Inventory Rec. 2644   |
|                               | ___ 9. Soil Testing. 2646  |
| ___ 10. Ground Water. 2647    |  |
| New Tanks                     | ___ 11. Monitor Plan 2632  |
|                               | ___ 12. Access. Secure 2634  |
|                               | ___ 13. Plans Submit 2711  |
|                               | Date: _____  |
| ___ 14. As Built 2635         |  |
| Date: _____                   |  |

Contact: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Inspector: \_\_\_\_\_

Signature: \_\_\_\_\_



**United States  
Postal Service**  
OAKLAND CA 94615-9651

Dear Postal Customer:

Enclosed is an article which we believe belongs to you. The article was sent to our office because it was inadvertently dropped into a mailbox or became loose in handling within the postal system.

We realize that your mail is important to you and you have every right to expect that your mail will be delivered intact and in good condition. The Postal Service makes every effort to do so, but occasionally damage can occur from machine processing.

We are striving to improve our processing methods to minimize such incidents. Please accept our apologies for any inconvenience caused.

Sincerely,

*Yvonne M. Newsom*

YVONNE M NEWSOM  
ACTING MANAGER MAILING REQUIREMENTS  
USPS OAKLAND DIVISION  
1675 7TH ST RM 213  
OAKLAND CA 94615-9651

**THIS ADDRESS HAS BEEN  
FORMATTED FOR POSTAL  
AUTOMATION. PLEASE USE  
ON RETURN MAIL.**

(415) 874 8420

Enclosures

*Don't know what piece of mail  
this accompanies.*

UNITED STATES POSTAL SERVICE  
SAN FRANCISCO, CALIFORNIA 94105-9502

Dear Postal Customer:

The enclosed mail was processed at the Dead Parcel Branch for the reason(s) indicated below.

- Mail deposited without postage affixed. Return address located in contents.
- Mail deposited without postage affixed. No return address located. Forwarded to addressee postage due.
- Mail was undeliverable as addressed and showed no outside visible return address.
- Non-standard mail returned to sender. Return address located in contents, may be remailed with 9¢ additional postage affixed.
- Non-standard-no return address located. Forwarded to addressee postage due.
- Nonmailable: Does not meet minimum size standards. Mail which is 1/4 inch thick or less must be at least 3 1/2 inches high and at least 5 inches long and must be rectangular in shape.

It is suggested that you place your complete return address including ZIP Code in the upper left hand corner on the front side of envelopes mailed in the future. This will serve to expedite the return of undeliverable mail without charge.

Superintendent, Claims, Inquiry & Undeliverable Mails  
San Francisco, CA 94105-9502

5-2-90

I hereby request Alameda County to do a file search for the property located at 1432-1434 Harrison Street, Oakland 94612 Ca.

I authorize up to two hours for the search. Please contact me if more time is reasonably necessary.

I am aware that the billing rate is sixty dollars per hour.

Also please copy any and all documents. I am aware that this will cost \$1 per copy.

Steven Davis  
Steven Davis  
Davis Parking I

1881 Drake Dr  
Oakland, Ca 94611  
415 339 3717

September 23, 1987

Mr. Alvin Bacharach  
383 Diablo Road, Suite #100  
Danville, California 94520

Proposal  
Geotechnical Services  
Re. Fuel Tank Leakage  
1428 Harrison Street  
Oakland, California

Dear Mr. Bacharach,

Subsurface Consultants, Inc. (SCI) is pleased to submit this proposal to conduct a preliminary investigation of possible subsurface fuel contamination at the referenced address. The purpose of the proposed services is to obtain soil samples near existing subsurface fuel storage tanks and analyze them for the presence of petroleum hydrocarbons (gasoline). The study is intended to serve only as a preliminary means of checking for signs of past tank leakage. It is not intended to provide all the subsurface data that may be required by the Alameda County/City of Oakland to close the tanks in accordance with State criteria.

We understand that at least two underground fuel storage tanks are believed to exist beneath the sidewalk along the Harrison Street side of the structure. It is unknown whether other tanks exist in the area. An additional tank may exist in the basement of the structure adjacent to the east side of the building.

Proposed Scope of Services

We propose the following field investigation.

1. Two test borings will be drilled to groundwater near the tanks on the Harrison Street side of the building. The borings will likely extend 20 to 25 feet below the ground surface. One boring will be positioned near each of the existing tanks.
2. One test boring and one unsampled probe will be drilled in the basement of the structure, in the area of the suspected tank. The probe will be drilled only if the boring does not reveal the presence of an underground tank.

Subsurface Consultants, Inc.

12th Street • Suite 201 • Oakland, California 94607 • Telephone 415-268-0361

EXHIBIT

B



Copy for INSPECTOR

Excavation Permit Granted No. \_\_\_\_\_

# CITY OF OAKLAND

Test Permit 8560

## Permit to Excavate and Install, Repair, or Remove Inflammable Liquid Tanks. No. \_\_\_\_\_

Oakland, California, \_\_\_\_\_

April 21, 1982

PERMISSION IS HEREBY GRANTED TO fill ~~XXXXXX XXXXX XXXXX~~ Gasoline tank and excavate commencing \_\_\_\_\_ feet below \_\_\_\_\_ property \_\_\_\_\_

on the \_\_\_\_\_ side of \_\_\_\_\_ Street Avenue \_\_\_\_\_ feet \_\_\_\_\_ of \_\_\_\_\_ Street Avenue \_\_\_\_\_

House No. 1424 Harrison Street Present Storage 1 - 1000 1 - 550 gallon

Owner Bill & Chip Sparks Address 2424 Webster Street Phone 893-5855

Applicant SABC Address \_\_\_\_\_ Phone \_\_\_\_\_

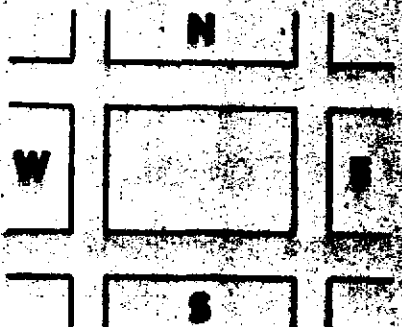
Dimensions of street (sidewalk) surface to be disturbed \_\_\_\_\_ X \_\_\_\_\_ Number of Tanks \_\_\_\_\_ Capacity \_\_\_\_\_ Gallons each

Remarks: \_\_\_\_\_

This Permit is granted in accordance with existing City Ordinances.  
Owner hereby agrees to remove tanks on discontinuance of use or when notified by the City Authorities.  
When installing, removing or repairing tanks, no open flame to be on or near premises.

Approved \_\_\_\_\_  
Fire Marshal

Approved \_\_\_\_\_  
Drainage Division Engineering Dept.



### EXCAVATING PERMIT

Issued in accordance with Ord. No. 278 CMS, Sec. 6-2.04

\_\_\_\_\_ square feet of digging or removal granted.

The receipt of \$ \_\_\_\_\_ special deposit is hereby acknowledged.  
**GENERAL DEPOSIT.**

**BUREAU OF PERMITS AND LICENSES.**

### CERTIFICATE OF TANK AND EQUIPMENT INSPECTION

Inspected and passed on 4-30-82  
by Donna J. Moore

Inspection Fee Paid 20.00 ck#0308 rec#107298

Received by Lois M. Johnson  
FIRE PREVENTION BUREAU

### NOTICE

Before Covering Tanks, Above Certificate Must Be Signed  
When ready for inspection notify the Permitting Bureau, 224-1201

**THIS PERMIT MUST BE LEFT ON THE WORK AS AUTHORITY THEREFOR.**