

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1999 HARRISON STREET

OAKLAND, CALIFORNIA 94612-3573

(510) 763-2000

(415) 986-3400

FAX (510) 273-8832

700 SOUTH FLOWER STREET, SUITE 2200
LOS ANGELES, CALIFORNIA 90017
(213) 896-8000
FAX (213) 896-8080

333 BUSH STREET, SUITE 2580
SAN FRANCISCO, CALIFORNIA 94104-2899
(415) 543-8700
FAX (415) 391-8269

December 15, 1992

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

VIA MESSENGER

**Re: Proposed Work Plan for Further Soil Characterization
at 1432 Harrison Street, Oakland, California**

Dear Mr. Smith:

Randy Morrison had to travel to Michigan on an emergency basis on Monday morning and asked me to transmit the enclosed "Proposed Work Plan for Further Soil Characterization" (the "Proposed Work Plan") at the Harrison Street Garage, 1432 Harrison Street, Oakland, California.

As you will note, the enclosed Proposed Work Plan is limited in scope to further characterize soil conditions near the Harrison Street tanks. Levine*Fricke recommended this additional soil characterization based on the information provided in prior reports (specifically the RGA report dated April 2, 1992) that suggested the possibility of a very shallow groundwater table which could affect the actual excavation and removal of the Harrison Street tanks.

After the information from this supplemental work is completed, it is our intention that a Final Work Plan for Underground Storage Tank Closure will be prepared for your comment and approval. As noted in the Proposed Work Plan, we have asked Levine*Fricke to provide you a courtesy notice three days in advance of their scheduled work at the site related to the Harrison Street tanks.

CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

Mr. Paul Smith
December 15, 1992
Page 2

If you have any questions about the Proposed Work Plan, please do not hesitate to contact John Sturman at Levine*Fricke or myself. We look forward to receiving your comments on the Proposed Work Plan.

Very truly yours,



Craig S.J. Johns

CSJJ:bs

Enclosure

cc: Mark Thomson, Esq. (via Federal Express)
Alameda County District Attorney's Office
Alvin H. Bacharach
Mark Borsuk, Esq.

**Alameda County Department of Environment & Health
 Hazardous Materials Division**
 80 Swan Way, Rm. 200, Oakland, CA 94621
 Ph: 510-271-4320

BILLING FOR SERVICES

SHD# 4029

A. Site Name Harrison Street Garage Phone _____
 Site Address 1432 Harrison St, Oakland, CA 94612
(If no address, description of area) Number Street City Zip
 Prior Business Name _____ Prior Owner's Name _____

B. Service Requestor Michael Parks, Rogers, Majeski, Kohn, Bentley, Wagner + Kane
Contact Person Company Name Phone
 Billing Address 1001 Marshall Street, Redwood City, CA 94063
Number Street City Zip
(415) 364-8200

Category of Service		#Hours	Rate	Total
<input checked="" type="checkbox"/> Site Search	(Whole Hours Only)	<u>2</u>	<u>\$ 71 /Hr</u>	<u>\$ 142</u>
<input checked="" type="checkbox"/> File Search		<u>14</u>	<u>\$ 1.00 /Copy</u>	<u>\$ 14</u>
<input type="checkbox"/> Other _____		_____	<u>x \$ _____</u>	<u>\$ _____</u>
TOTAL CHARGE:				<u>\$ 156.-</u>

REMARKS: Complete file review
Commence 9:30 am - 11:09 am
14 photocopies at 1.00 each

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

Service Requestor Michael W. Parks [Signature] Date 11/6/92
printed name signature
 HazMat Specialist Paul M. Smith [Signature] Date 11/6/92
printed name signature

Site Search report

Friday 11/6/92 at 9:00 AM

LAW OFFICES

ROPERS, MAJESKI, KOHN, BENTLEY,
WAGNER & KANE

A PROFESSIONAL CORPORATION

1001 MARSHALL STREET

REDWOOD CITY, CALIFORNIA 94063

TELEPHONE (415) 364-8200

FACSIMILE (415) 367-8643

FACSIMILE (415) 367-0997

HAROLD ROPERS
(904-1966)

EUGENE J. MAJESKI
JOHN M. BENTLEY
BRUCE D. WAGNER
ROBERT S. LUFT
JAMES H. MCKIBBEN
DANIEL J. LANAHAN
FRANK J. PAGLIARO, JR.
STEPHEN A. SCOTT
DANIEL E. ALBERTI
RICHARD K. WILSON
GARY R. NAGLE
JUDITH L. FIELDING
MARTIN T. REILLEY
CHARLES M. LOUDERBACK
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DAVID B. DRAPER
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GIGI M. KNUDTSON
ROBERT M. BUSTAMANTE
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GEZA KADAR, JR.
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ROBERT P. ANDRIS II
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LAUREN G. SHEFF
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WALTER C. KOHN
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JOHN A. KOEPEL
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JOHN A. ROWLAND
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STEPHAN A. BARBER
KATHERINE S. CLARK
JEFFREY W. ALLEN
KEVIN P. CODY
LAWRENCE M. GUSLANI
MARY H. ATWELL
CURTIS R. TINSLEY
GEORGE E. CLAUSE
DAVID J. MICLEAN
MARY L. SCHARRENBERG
DEAN A. PAPPAS
PAMELA E. COGAN
STEPHEN J. ERIGERO
EDWIN B. MEDLIN
COLIN R. CAMPBELL
JOHN CURRAN LADD
BARBARA A. KREIG
JAMES M. ROCKETT
ROBERT J. INTNER
BRAD W. BLOCKER
LUNDA J. DVORAK
WILLIAM R. GARRETT
TODD A. ROBERTS
DENNIS D. STRAZULO
H. GREGORY WELCH
PHILIP M. ANDERSEN

ALLAN E. ANDERSON
CYRUS A. TABAH
ALIDA J. CARRILLO
MEGAN A. SMITH
CAROL P. LAPLANT
BRUCE HUNTER HINZE
JUSTICE C. McPHERSON
ALLISON L. DOBBROW
MARTA B. ARRIANDAGA
MICHAEL O. LAMPHERE
RALPH TORTORELLA III
ROBERT G. ITTIG
FRANCOIS G. LAUGIER
SUE CAROL ROKAW
PETER J. WERONSKI
CYNTHIA R. ROSEN
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DENICE CATHLEEN TWOMEY
GREGORY M. CHILTON
DAVID R. BUSH
ANDREW D. GASTRICONE
KATHRYN C. CURRY
KENNETH D. DRAZKOWSKI
J. BYRON FLECK
MICHAEL W. PARKS
IDA SAMAWI
JOHN L. SLEBIR
J. MARK THACKER
ELLEN R. KRAKOW
ADRIAN G. DRISCOLL
PAUL W. SKIJERYEN
DIANE E. GROSSER

CHARLENE R. INGERSOLL
CHARLES M. MARX
STEPHEN P. ELLINGSON
DOUGLAS C. FLADSETH
MATTHEW T. YUEN
JAMES E. McPETRIDGE
CRAIG S. MILLER
MARC D. ROSATI
JEFFREY S. GANANIAN
TERENCE J. O'HARA
MARTHA BRONSON
DEBORAH F. COHEN
SUSAN H. MANDELMAN
MARY ANN LAMB
MATTHEW P. GUICHARD
DANIEL F. CROWLEY
ANDREW A. VANDEVELD
KEVIN MACDOUGALD
NANCIE J. MIKA
JO ANNA R. REICHEL
MAURICE J. FITZGERALD
KEVIN M. MAGUIRE
ANNE C. STROMBERG
DEBRA CROW
CLAIRE L. CHILDERS
SHARON E. HINMAN
ANDREW J. TURNER
MARK L. CALI
MICHELLE T. CHRISTOFF
DOUGLAS W. DAL CIELO
RICHARD A. FISHER
BRIAN D. HARRISON
LARRY A. REBACK
GABRIEL A. SANDOVAL
STACY A. SMITH
EDWARD A. McDONALD III
W. BRADLEY THOMAS
MIKAL W. VIA
STEVEN M. GOLDBERG

October 22, 1992

Mr. Paul Smith
Alameda County
Health Care Service Agency
80 Swan Way, Room 200
Oakland, California 94621

Re: Remediation/Legal File for
1432 Harrison Street
Oakland, California 94612
Our File: STF 15804/2803

Dear Mr. Smith:

As a follow up to our conversation of October 20, 1992, this letter will serve as a formal written request to review both the legal and remediation files contained in your office for 1432 Harrison Street, Oakland, California 94612. As you advised me, our review of this file is subject to a fee of \$71.00 per hour when reviewing your files.

Please feel free to contact the undersigned at your earliest convenience to arrange a mutually convenient time to go through your files.

Sincerely,



Michael W. Parks

MWP:ma1

cc: Mr. Thomas Rambo

MWP04A.W50
10/22/92-ma1

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

547-1983 Floor/Room # _____
Fax Phone Number

Name: Robert Gils Title/Section _____

Agency: _____

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: _____ Time Sent: _____

Sender: Paul Smith Title/Section _____

Phone #: () 871-4320

Number of Pages Including Transmittal Sheet: 3

Special Instructions/Comments:

bb,
Enclosed are the concerns of this office. I realize that you have addressed some of them already. Please call me once you've had a chance to read & digest it.

PS I didn't have ^{Paul} Randall Morrison's FAX #

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

September 25, 1992

Mr. Randall Morrison
Crosby, Heafy, Roach and May
1999 Harrison Street
Oakland, CA 94612-3573

**Re: Health and Safety Plan Approval for the 1432 - 1434
Harrison and Alice Street Parking Structures**

Dear Mr. Morrison:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the Addendum to the Site Safety Plan, dated August 31, 1992, prepared by Levine-Fricke. The Health and Safety aspects of the removal of the tanks, pipelines, sump and hoists removals are approved conditional on the inclusion of the following item:

1) As per an agreement reached in a telephone conversation which I shared with Shari Samuels of Levine Fricke on September 16, 1992, the monitoring instrument to measure organic compounds previously detected at the site will be a Flame Ionization Detector (FID) rather than the proposed Photo Ionization Detector (PID) as specified in the workplan. This agreement was reached because of the greater sensitivity of the FID to measure the contaminants of concern (volatile and semivolatile compounds).

Additionally, issues pertaining to other than health and safety which require further elaboration prior to work plan approval include:

1) The disposal of the hydraulic hoists is dependant on the content of contaminants on or in them. As you are aware, in the Robert Gils and Associates (RGA) report levels as high as 135 ppm of Total Petroleum Hydrocarbons as gasoline (TPHg) and 245 ppm of Polychlorinated Biphenyls (PCBs) were detected in boring B-13. Therefore sampling of hoists is necessary in order to determine proper disposal. When completing the enclosed closure form you are requested to specify how sampling of hoists and sump will occur.

2) When completing the closure form also specify the location of the storage of all stockpiled soil material and any information specific to its characterization.

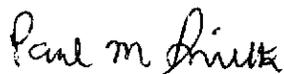
3) When completing the Alameda County underground tank closure form please also include compliance sampling and analysis for the hydraulic hoists and sump.

Mr. Morrison
September 25, 1992
page 2 of 2

I will be out of the office until October 2, 1992 and so will be unavailable for questions or for the review of the closure plan until after that time. It is the hope of this office that once the closure plan has been approved that all work specified will commence in a timely fashion. Additionally, to the extent that you are able, I would greatly appreciate the courtesy of informing me with as much advance notice as is possible of the proposed scheduling of each phase of the removal and subsequent subsurface investigation at the above site.

Should you have any questions, please feel free to contact me.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Mark Thomson, Alameda County District Attorneys Office, 7677
Oakport, Suite 400, Oakland, CA 94621
Alvin Bacharach, 383 Diablo Road, #100, Danville, CA 94526
Barbara Borsuk, 383 Diablo Road, #100, Danville, CA 94526
Shari Samuels/John Sturman, Levine Fricke, 1900 Powell
Street, 12th Floor, Emeryville, CA 94608
Jonathan Rossen, Cal OSHA, 7700 Edgewater Dr., Suite 125,
Oakland, CA 94621

LAW OFFICES OF
LUKENS AND DRUMMOND
ALCOA BUILDING, SUITE 1600
ONE MARITIME PLAZA
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 433-2261
FAX (415) 781-1034

September 2, 1992

SEP 11 1992

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

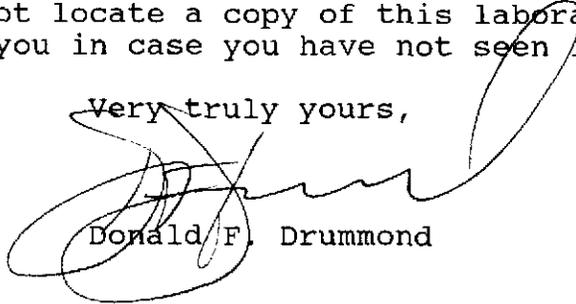
Re: Harrison Street Garage

Dear Mr. Smith:

The undersigned is the attorney for Steven Davis in connection with certain disputes he has with his former landlord at the above-referenced property.

I recently received a copy of a report dated August 12, 1991, from Lam V. Ho to John Cummings of SES Analytical Laboratory. Although I had previously reviewed the entire files in this matter, I could not locate a copy of this laboratory report and forward it to you in case you have not seen it.

Very truly yours,


Donald F. Drummond

Enclosure

cc: Mr. Steven Davis
Mr. James Bowers

2c:davis:corr:smith.1

Phoned Donald
Drummond 9/10/92
and informed him
that I had not
received the Aug 12
report enclosed with
this letter.

P.S.



LEVINE•FRICKE
ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

92 AUG 31 11 41:21

August 31, 1992

LF 2680.2

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

Subject: Enclosed Addendum to the Site Health and Safety Plan
for the Harrison Street Garage UST Closure Project,
1432 - 1434 Harrison Street, Oakland, California

Dear Mr. Smith:

Enclosed are two copies of Levine-Fricke's Addendum to the Site Health and Safety Plan (HSP) for the subject project. Levine-Fricke prepared this HSP Addendum in response to a request from Mr. Alvin H. Bacharach and Mrs. Barbara Jean Borsuk.

This plan addresses human health and safety concerns that have been identified in the original HSP, which was prepared by RGA Environmental, Inc., dated March 26, 1992. It is our intent to implement the RGA HSP in addition to this enclosed addendum.

In our meeting on July 16, 1992, we discussed a number of issues concerning the UST closure project. Many of the issues discussed were health and safety concerns that have been addressed in this addendum. Some issues, which were not primarily health and safety issues, will be described in a Work Plan that will be submitted to you. The Work Plan will describe the order of work activities. Additionally, the Work Plan will describe the sampling and analysis procedures for soil sampling under the waste oil tank and wipe sampling of the hydraulic lifts.

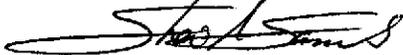
1900 Powell Street, 12th Floor
Emeryville, California 94608
(510) 652-4500
Fax (510) 652-2246

LEVINE·FRICKE

92 AUG 21 PM 1:26

If you have any questions, please call either of the undersigned.

Sincerely,



Shari A. Samuels
Health and Safety Director



John Sturman, P.E.
Senior Project Engineer

cc: Mr. Alvin H. Bacharach
Mr. Randall Morrison - Crosby, Heafey, Roach & May

**Alameda County Department of Environment & Health
Hazardous Materials Division**

80 Swan Way, Rm. 200, Oakland, CA 94621
Ph: 510-271-4320

BILLING FOR SERVICES

SHD#

4901 E. 12th St, Oakland 94601
 301 14th Street Oakland 94612
 1432 Harrison St, Emeryville 94608
A. Site Name 4050 Horton St, Emeryville 94608 Phone

5000 MacArthur Blvd, Oakland 94613
 900 Dolittle Dr, San Leandro
Site Address 451425 Hester St, San Leandro
(If no address, description of area) Number Street City Zip

Prior Business Name Prior Owner's Name

B. Service Requestor Paul Shimotake Crosby, Heafy, Roach & May (510) 763-2000
Contact Person Company Name Phone

Billing Address 1999 Harrison St, Oakland, CA 94612-3573
Number Street City Zip

Category of Service		#Hours	x \$	/Hr	\$
..... Site Search		9		71	639.00
..... File Search					
..... Other					
		#Copies	x \$	/Copy	\$
		Other	x \$		\$
					TOTAL CHARGE: \$ 639.00

REMARKS: Telephone conv. & collection of cases in preparation for file review 1.0
 8/14/92 file review w/ Paul Shimotake & copy service for the above documents

.....

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

Service Requestor Paul Shimotake Crosby, Heafy, Roach & May Date 8/14/92
printed name signature

HazMat Specialist Paul Smith Date 8/14/92
printed name signature

CROSBY, HEAFEY, ROACH & MAY
Professional Corporation
1999 Harrison Street
Oakland, CA 94612
Phone: (510) 763-2000
Fax: (510) 273-8866

*Appt Paul Shimotake
Friday 8:30 AM
8/14/92*

FAX COVER SHEET

DATE: August 12, 1992

OUR FILE NO: 17598.00016

TO: Paul Smith

FIRM NAME: Alameda County Health Care Services

CITY AND STATE: Oakland, California

TELECOPIER NO.: 569-4757

TELEPHONE NO.: 271-4320

TOTAL NUMBER OF PAGES TRANSMITTED (including cover sheet): 3

This transmission WILL NOT be followed up with a hard copy version.

COMMENTS:

FROM: Paul S. Shimotake

ATTY NO.: 895

SECRETARY: Frances McNess

EXTENSION: 4642

If you have questions about this FAX, please call (510) 273-8809.

THIS INFORMATION IS INTENDED SOLELY FOR USE BY THE INDIVIDUAL OR ENTITY NAMED AS THE RECIPIENT HEREOF AND MAY BE ATTORNEY-CLIENT PRIVILEGED OR CONTAIN CONFIDENTIAL/INSIDE INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR USE OF THE CONTENTS OF THIS TRANSMISSION IS PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY AND DESTROY ALL PAGES RELATED TO THE INCORRECT TRANSMISSION.

Los Angeles * Oakland * San Francisco

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

700 SOUTH FLOWER STREET, SUITE 2800
LOS ANGELES, CALIFORNIA 90017
(213) 696-2000
FAX (213) 696-2020

1800 HARRISON STREET
OAKLAND, CALIFORNIA 94612-3573
(510) 763-2000
(415) 888-3400
FAX (510) 873-8888

332 BUSH STREET, SUITE 2800
SAN FRANCISCO, CALIFORNIA 94104-2800
(415) 343-6700
FAX (415) 391-8888

August 12, 1992

VIA FACSIMILE

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

Re: California Public Records Act Request
4901 East 12th Street, Oakland, CA 94601
3471^E- 14th Street, Oakland, CA 94612
1432 Harrison Street, Oakland, CA 94612

*we don't have
any info re:
this address*
94601E

Dear Mr. Smith: *301 14th St*

Pursuant to the provisions of the California Public Records Act (Government Code § 6250, et seq.), I request that you make available for inspection and copying any and all public records in the files of the Alameda County Health Care Services Agency pertaining in any way to the following properties located at:

- 4901 East 12th Street, Oakland, CA 94601;
- 3471 - 14th Street, Oakland, CA 94612; and
- 1432 Harrison Street, Oakland, CA 94612.

Please be aware that Government Code Section 6256 provides that you have ten (10) days from your receipt of this letter (unless the Alameda County Public Records Act guidelines provide for a shorter period of time) within which to determine whether to comply with this request and to notify me of your determination and its reasons. The only justification for noncompliance with this ten-day limit is if one of the "unusual circumstances" specified in Section 6256.1 prevents such compliance, in which case, the "head of the Agency" must explain to me in writing the

CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

Mr. Paul Smith
August 12, 1992
Page Two

reasons for an extension of the ten days and the date (not later than an additional ten working days) on which the determination to comply shall finally be made.

Thank you for your attention to this request.

Sincerely,



Paul S. Shimotake

PSS:fm

**Alameda County Department of Environment & Health
Hazardous Materials Division**

80 Swan Way, Rm. 200, Oakland, CA 94621
Ph: 510-271-4320

BILLING FOR SERVICES

SHD# 2022

A. Site Name _____ **Phone** _____
Site Address 1432 Harrison St
(If no address, description of area) 1721 Webster St. Oakland 94612
Number Street City Zip 111 98th Ave Oakland 94603
Prior Business Name _____ **Prior Owner's Name** _____

B. Service Requestor Mark Borsuk Esq **Phone** _____
Contact Person Company Name
Billing Address 1626 Vallejo Street, San Francisco 94123-5116
Number Street City Zip

<u>Category of Service</u>		#Hours	x \$	/Hr	\$
<input checked="" type="checkbox"/> Site Search	(Whole Hours Only)	71			71
<input type="checkbox"/> File Search		13		1.00 /Copy	13
<input type="checkbox"/> Other					
TOTAL CHARGE:					\$ 84.00

REMARKS: Site search / record review of 1432 Harrison, 1721
Webster St and 111 98th Ave Oakland
2:45 -

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

Service Requestor Mark Borsuk **Date** 7/30/92
printed name signature
HazMat Specialist Paul Smith **Date** 7/30/92
printed name signature

MARK BORSUK
ATTORNEY AT LAW

1626 VALLEJO STREET
SAN FRANCISCO, CA 94123-5116

FAX 922-1485
(415) 922-4740

VIA FAX & MAIL
ONE PAGE

July 27, 1992

Mr. Paul Smith
Division of Hazardous Materials
Department of Environmental Health
Alameda County Health Care Services
Room 200
80 Swan Way
Oakland, CA 94621
(510) 271-4320
FAX 569-4757

SUBJECT: FILE REVIEW

Dear Paul:

I wish to review the County's files on several properties in ZIP Code 94612 and 94603. The locations are:

-1432 Harrison Street
-1721 Webster Street
-111-98th Avenue

94612
94612
94603

Please provide me with a date and time to review the information at your office. If possible, this week either Thursday or Friday. You are authorized to spend up to one hour at \$69.00 per hour in locating the files.

Thanking you in advance for your assistance.

Sincerely yours,



Mark Borsuk

July 22, 1992

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

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

**Re: Tank Removal and Site Mitigation at 1432 Harrison Street,
Street, Oakland, CA Oakland, CA 94612**

Dear Mr. Bacharach and Ms. Borsuk,

Review of the deposit refund account status for the above site indicates that the initial funds submitted for the tank removal and site mitigation have been depleted.

A letter dated June 6, 1992 was recently sent out requesting an additional \$ 1481.55 to cover previous expenses. On July 15, 1992 this office received payment from you for the above requested amount.

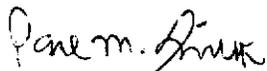
However, since that time additional hours have been expended by Environmental Health staff in reviewing and commenting on the Preliminary Site Assessment and Site Safety Plans. The current balance as of this correspondence is a negative balance of \$ 601.50

Additional time is needed for Departmental review and comment on the Preliminary Site Assessment and Health and Safety Plan revisions specified in the June 30, 1992 letter from this office to Mr. Morrison.

Therefore you are requested to submit payment for the amount of \$ 1200.00 to this Department.

If you have any questions regarding the above please call me at (510) 271-4320.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Randall Morrison, Crosby, Heafy, Roach and May, 1999 Harrison St,
Oakland, CA 94612-3573

LAW OFFICES OF
LUKENS AND DRUMMOND
ALCOA BUILDING, SUITE 1600
ONE MARITIME PLAZA
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 433-2261
FAX (415) 781-1034

July 7, 1992

Mr. Paul Smith
Alameda County Environmental Health Dept.
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621

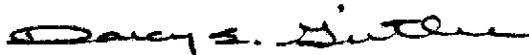
Re: Bacharach v. Davis 1432 Harrison St, 94612

Dear Mr. Smith:

I am requesting authorization for access time for up to 2 hours for the cite search regarding Mr. Bacharach's most recent proposal for the removal of tanks. I understand the fee for this service is \$71.00 per hour. This is to include the Preliminary Site Assessment Report, the Site Safety Plan and your letter to Mr. Morrison. At your suggestion we have decided to bring in a copy service to make copies of the above mentioned reports. I would like to schedule this as soon as possible.

Should you have any questions regarding my request please do not hesitate to contact me.

Very truly yours,



Darcy E. Girtler
Legal Assistant

- RGA Site Asses
SSQ
Morrison

Aug 21, 1992, Spoke w/ Darcy Girtler re: this site search she wanted to wait to have a copy service copy the above info. until the Revision to the site safety plan comes in from Leina/Fricke.

**Alameda County Department of Environmental Health
Hazardous Materials Division**
80 Swan Way, Rm. 200, Oakland, CA 94621
Ph: 510-271-4320

BILLING FOR SERVICES

SHD# _____

A. Site Name Harrison Street Garage Phone _____
 Site Address 1432 Harrison Street, Oakland, CA 94612
(If no address, description of area) Number Street City Zip
 Prior Business Name _____ Prior Owner's Name _____

B. Service Requestor Edward Gold ~~510~~ 420-1646
Contact Person Company Name Phone
 Billing Address 5850 Birch Ct, Oakland 94618
Number Street City Zip

<u>Category of Service</u>	#Hours	x \$	/Hr	\$
<input checked="" type="checkbox"/> Site Search	<u>1.0</u>		<u>71.</u>	<u>71.00</u>
<small>(Whole Hours Only)</small>				
<input type="checkbox"/> File Search	_____	x \$	_____/Copy	\$ _____
<input type="checkbox"/> Other _____	_____	x \$	_____	\$ _____
				<u>_____</u>
				TOTAL CHARGE: \$ _____

REMARKS: Site search request - recent RBA reports and June 30, 1992
letter from Ala. Co.
copy service - copied files by Attorneys diversified services (510) 835-9176

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

Service Requestor Edward Gold Edward Gold Date _____
printed name signature
 HazMat Specialist Paul M. Smith Paul M. Smith Date 7/2/92
printed name signature

TO: Paul Smith
From: Edward Gold
DATE: 7.2.92

RE: Request to see file for 1428 Harrison Street

As per your instructions, I am writing to request access to the aforementioned file on the agreed upon date of July 2nd, 1992 at 1:30 in the afternoon.

Thank you for all of your assistance.

Sincerely,

Edward Gold

I acknowledge that the fee is \$71.00 per hour for reviewing the file. I authorize the expenditure of up to three hours or \$213.00.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

June 30, 1992

Mr. Randall Morrison
Crosby, Heafy, Roach and May
1999 Harrison Street
Oakland, CA 94612-3573

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

**Re: Review of Preliminary Site Assessment and Site Safety Plan
for Harrison Street Parking Garage located at 1432 Harrison
Street and 1432 Alice Street, Oakland, CA 94612**

Dear Mr. Morrison,

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the Preliminary Site Assessment (PSA) Report and also the Site Safety Plan (SSP) prepared by RGA Environmental Inc. The PSA involved the completion of 23 soil borings located around existing underground storage tanks (UST's), pipes, sumps and hoists throughout the above facility.

Significant results from the PSA are outlined below:

Waste Oil USTs and pipelines located in the Alice St basement

The RGA sampling proposal (January 9, 1992) specified that four soil borings would be drilled to 15 feet below the surface of the basement. Auger refusal was experienced at 5 feet, 8 feet, 3 feet and 4 feet in borings B-9 through B-12 respectively, presumably due to the presence of an underground vault surrounding the two usts.

A soil sample at B-10 indicated the presence of 109 ppm of Total Petroleum Hydrocarbons as diesel (TPHd). It was reported that oil and grease results, although collected, are unavailable for samples B-9 or B-10.

Total Oil and Grease (TOG) contamination of 221 ppm was measured in basement pipeline sample B-5.

Reported values of mercury at levels of 49.7 to 74.2 ppm were obtained in borings B-1 through B-10. Selenium levels in samples B-5 through B-9 also exceeded ten times the soluble threshold limit concentration (stlc).

Hydraulic Lift and Sump

Soil sample B-13-15', placed in between the hydraulic lifts, indicated the presence of 135 ppm Total Petroleum Hydrocarbons as gasoline (TPHg). Sample B-13-15' was not tested for benzene and ethyl benzene as was specified in the approved proposal. Additionally, B-14-15' was not tested for benzene, toluene, and xylene. The January 9, 1992 proposal specified that these constituents would be analyzed. You are requested to specify why this was not done.

Mr. Morrison
June 30, 1992
page 2 of 4

Borings performed around the sump and hoists indicated levels of chromium, mercury and selenium exceeding ten times the allowable soluble threshold limit value for each metal.

Soil collected from B-13 indicated the presence of polychlorinated biphenyls (PCB's) at 245 ppm at a five foot depth.

Preliminary water samples collected from B-13 indicated concentrations of TPHg at 60,200 ppb, benzene at 55 ppb and TOG at 9721 ppb.

Harrison Street Underground Storage Tanks and Piping

A soil sample collected from B-22 indicated TPHg at 1540 ppm and benzene at 0.987 ppm.

Groundwater samples collected from B-20, B-22 and B-23 each indicated benzene at 5 ppb and the presence of TPHg at 96 ppb, 72 ppb and 1020 ppb respectively. Total lead detected in groundwater in each of these borings was 0.81, 1.38 and 8.29 ppb.

A water sample collected from B-17 indicated the presence of bromodichloromethane at 2.4 ppb and chloroform at 30.0 ppb

After review of the Site Safety Plan the following questions and concerns remain which require further written clarification or elaboration:

- 1) The SSP does not include monitoring for the presence of heavy metals encountered in soil and groundwater nor does it mention the detection of or monitoring for chlorinated hydrocarbons.
- 2) The name of the Consultant, Industrial Hygienist and Site Safety Officer responsible has been deleted from the SSP. You are requested to specify this information and also to resolve the lines of responsibility between the Site Safety Officer and how he/she will interface with the consultant (page 12 of the SSP).
- 3) The SSP recommends that the asbestos piping located in the Alice Street basement be removed prior to the ust/pipeline removal. If you intend to implement this phase of work please specify the time schedule for its completion.
- 4) The SSP recommends that after excavation is completed soil will be removed off-site. If you intend to stockpile soil on site for any length of time you are requested to specify the location(s) of the stockpile storage, methodology for sampling and frequency of monitoring particularly in areas of enclosed space.

Based upon the various pollutants contained in the soils at this site it is apparent that the excavated soils may be hazardous wastes and so require proper disposal as such. Please clarify how you will determine whether soil is hazardous or not. In lieu of this

Mr. Morrison
June 30, 1992
page 3 of 4

categorization, any soil hauled off site shall be considered hazardous and shall be hauled off by an appropriate hauler under manifest to an appropriate facility.

If feasible, it is recommended that any contaminated soil found at the time of the tank, pipe, sump or hoist be removed. Confirmation soil samples, following over excavation, must be taken at appropriate intervals in order to indicate the levels of contamination remaining at the limits of excavation.

5) You are required to address how excavated soils will be surveyed to determine and segregate contamination from pcbs, or heavy metals and also to specify how and where the contaminated soils will be stored.

6) Other SSP recommendations such as the use of vapor suppressing foam, mobile laboratory services, a vacuum truck need to be clarified. You are required to specify whether these recommendations will be implemented.

7) The drawings in the SSP portray areas where partitioning will occur and refers to areas where ventilation will be provided. You are required to elaborate as to the type of ventilation to be utilized, site control measures involving garage patrons, entrances and exits selected to remain open and to be closed off.

Specific details for monitoring of all contaminants formerly or currently identified at this site, for the removal of asbestos, and details of a ventilation system at this site are required to be reviewed and formally approved by a Certified Industrial Hygienist.

Specify the degree of garage use and site control measures employed during each proposed phase of work regarding parking garage patrons and the general public. The revised safety plan must specify threshold levels and when certain actions will be taken.

Drawing G-1 indicates that the entire single level Harrison structure is a confined space. There is no mention in the SSP that work will occur on the weekend. In speaking with you recently it was my understanding that this is the plan. Please clarify. I assume that there will be no parking permitted in the first floor of the Harrison facility when work in it is being conducted.

Drawing G-1 also depicts a visqueen barrier separating the multilevel structure from the single level structure. Describe specific measures to provide adequate ventilation from vapor exposures in excavations and also from carbon monoxide produced from the operation of removal and excavation equipment. Specify ventilation intake and exhaust locations.

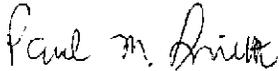
Mr. Morrison
June 30, 1992
page 4 of 4

As you are aware the reported information in the PSA prepared by RGA differs from information initially provided by Subsurface Consultants and SCS Engineers. Therefore, when revising the SSP you are also directed to also utilize these documents.

You are required to address the above issues within 21 days of the receipt of this letter.

If you have any questions regarding any of the above issues please call me at (510) 271-4320.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

- Mr. Alvin Bacharach, 383 Diablo Road #100, Danville, CA 94526
- Ms. Barbara Jean Borsuk, 383 Diablo Road #100, Danville, CA 94526
- Mr. Mark Borsuk, 1626 Village St., San Francisco, CA 94123-5116
- Mr. Rich Hiett, SFRWQCB, 2101 Webster St., 5th Floor, Oakland, CA 94612
- Mr. Howard Hatayama, Cal EPA, DTSC, 700 Heinz Way, Berkeley, CA 94710
- Mr. Mark Thomson, Alameda County District Attorneys Office, 7677 Oakport Dr., Oakland, CA 94621
- Mr. Jonathan Rossen, Cal OSHA, 7700 Edgewater Dr., Suite 125, Oakland, CA 94621

Post-It™ brand fax transmittal memo 7671 # of pages > 4

To	Randy Morrison	From	P. Smith
Co.	573-8866	Co.	Ala Co.
Dept.		Phone #	271-4320
Fax #	713-8866	Fax #	659-4757

ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE



FACSIMILE TRANSMITTAL

TO: 569-4757
Fax Phone Number

NAME: Paul Smith

AGENCY: Haz Mat

TELEPHONE NUMBER: _____

FROM: (510) 569-0505
Fax Phone Number

DATE: 6-29-92

SENDER: MARK THOMSON

TELEPHONE NUMBER: 569-9281

NUMBER OF PAGES INCLUDING TRANSMITTAL SHEET: 9

SPECIAL INSTRUCTIONS/COMMENTS: _____

Michael Connor, CIH, CSP

Morrison-Knudsen Engineers, Inc.
San Francisco, California
(1987 - 1988)

Manager, Industrial Hygiene Services. Responsible for the development, marketing and management of MKE's industrial hygiene and environmental health consultation in the Pacific Region. Services provided ranged from asbestos survey project management to hazardous waste project health and safety compliance to comprehensive industrial hygiene surveys. Projects have included:

- Environmental assessments for several financial institutions
- Asbestos survey technical oversight for California Office of the State Architect
- Health and Safety Manager for large hazardous waste site remediation under consent decree
- Proposition 65 training in Spanish for general manufacturing facility
- Industrial hygiene air monitoring course for technicians at a manufacturing facility
- Respiratory protection program development and implementation for several clients
- Semiconductor industry industrial hygiene studies.

International Technology Corporation
Martinez, California
(1984 - 1987)

Health and Safety Coordinator. Provided support for the health and safety program. Specific activities included:

- Health and safety audits of facilities and operations to identify unsafe or unhealthy conditions, and to recommend corrective action to ensure compliance with federal and state regulations as well as with corporate policies
- Review of proposed activities to identify and correct potential health hazards prior to start-up
- Development and preparation of new corporate health and safety policies and procedures to comply with regulatory changes
- Development of corporate training program to comply with requirements of 29 CFR 1919.120
- Employee health and safety training including 29CFR 1910.120 (general and site specific) in English and Spanish
- Laboratory health and safety officer for two laboratories

MICHAEL CONNOR, CIH, CSP

EDUCATION: MPH Environmental Health Sciences (1983)
University of California, Berkeley
BSc (Honors) Biochemistry and Physiology (1977)
University of Reading, Reading, England

CERTIFICATION: Certified Industrial Hygienist (1987)
Certified Safety Professional (1990)

EXPERIENCE SUMMARY

Michael Connor is a board certified industrial hygienist and safety professional with more than eight years of professional experience in the recognition, evaluation and control of harmful chemical, biological and physical agents to which employees may be exposed in the work place. He has provided technical assistance on hazardous waste site projects, emergency response operations and manufacturing and service industries. He has successfully marketed and provided technical services to private and public sector clients. Mr. Connor's experience includes safety program audits, employee training in English and in Spanish, various industrial hygiene studies and complex asbestos risk management services. He has an excellent knowledge of federal and California OSHA regulations and also of those pertaining to the EPA, DOT and the California Department of Health Services.

WORK EXPERIENCE

Acumen Industrial Hygiene, Inc.
San Francisco, California
(1988 to present)

Principal and co-founder of successful occupational and environmental health consulting firm. Responsible for business development and provision of technical services to a wide variety of clients in the public and private sectors. Representative projects include:

- Company wide air monitoring program development for a plastic manufacturing facility and for an oil refinery
- Comprehensive asbestos surveys
- Asbestos abatement project oversight
- Health and safety oversight for significant hazardous waste remediation projects
- Respiratory protection program development and implementation for County Government in Southern California
- Health and safety program design and development.
- Indoor air quality investigations

Prior to this, she worked for Dynamac Corporation where she was the on-site safety and health officer for the remediation of an uncontrolled hazardous waste disposal site. Her duties included air monitoring with an organic vapor analyzer, use of HNU and detector tubes, monitoring the use of personal protective equipment and decontamination procedures, and performing respirator training. She technically reviewed the Material Safety Data Sheets for the chemical hazards of products used by the Department of Defense (DOD) and prepared information to be entered into the DOD Hazardous Materials Information System. In addition, she dealt closely with OSHA, NFPA, EPA and other regulatory codes to ensure that all requirements were met.

LEVINE-FRICKE

SHARI A. SAMUELS

health and safety

EDUCATION

Indiana University of Pennsylvania: B.S. Safety Sciences, 1983

PROFESSIONAL HISTORY

Levine-Fricke, Inc., Director of Health and Safety, 1990-date
Chemical Waste Management, Inc., Regional Health and Safety Engineer, 1986-1990
*Chemical Waste Management, Inc., Emelle Treatment, Storage and Disposal Facility,
Health and Safety Engineer, 1986*
Dynamac Corporation, Safety Engineer, 1984-1986

REPRESENTATIVE EXPERIENCE

At Levine-Fricke, Ms. Samuels is responsible for administration of the corporate Health and Safety Program, as well as developing and implementing health and safety procedures. Her duties include writing, reviewing, and approving all Site Safety Plans prior to implementation, as well as auditing work sites for potential hazards and regulatory compliance, and recommending the appropriate control measures. In addition, Ms. Samuels conducts various training classes, including the OSHA-required 8-hour refresher and supervisor courses.

During her time at Chemical Waste Management, Ms. Samuels' responsibilities included writing health and safety procedures and safety plans for the divisions within the region, and reviewing process safety designs and the scope of work for hazardous waste remediation projects. She developed a computer database to generate statistics and track all incidents and trends. Her duties included conducting scheduled and unscheduled audits of the division safety programs to assure compliance with corporate requirements and federal and state regulations. In addition, she coordinated various health and safety training programs across the region. Some examples include the required OSHA 40-hour course, hazard communication, and site safety officer and supervisor training.

While at Emelle, Ms. Samuels implemented and audited all the programs and procedures related to worker safety, fire protection, and industrial hygiene. She supervised the work of site emergency preparedness technicians, including fire protection, medical testing, and industrial hygiene sampling, as well as emergency medical services.



RECEIVED

MAY 26 1992

LEVINE-FRICKE
ENGINEERS, HYDROGEOLOGISTS & APPLIED SCIENTISTS

March 26, 1992

Mr. Randall Morrison
Crosby, Heafey, Roach & May
1999 Harrison Street
Oakland, California 94612

Dear Randall:

I have attached a copy of Shari Samuels' resume as per your request. Both Shari and Kati Neidig, our Regulatory Affairs Manager, said they believe a CIH would not be necessary on your job. We develop health and safety plans for this type of project all the time.

Nonetheless, I have also attached the resume of Michael Connor, who is a certified industrial hygienist (CIH) and a certified safety professional (CSP) who has his own consulting company. When I spoke with Michael today, he said that he would be more than happy to provide peer review on Shari's work or become involved in the project in whatever manner that would suit you.

Please let me know if there is any other information I can provide you.

Sincerely yours,

Chapin F. Koch
Director Planning and Marketing

attachments:

sent by facsimile

1900 Powell Street, 12th Floor
Emeryville, California 94608
(510) 652-4600
Fax (510) 652-2246

Other offices in Irvine, CA; Sacramento/Roseville, CA; Tallahassee, FL; Honolulu, HI

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1999 HARRISON STREET

OAKLAND, CALIFORNIA 94612-3873

(510) 763-2000

(415) 886-2400

FAX (510) 273-8866

700 SOUTH FLOWER STREET, SUITE 2200
LOS ANGELES, CALIFORNIA 90017
(213) 596-6000
FAX (213) 596-6080

333 RUSH STREET, SUITE 2800
SAN FRANCISCO, CALIFORNIA 94104 2800
(415) 343-8700
FAX (415) 391-8888

June 23, 1992

Mark Thomson, Esq.
Deputy District Attorney
Consumer and Environmental
Protection Division
7677 Oakport Street
Suite 400
Oakland, CA 94621

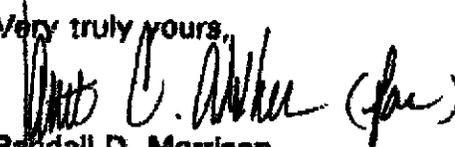
Re: 1432-34 Harrison Street Garage

Dear Mark:

As we discussed, we tentatively proposed to retain Levine-Fricke for the next stages of work at this project. The Project Director would be Tom Johnson, who worked with you on the Unocal matter. In our recent call, I also mentioned to you Shari Samuels, who is responsible for Levine-Fricke's corporate Health and Safety Program. Please see the enclosed letter to me regarding Shari Samuels and Michael Connor, a CIH, whom Levine-Fricke could retain if Paul believes CIH participation is still necessary.

Since Mr. Bacherach has not yet had an opportunity to meet with Levine-Fricke, our selection of this firm is tentative, and we would appreciate your advising us whether this firm and its personnel are deemed qualified and acceptable to the County for work on this project.

Very truly yours,


Randall D. Morrison

RDM:jj

Enclosure: 3/26/92 Letter from Chapin Koch to Mr. Morrison w/attachments

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 Division Inspection Form

Site ID# _____ Site Name Harrison St Parking Structure Today's Date 6/19/92
 Site Address 1432 Harrison St EPA ID# _____
 City Oakland Zip 94612 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? **Y N**
 Hazardous Waste generated per month? _____

Inspection Categories:

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A GENERATOR (Title 22)

- | | | |
|-------------------|--|---------|
| Manifest | <input type="checkbox"/> 1. Waste ID | * 66471 |
| | <input type="checkbox"/> 2. EPA ID | 66472 |
| | <input type="checkbox"/> 3. > 90 days | 66508 |
| | <input type="checkbox"/> 4. Label dates | 66508 |
| | <input type="checkbox"/> 5. Biennial | 66493 |
| Misc. | <input type="checkbox"/> 6. Records | 66492 |
| | <input type="checkbox"/> 7. Correct | 66484 |
| | <input type="checkbox"/> 8. Copy sent | 66492 |
| | <input type="checkbox"/> 9. Exception | 66484 |
| | <input type="checkbox"/> 10. Copies Rec'd | 66492 |
| Prevention | <input type="checkbox"/> 11. Treatment | 66371 |
| | <input type="checkbox"/> 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | <input type="checkbox"/> 13. Ex Haz. Waste | 66570 |
| | <input type="checkbox"/> 14. Communications | 67121 |
| Confin. Agency | <input type="checkbox"/> 15. Aisle Space | 67124 |
| | <input type="checkbox"/> 16. Local Authority | 67126 |
| | <input type="checkbox"/> 17. Maintenance | 67120 |
| | <input type="checkbox"/> 18. Training | 67105 |
| Containers, Tanks | <input type="checkbox"/> 19. Prepared | 67140 |
| | <input type="checkbox"/> 20. Name List | 67141 |
| | <input type="checkbox"/> 21. Copies | 67141 |
| | <input type="checkbox"/> 22. Emg. Coord. Tmg. | 67144 |
| | <input type="checkbox"/> 23. Condition | 67241 |
| | <input type="checkbox"/> 24. Compatibility | 67242 |
| | <input type="checkbox"/> 25. Maintenance | 67243 |
| | <input type="checkbox"/> 26. Inspection | 67244 |
| | <input type="checkbox"/> 27. Buffer Zone | 67246 |
| | <input type="checkbox"/> 28. Tank Inspection | 67259 |
| | <input type="checkbox"/> 29. Containment | 67245 |
| | <input type="checkbox"/> 30. Safe Storage | 67261 |
| | <input type="checkbox"/> 31. Freeboard | 67257 |

Comments:

Site visit regarding an anonymous complaint which reported that waste oil was illegally disposed in the basement (ground) level of the Alice St parking structure.

upon inspection in the eastern ~~south~~^{north} east corner of the facility the presence of approximately 2-3 gallons of oil was observed to be on the basement floor. According to Barbara Borsuk absorbent material had been placed on the floor to mitigate the problem yesterday. I advised Randall Morrison that the material should be properly removed and disposed of.

If an EPA ID # has not been obtained for this site one should be

(3) 55 gallon drums were observed in the corner of the Alice St facility. One was unlabelled and had the bung plug removed. Unapproved. You are required to rectify this situation

I.B TRANSPORTER (Title 22)

- | | | |
|----------|--|-------|
| Manifest | <input type="checkbox"/> 32. Applic./Insurance | 66428 |
| | <input type="checkbox"/> 33. Comp. Cert./CHP Insp. | 66448 |
| | <input type="checkbox"/> 34. Containers | 66465 |
| | <input type="checkbox"/> 35. Vehicles | 66465 |
| Contra | <input type="checkbox"/> 36. EPA ID #s | 66531 |
| | <input type="checkbox"/> 37. Correct | 66541 |
| | <input type="checkbox"/> 38. HW Delivery | 66543 |
| | <input type="checkbox"/> 39. Records | 66544 |
| | <input type="checkbox"/> 40. Name/ Covers | 66545 |
| | <input type="checkbox"/> 41. Recyclables | 66800 |

Contact: Randall Morrison/ Barbara Borsuk
 Title: Attorney General's Office Inspector: Paul M. Smith
 Signature: [Signature] Signature: [Signature]



6/19/92 1432 Harrison Basement

illegal disposal waste oil

between 2 - 5 gal NE corner

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

June 3, 1992

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

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

**Re: Tank Removal and Site Mitigation at 1432 Harrison Street,
Street, Oakland, CA Oakland, CA 94612**

Dear Mr. Bacharach and Ms. Borsuk,

Review of the deposit refund account status for the above site indicates that the initial funds submitted for the tank removal and site mitigation have been depleted. The case currently has a negative balance of \$ 1481.55. You are requested to remit a check for this amount made payable to "County of Alameda" forthwith.

The deposit refund mechanism is authorized by resolution, Section 3-140.4, promulgated by the Alameda County Board of Supervisors.

If you have any questions regarding the above please call me at (510) 271-4320.

Sincerely,

Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Randall Morrison, Crosby, Heafy, Roach and May, 1999 Harrison St,
Oakland, CA 94612-3573

ALVIN H. BACHARACH
BARBARA JEAN BORSUK

383 DIABLO ROAD, SUITE 100
DANVILLE, CA 94526

482

90-49/1211

PAY
TO THE
ORDER OF

County of Alameda

July 9, 19 92

\$ 1481 ⁵⁵/₁₀₀

One Thousand Four Hundred Eighty-One & ⁵⁵/₁₀₀

DOLLARS



DANVILLE OFFICE
520 San Ramon Valley Blvd.
Danville, California 94526

1432 Harrison St.

FOR Tank Removal / Site Mitigation

Alvin H. Bacharach

⑈000482⑈ ⑆121100494⑆ 42 020638⑈

REF. /
A/C NO.

M

COUNTY OF ALAMEDA
OFFICE OF THE AUDITOR-CONTROLLER

DATE:

7/15/92

PS

MISCELLANEOUS RECEIPT

№ 604950

\$ 1481 ⁵⁵/₁₀₀

DOLLARS

Site # 2022 Cont. # 641

RECEIVED

FROM: Alvin Bacharach, 383 Diablo Rd. #100, Danville, CA 94526

FOR: Harrison Street Garage

1432 Harrison St. Oakland, CA 94612

RECEIVED

BY: [Signature]

DEPT.

NO.: 430-453

CASH PERSONAL/CASHIER'S CHECK/M. O. # 482

OTHER:

110-1 (Rev 10/85) [0134E (08)] 3-Part

Distribution: White - Payor Yellow & Pink - Depart.

TABLE 2

**LABORATORY ANALYSIS SUMMARY
FOR COLLECTED SOIL AND WATER SAMPLES**

<u>Location</u>	TPH-G ¹	TPH-D ²	BTEX ³	O.L. ⁴	O&G ⁵	CH ⁶	PCB's ⁷	PPM ⁸
Gasoline Tanks (MW-1)	✓ X	✓ X	✓ X	✓ X	✓ X	✓ X	✓ X	✓ X
Hydraulic Lift (MW-2)	✓	✓ X	✓ X		✓ X			✓
Waste Oil Tanks (Basement MW-3)	✓ X	✓ X	✓ X		✓ X	✓ X	✓ X	✓ X
Wash Rack Sump	✓ X	✓ X	✓ X		✓ X	✓ X	✓ X	✓ X
Collection Drain & Capped Pipe (Basement)	✓ X	✓ X	✓ X		✓ X	✓ X	✓ X	✓ X

1. Total Petroleum Hydrocarbon as GAS (EPA 8015 Mod) -
2. Total Petroleum Hydrocarbon as Diesel (EPA 8015 Mod) -
3. Benzene, Toluene, Ethylbenzene, Xylene (EPA 8240)
4. Organic Lead (DOHS MIBK Method)
5. Oil & Grease (EPA 413.1)
6. Chlorinated Hydrocarbons (EPA 8240)
7. Polychlorinated Biphenyls (EPA 8080)
- 8. Priority Metals (Pb, Ni, 2N, Cr, Cd)

Site Search Request

MFR Sent _____ (date)

APPLICATION FORM

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 Harrison Street Parking Structure SUPV. DIST.

--	--	--	--	--

 C.T.

4				
---	--	--	--	--

A. Premises Address 1432 Harrison St. Oakland CA 94612
 Number Street City Zip Code Phone

Owner/Applicant Edward Gold 5850 Birch Ct #10 Oakland 94618 420-1646
 If corporation, also show name of corporation president Phone

B. Mailing Address _____
 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

Site Search

Number of Units/Hrs. 2 1/2 Fee Per Unit/Hr. \$ 71.00/hr Total Fee \$ 175.50

REMARKS: Site Search w/ Edward Gold and copy entire file by copy service file copied for 1432 Harrison & Alice St Parking Structure

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

Owner/Applicant Edward Gold Date 4/23/92
 Hazardous Materials Specialist Pamela M. Smith Phone 271-4320 Date 4/23/92

April 9th, 1992.

Paul Smith
 County Health Agency
 Dept. of Hazardous Waste
 800 Swan Way
 Oakland, CA. 94621

Edward Gold
 420-1646

RE: 1432-1438 Harrison Street

Dear Mr. Smith:

I am writing to request a meeting to view the file for the aforementioned property.

Thank you,
 Edward Gold
 Edward Gold.

P.S. I understand that the fee for view the file is \$21.00 per hour, and \$1.00 per copy. I am authorizing a cap of ~~\$1000~~^{\$5000} to be spent for copying and file access fees.

CIGNA Property and Casualty Companies

21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365
(818) 712-6200

92 APR - 2 11 1:58



April 3, 1992

County of Alameda
Health Care Services Agency
P. O. Box 28924
Oakland, CA 94604

Attention: Paul Smith

Re: 1432 Harrison St., Oakland 94612

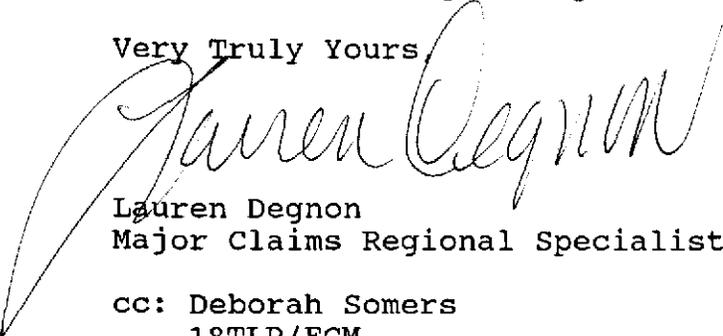
Paul:

Thank you again for meeting with me on March 5, 1992 to discuss the above-referenced site.

I would appreciate it if you could advise me on how to obtain a copy of the video tape regarding the removal of the tanks. In addition, please also advise me if the latest subsurface investigative report is available, and how I could obtain a copy of that report.

I thank you in advance for your prompt attention on this matter. You can reach me at (818) 712-6339 during business hours. Look forward to hearing from you.

Very Truly Yours


Lauren Degnon
Major Claims Regional Specialist

cc: Deborah Somers
18TLP/ECM

LD/sba

ALAMEDA COUNTY HEALTH CARE SERVICE AGENCY
 DEPARTMENT OF ENVIRONMENTAL HEALTH

Site Search

MFR Sent _____ (date)

APPLICATION FORM

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.

Re:

Premises Name Harrison Street Garage

SUPV. DIST. C.T. 4

A. Premises Address 1432 Harrison St Oakland 94612
 Number Street City Zip Code Phone

Owner/Applicant Cigna Property Casualty Companies per Lauren Degnon request
 If corporation, also show name of corporation president Phone

B. Mailing Address 21860 Bushhorn Blvd, Suite 200, P.O. Box 4142, Woodland Hills, CA 91365
 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

Site Search

Number of Units/Hrs. 1.0 Fee Per Unit/Hr. \$ 71.00 Total Fee \$ 71.00

REMARKS: Site search for 1432 Harrison Street

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

Owner/Applicant [Signature] Date 3/5/92

Hazardous Materials Specialist Pam M. Shirk Phone (510) 271-4320 Date 3/5/92

March 5, 1992

Paul Smith
c/o Alameda County Health Care Service
Hazardous Materials Dept.
80 Swan Way #200
Oakland, Ca. 94621

Re: 1432 Harrison St - Oakland 94612
Site Search Request -
Legal Beagle File Copy -

Paul:

This letter will confirm our conversation on March 5, 1992 whereas we discussed that I will have legal Beagle Copy Service come unto your office and make 8 copies of specific documents that I requested.

Please bill me for your services directly for 71⁰⁰ / hr and cap at 142⁰⁰ / total -

Thank You.

Harmon Legman
Cigna Insurance Co.

CIGNA Property and Casualty Companies

21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365
(818) 712-6200

92 FEB 13 11:06



February 13, 1992

Paul Smith
Hazardous Materials Specialist
Alameda County Health Care Services
80 Swan Way #200
Oakland, CA 94621

Re: Site: Douglas Motor Services
1432 Marrison St., Oakland, CA
Claim: 717 L 770631-4

Dear Mr. Smith:

This letter will confirm our conversation on February 11, 1992 whereas we discussed the requisites on viewing files in your office. As you explained to me, there is a charge of \$71.00/hr for your time to discuss files, and your copy service is \$1.00/hr per page. I would like to meet with you to discuss this file, and I feel that it shouldn't take more than an hour of your time. Then, I would like to review your office file on this site and tag the specific documents that I need, and contact an outside copy service to photocopy the material.

I look forward to meeting you on our scheduled appointment on March 5, 1992 at 1:00 p.m.

I thank you in advance for your prompt attention and cooperation on this matter.

Very Truly Yours,

A handwritten signature in cursive script that reads "Lauren Degnon". The signature is written in dark ink and is positioned above the typed name and title.

Lauren Degnon
Major Claims Regional Specialist
(818) 712-6339

cc: Deborah Somers
18TLP-ECM

LD/sba

21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365
(818) 712-6200

CIGNA

February 13, 1992

Paul Smith
Hazardous Materials Specialist
Alameda County Health Care Services
80 Swan Way #200
Oakland, CA 94621

Re: Site: Taymuree Foreign Auto Center
3509 Grand Ave., Oakland, CA
Claim: 717 L 770631-4

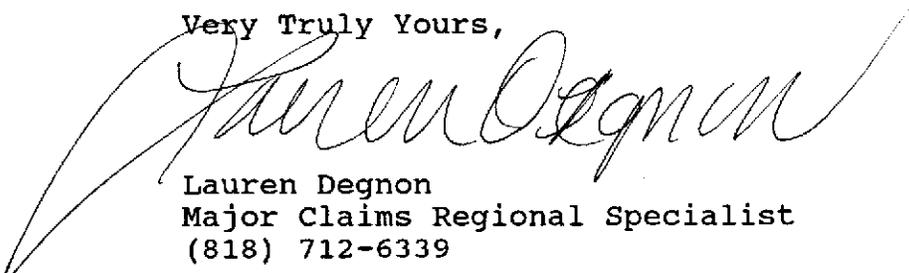
Dear Mr. Smith:

This letter will confirm our conversation on February 11, 1992 whereas we discussed the requisites on viewing files in your office. As you explained to me, there is a charge of \$71.00/hr for your time to discuss files, and your copy service is \$1.00/hr per page. I advised you that I do not need to meet with you on this file. I just need to review the contents of your office file. I will tag the documents that I need and I will call an independent copy service to come in and photocopy the documents that I requested.

I look forward to meeting you on our scheduled appointment on March 5, 1992 at 1:00 p.m.

I thank you in advance for your prompt attention and cooperation on this matter.

Very Truly Yours,



Lauren Degnon
Major Claims Regional Specialist
(818) 712-6339

cc: Elissa Rich
18TLP-ECM

LD/sba

21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365
(818) 712-6200

92 FEB 10 10:12



February 6, 1992

Alameda County Health Care Services
Hazardous Materials Dept.
80 Swan Way #200
Oakland, CA 94621

94612

Re: Site Search

Location: 1432 Harrison St.
Oakland, CA

Insured: Douglas Motor Service

TO WHOM IT MAY CONCERN:

This letter is to advise you that the undersigned is handling the investigation regarding the above-captioned matter. I would appreciate it if someone from your office could contact me to advise me whether your office has a file on this site.

I am interested in obtaining information on the following:

1. The status of the planned initial phase of remedial work - which involves the removal of four underground storage tanks.
2. Installation of the three monitoring wells.
3. Reports/Documents pertaining to any geotechnical testing.
4. Condition of the former 550 underground storage tank.
5. Any documents regarding the two earlier tank pulls and replacements in 1975 & 1982.

I thank you in advance for your prompt attention and cooperation in handling this matter. Please contact me at (818) 712-6339 Monday through Friday during business hours.

Very Truly Yours,

Lauren Degnon
Major Claims Regional Specialist

cc: Deborah Sommers
18TLP/ECM

LD/sba

phone call 2/11/92 left message
need acknowledgment of 7/1/92
I also need cap

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

February 5, 1992

Mr. Randall Morrison Esq.
Crosby, Heafy, Roach & May
1999 Harrison Street
Oakland, CA 94612-3573

Mr. William Trinkle Esq.
Randick & ODea
1800 Harrison Street, Suite 1771
Oakland, CA 94612

DEPARTMENT OF ENVIRONMENTAL HEALTH
Hazardous Materials Division
80 Swan Way, Rm. 200
Oakland, CA 94621
(510) 271-4320

Re: 1432 Harrison Street, Oakland, CA 94612

On September 24, 1990, the Alameda County Department of Environmental Health issued an order pursuant to California Health and Safety Code Section 25299.37(c) ordering Alvin Bacharach and Barbara Borsuk, the property owners of 1432 Harrison St., Oakland, to take appropriate corrective action in response to the discovery of unauthorized releases associated with gasoline tanks located at the Harrison St. property.

On February 7, 1991, Mr. Bacharach and Ms. Borsuk, pursuant to Health and Safety Code Section 25299.37(d), petitioned the State Water Resources Board requesting the Board name Douglas Motor Services, a 16 year tenant of the Harrison St. property, as the primary responsible party.

The Board issued Order No. WQ 91-07 on June 20, 1991, stating in part:

In many cases we have deemed it reasonable to place one party in a position of secondary responsibility... We find no basis for suggesting that the County do that in this case.

Petitioner's contention that Douglas ought to be added to the County's order appears to have merit. If the County has substantial evidence that the leaks from the underground tanks occurred during the time Douglas was operating them, the County should add Douglas to its order. (Order, p.4)

From June 20, 1991 until October 14, 1992, no new evidence on the responsible party issue was submitted to the Alameda County Department of Health.

On October 14, 1992, Mr. Bacharach and Ms. Borsuk presented new evidence to the Alameda County Department of Health and requested that Douglas Motor Service and its partners be named primary responsible parties for appropriate corrective action for unauthorized releases associated with gasoline tanks.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

451-1527 Floor/Room # _____
Fax Phone Number

Name: Mary Beth Butler Title/Section _____

Agency: Fitzgerald, Abbott Beardsley

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/16/92 Time Sent: 9:20

Sender: Paul Smith Title/Section _____

Phone #: (510) 271-4320

Number of Pages Including Transmittal Sheet: 11

Special Instructions/Comments:

Mary Beth,
As requested enclosed Dec 26, Jan 6, Jan 9 + 10th
Correspondence from RGA + assoc.

Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

547-1983 Floor/Room # _____
Fax Phone Number

Name: Bob / Chris Title/Section

Agency: RG A

Address: _____

Phone #: ()

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/14/92 Time sent: 3:08

Sender: Pam Smith Title/Section

Phone #: (510) 271-4330

Number of Pages Including Transmittal Sheet: _____

Special Instructions/Comments:

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

273-8866 Floor/Room # _____
Fax Phone Number

Name: Randall Morrison ESA
Title/Section

Agency: _____

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/14/92 Time Sent: 1:15

Sender: Paul Smith
Title/Section

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 2

Special Instructions/Comments:

Mr Morrison,
Enclosed is the approval letter for work (initial)
to occur at 1432 Harrison/Alice streets. I thought
that you would be interested in viewing it quicker than
the us postal copy.
Paul Smith

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

451-1527 Floor/Room # _____
Fax Phone Number

Name: Jonathan Redding Esq Title/Section _____

Agency: Fitzgerald, Abbott, & Bardsley

Address: _____

Phone #: () 451-3300

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/14/92 Time Sent: 5:03

Sender: Paul Smith Title/Section _____

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 2

Special Instructions/Comments:

Jonathan

Fyi, the initial 15 borings are approved & the
job is scheduled for Thurs. 1/16/92.

Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

829-5493 Floor/Room # _____
Fax Phone Number

Name: John Cummings / Nels Johnson
Title/Section

Agency: SCS Engineers

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

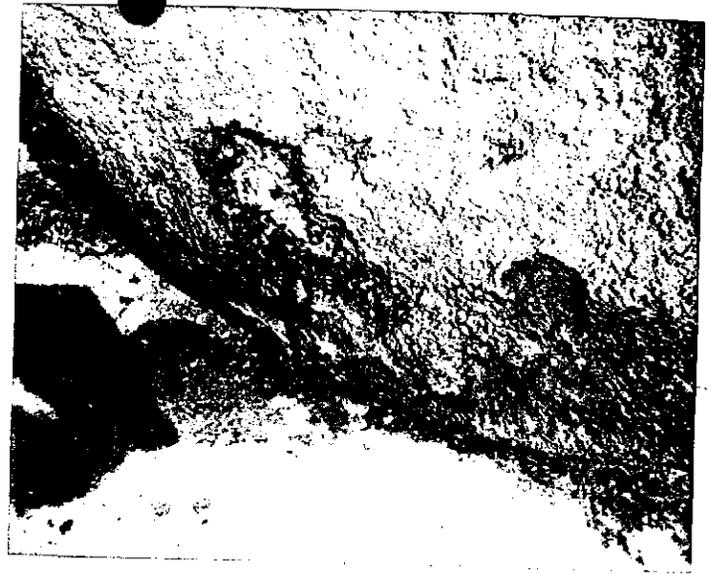
Date: 1/14/92 Time Sent: _____

Sender: Paul Smith
Title/Section

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 2

Special Instructions/Comments:



1-32 Harrison site visit 2/4/92

1:35 - 3:20

Bob Gil - RGA

Chris Wobuzoh - RGA beeper 729-9471

Barbara Borsuk

Re: 4 samples around Harrison street vsts

Since groundwater was encountered at approx 6' depth

samples B17 & B22 are to be analyzed for all

constituents listed on SCS table II including TPHg, TPHd, BTEX, organic lead, TOG, CHC, PCB's, & 5 ppm Cd, Cr, Ni, Zn, Pb

~~The other~~ ^{Soil} samples collected from B17 at 5' will be run for all of the above.^{Soil} samples collected at 5' and 15' ~~on~~ on boring B-22 will be run for all the above constituents

The discussion of ~~the~~ pipeline samples associated with 2 two dispensers on Harrison were omitted in the work plan. It was decided that a proposal would be prepared by RGA outlining a boring to be performed next to each dispenser and one at one point along the 20' span heading towards Harrison st.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

DEPARTMENT OF ENVIRONMENTAL HEALTH
80 Swan Way, Rm. 210
Oakland, CA 94621
(415) 271-4300

January 14, 1992

Robert E. Gils
RGA Environmental Inc.
1260 45th Street
Emeryville, CA 94608-2907

Re: Work Plan for preliminary borings around underground storage tanks (USTs), hydraulic hoists and piping at 1432 Harrison St. and Alice St. Parking Structures, Oakland, CA 94612

Dear Mr. Gils:

After review of your several Work Plan proposals dated 12/26/91, 1/9/92 and 1/10/92, the proposed work is hereby approved by this Agency. You are requested to notify this Department at least 48 hours in advance of the commencement of any work at the above site.

Additionally, a review of our records indicates that the funds previously submitted for Department of Health oversight for this project are depleted. Please submit to this office a check made payable to the County of Alameda for \$ 1500.00.

Sincerely,

Paul M. Smith
Hazardous Materials Specialist

cc:

Alvin Bacharach
Barbara Borsuk
Randall Morrison, Crosby, Heafy, Roach and May
Mark Borsuk Esq.
John Cummings, SCS Consultants
Mark Thomson, Alameda County District Attorneys Office

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

451-1527 Floor/Room # _____
Fax Phone Number

Name: Jonathan Redding Title/Section _____

Agency: Fitzgerald, Abbott & Beardley

Address: _____

Phone #: () 451-3300

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/13/92 Time Sent: 5:57

Sender: Paul Smith Title/Section _____

Phone #: () 291-4320

Number of Pages Including Transmittal Sheet: 7

Special Instructions/Comments:

Jonathan,
Enclosed are the last 2 letters from R. B. I intend
to approve the closure once I talk w/ Mark. Also we have
tentatively scheduled the work to begin on Thurs 1/16/92.
I still haven't written the approval letter if you have any thoughts
please call me
Thanks, Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

569-0505 Floor/Room # _____
Fax Phone Number

Name: Mark Thomson / Britt Johnson
Title/Section

Agency: Ala Co DR's office

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/13/92 Time Sent: 6:10

Sender: P. Smith
Title/Section

Phone #: () _____

Number of Pages Including Transmittal Sheet: 4

Special Instructions/Comments:

mark, Britt
Here's the latest from RBA I'm inclined to approve it.
Please let me know if there are any issues I should discuss in
the approval letter. Tentatively the job is scheduled for Thursday 1/14/92.

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE.
--	--	--

REPORT DATE 0 <u>M</u> 8 <u>M</u> 2 <u>D</u> 1 <u>D</u> 9 <u>Y</u> 0 <u>V</u>	CASE #
--	--------

REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Jonathan W. Redding, Esq.	PHONE (415) 451-3300	SIGNATURE <i>Jonathan W. Redding</i>	
	REPRESENTING <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>	COMPANY OR AGENCY NAME Fitzgerald, Abbott & Beardsley		
	ADDRESS 1221 Broadway, 21st Floor Oakland California 94612			

RESPONSIBLE PARTY	NAME Mr. Alvin Bacharach and Ms. Borsuk <input type="checkbox"/> UNKNOWN	CONTACT PERSON Robert Buchman, Esq.	PHONE (415) 273-8833
	ADDRESS 383 Diablo Road, #100 Danville California 94526		

SITE LOCATION	FACILITY NAME (IF APPLICABLE) Harrison Street Garage	OPERATOR Tanks abandoned by owner years ago	PHONE ()	
	ADDRESS 1432 Harrison Street Oakland Alameda 94607			
	CROSS STREET 14th Street	TYPE OF AREA <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RURAL <input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> OTHER	TYPE OF BUSINESS <input checked="" type="checkbox"/> RETAIL FUEL STATION <input type="checkbox"/> FARM <input type="checkbox"/> OTHER <u>parking</u>	

IMPLEMENTING AGENCIES	LOCAL AGENCY Alameda County Health Care Services	AGENCY NAME	CONTACT PERSON Mr. Dennis Byrnes	PHONE (415) 271-4320
	REGIONAL BOARD San Francisco Bay		Mr. Lester Feldman	PHONE (415) 464-1255

SUBSTANCES INVOLVED	(1) NAME Gasoline	QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2)	<input type="checkbox"/> UNKNOWN

DISCOVERY/ABATEMENT	DATE DISCOVERED 0 <u>M</u> 8 <u>M</u> 1 <u>D</u> 8 <u>D</u> 9 <u>Y</u> 0 <u>V</u>	HOW DISCOVERED <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input checked="" type="checkbox"/> OTHER <u>Subsurface Investigation</u>
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <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
	HAS DISCHARGE BEEN STOPPED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, DATE	

SOURCE/CAUSE	SOURCE OF DISCHARGE <input checked="" type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	TANKS ONLY/CAPACITY GAL _____ AGE _____ YRS <input checked="" type="checkbox"/> UNKNOWN	MATERIAL <input type="checkbox"/> FIBERGLASS <input checked="" type="checkbox"/> STEEL <input type="checkbox"/> OTHER	CAUSE(S) <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
--------------	--	--	--	---

CASE TYPE	CHECK ONE ONLY <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)
-----------	--

CURRENT STATUS	CHECK ONE ONLY <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
----------------	--

REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <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>
-----------------	---

COMMENTS
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.

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.

JAMES E. COOPER
 PHILIP M. COOPER
 JOHN L. COOPER
 GERALD D. SMITH
 LAWRENCE R. SMITH
 LEWELLYN S. SMITH
 RICHARD T. SMITH
 MICHAEL R. SMITH
 J. BRITTAIN HABESH
 VIRGINIA PALMER
 STEPHEN M. WILSON
 STEPHEN M. WILSON
 BETTY J. ORVELL
 JONATHAN W. REDDING
 TIMOTHY W. REDDING
 KRISTIN A. PALM
 ROBERT F. CHANSE
 MICHAEL M. K. BERBER
 ANTONIA L. MORE
 MICHAEL A. MORE
 MARIA L. LAWRENCE
 JENNIFER L. LAWRENCE

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION ONE

1221 BRADWAY, 21ST FLOOR

OAKLAND, CALIFORNIA 94612-1607

TELEPHONE: (510) 461-3300

R. M. FITZGERALD 1888-1934
 CARL H. ABBOTT 1867-1933
 CHARLES A. BEARDSLEY 1862-1907

STACY N. DOBREZENSKY
OF COUNSEL

BETH E. ASPEDON
SPECIAL COUNSEL

TELECOPIER: (510) 461-3300

TELECOMMUNICATION COVER PAGE

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Paul Smith

FAX NO: 568-3706

FROM: Jonathan W. Redding

TOTAL NUMBER OF PAGES: 2 INCLUDING COVER PAGE

DATE: JANUARY 13, 1992 TIME: 10:40 am

IF TOTAL NUMBER OF PAGES ARE NOT RECEIVED,
PLEASE CALL BACK AS SOON AS POSSIBLE.

PHONE: (510) 461-3300; EXTENSION: 57

SEARCH CODE: davis 02 TELECODE:

COMMENTS: _____

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO BE
 PROTECTED BY THE ATTORNEY-CLIENT OR OTHER ATTORNEY PRIVILEGES. IT IS INTENDED
 ONLY FOR THE USE OF THE ADDRESSEE. IF YOU ARE NOT THE ADDRESSEE OR THE PERSON
 AUTHORIZED FOR DELIVERING FACSIMILES TO THE ADDRESSEE, THEN YOU HAVE RECEIVED
 THIS MESSAGE IN ERROR. IN SUCH CASE, YOU ARE NOT AUTHORIZED TO USE,
 REPRODUCE, DISSEMINATE OR COPY SUCH FACSIMILE BUT ARE REQUESTED TO TELEPHONE THE
 SENDER AND MAIL THE FACSIMILE TO THE SENDER AT THE ABOVE ADDRESS.

HAVE COPY TO FOLLOW: YES () NO (X)

TELECOPIED BY: mbb

JAMES O. SUTHERLAND
 PHILIP M. JELLEY, III
 JOHN L. MCDONNELL, JR.
 GERALD D. SMITH
 LAWRENCE R. SHEPP
 LEWELLYN E. JOHNSON, II
 RICHARD T. WHITE
 MICHAEL P. WASS
 J. BRITAIN HARRIS
 VIRGINIA HARRIS
 STEPHEN M. WILSON
 STEPHEN M. WILSON, II
 BETTY J. ORVET
 JONATHAN W. REDDING
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 ROBERT F. CAMPBELL
 MICHAEL M. K. BERRER
 ANTONIA L. MORE
 MICHAEL A. TOMP
 MARIA D. LAWLESS
 JENNIFER J. BARKER

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

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1221 BROADWAY, 21ST FLOOR

OAKLAND, CALIFORNIA 94612-1837

TELEPHONE (910) 451-3300

FAX 451-1527

R. M. FITZGERALD 1868-1934
 CARL H. ABBOTT 1867-1933
 CHARLES A. BEARDSLEY 1882-1966

STACY H. DOBRENENKY
OF COUNSEL

BETH F. ASPEDON
SPECIAL COUNSEL

TELECOPIER: (910) 451-1527

1/13/92

VIA FACSIMILE AND U.S. MAIL

Mr. Paul Smith
 Hazardous Materials Specialist
 80 Swan Way, Room 200
 Oakland, California 94621

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

Dear Mr. Smith:

This letter is in reference to our telephone conversation regarding the Harrison Street Garage. I request, pursuant to the Public Records Act (Government Code § 6250, et seq.) that you make available to me the following documents:

1. Recent correspondence from RGA, which I have not previously received.

If possible, fax the documents to me at 451-1527. If the volume is too large, please mail them to me. We will pay any charges in connection with this request.

If you have any questions, please feel free to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By *Jonathan W. Redding*
 Jonathan W. Redding

JWR:mbb
 CC: Mr. Steve Davis

January 10, 1992

Paul Smith
Hazardous Materials Specialist
Dept. of Environmental Health
Hazardous Materials Program
50 Swan Way, Room 200
Oakland, CA 94621

Re: Harrison Street Garage

Dear Mr. Smith:

The following addresses the... dated January 7, 1992... the basement level of the first...

BASEMENT LEVEL

- 1. Soil borings B-1, B-2, B-3 and B-4 are located at...
 undrained shear strength...
 10.4 to 10.6 feet...
 11.4 to 11.6 feet...
 borings will be analyzed for...
 granular material...
 the soil water content...
 at 5' and 10'. The 10'...
 The samples will be analyzed...
 to include...
 laboratory analyses...
 Hydrocarbons...
 Grease (TSS)...
 (PCB's) and...
- 2. Soil boring M-5...
 borings...
 only...
 (MADP)

FLOOR LEVEL

1. Soil borings B-7, B-8, B-9 and B-10 will be located around the hydraulic lift and sump. The sump is about 3 feet below ground surface and the bottom of the lift is about 10 feet below the ground surface. The borings will be drilled to 20 feet below the ground surface or 10 feet below the bottom of the lift. Soil samples will be collected at 5', 10', 15' and 20'. The 20 foot sample is expected to be the soil-water interface. The samples will be screened in the field with an OVA. The first sample showing detectable levels of contaminants with an OVA and the last sample will be analyzed in the laboratory. If there was no detectable levels of contaminants in all the samples the first and last samples will be analyzed. These samples will be analyzed for TPH-G, TPH-D, BTEX, TO&G, PCB's, CLHC and priority metals.
2. Soil borings B-11, B-12, B-13 and B-15 will be located around the two underground storage tanks buried beneath the sidewalks on Harrison Street. The bottom of the tanks are between 12 to 15 feet below ground surface. The borings will be drilled to 10 feet below the bottom of the tanks. Soil samples will be collected at 5', 10', 15' and 20'. The 20 foot sample is expected to be the soil-water interface. The samples will be screened as mentioned above. Selected samples will be analyzed for TPH-G, TPH-D, BTEX, Organic Lead, CLHC, PCB's, TO&G and priority metals (ICAP).

Other concerns expressed by Alameda County Health include the evaluation of the lateral migration of contaminants. All analyses completed for the site safety plan will be integrated to include those outlined in SCS's August 19, 1991 work plan. Additional sampling to determine the lateral migration and water quality will be completed following removal of the USTs and lifts. During the Initial Site Safety Plan Assessment it is our intention to collect water samples from the borings up to 25' in depth to provide information on ground water quality.

Methods of Analyses

<u>Analyses</u>	<u>EPA Methods</u>
TPH-G	8015
TPD-D	8015-m
BTEX	8020
TO&G	413.1
CLHC	8240
PCB's	8080
Priority Metals	iCAP

If you have any questions, please call.

Sincerely,

Robert E. Gils, CIH #1151

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

569-0505 Floor/Room # _____
Fax Phone Number

Name: Mark Thomson / Britt Johnson
Title/Section

Agency: Ala Co DITS office

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/9/92 Time Sent: 5:50 pm

Sender: Paul Smith
Title/Section

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 4

Special Instructions/Comments:

Mark, Britt
Got this letter & had a phone conv. w/ Robert Gits & his geologist named Chris. I think we're finally getting there. I like this proposal and am inclined to approve it. The hand written in samples will be added and now the proposal gives with the Aug 91' SCS proposal. He'd like to schedule the work for next week and I'd like him to also because I'm going to be on vacation from 1/17 → 1/24/92. Please check it out and if you want you can call me tomorrow at home 537-6563 or at work Monday. Thomas Paul

January 9, 1992

92 JAN 12 11 2:47



Paul Smith
 Hazardous Materials Specialist
 Dept. of Environmental Health
 Hazardous Materials Program
 80 Swan Way, Room 200
 Oakland, CA 94621

Re: Harrison Street Garage

Dear Mr. Smith:

The following addresses our telephone discussion of January 8, 1991 and your letter dated January 7, 1992. For convenience, the areas of investigations are divided into the basement and the floor levels.

BASEMENT LEVEL

1. Soil borings B-1, B-2, B-3, and B-4 will be located around the waste oil underground storage tank at the basement facing Alice Street. The basement is about 10 feet from normal ground surface. The tank is assumed to be buried at about 10 feet below the surface of the basement. The four soil borings will be drilled to 15 feet below the basement surface. Depth to groundwater at this site is between 20 to 25 feet, and the soil-water interface is between 15 to 20 feet. Soil samples will be collected at 5' and 10'. The 10 foot sample is expected to be at the soil-water interface. The samples will be screened with an Organic Vapor Analyzer (OVA). The samples showing higher OVA readings for each boring will be selected for laboratory analyses. The samples will be analyzed for Total Petroleum Hydrocarbons as gasoline (TPH-G), and as diesel (TPH-D), BTEX, Oil and Grease (O&G), Chlorinated Hydrocarbons (CL H), Polychlorinated Biphenyls (PCB's), and priority metals.

2. Soil borings B-5 and B-6, will be located along the piping in the basement. The borings will placed at 20 foot linear intervals. Samples will be collected at about 2 feet below the pipe and will be analyzed for TPH-G, TPH-D, BTEX, O&G, CL H, PCBs, and priority metals.

ENVIRONMENTAL
 CONSULTANTS
 GEOLOGISTS
 ENGINEERS
 INDUSTRIAL
 HYGIENISTS

1260 45TH STREET
 EMERYVILLE, CA
 94608-2907
 510.547.7771
 FAX 510.547.1983

LOS ANGELES
 213.930.1197

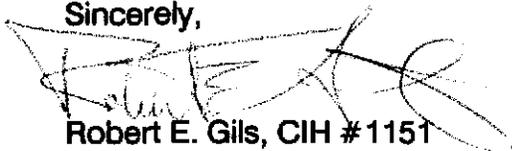
FLOOR LEVEL

1. Soil borings B-7, B-8, and B-9 will be located around the hydraulic lift and sump. The sump is about 3 feet below ground surface and the bottom of the lift is about 10 feet below the ground surface. The borings will be drilled to 20 feet below the ground surface or 10 feet below the bottom of the lift. Soil samples will be collected at 5', 10', 15' and 20'. The 20 foot sample is expected to be the soil-water interface. The samples will be screened with an OVA and samples showing the highest OVA readings will be selected for laboratory analyses. The samples will be analyzed for TPH-G, TPH-D, BTEX, O&G, and priority metals.
2. Soil borings B-10, B-11, B-12, B-13, B-14, and B-15 will be located around the two underground storage tanks buried beneath the sidewalks on Harrison Street. The bottom of the tanks are between 12 to 15 feet below ground surface. The borings will be drilled to 10 feet below the bottom of the tanks. Soil samples will be collected at 5', 10', 15' and 20'. The 20 foot sample is expected to be the soil-water interface. The samples will be screened as mentioned above. Selected samples will be analyzed for TPH-G, TPH-D, BTEX, Organic Lead, CL H, PCB's, and priority metals.

Other concerns expressed by Alameda County Health include the evaluation of the lateral migration of contaminants. All analyses completed for the site safety plan will be integrated to include those outlined in SCS's August 19, 1991 work plan. Additional sampling to determine the lateral migration and water quality will be completed following removal of the USTs and lifts. During the initial Site Safety Plan Assessment it is our intention to collect water samples from the borings up to 25' in depth to provide information on ground water quality.

If you have any questions, please call.

Sincerely,



Robert E. Gils, CIH #1151

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

829-5493

Fax Phone Number

Floor/Room #

Name:

Mr John Cummings

Title/Section

Agency:

S&S Eng.

Address:

Phone #: ()

FROM:

Fax Phone Number

Floor/Room #

Date:

1/8/92

Time Sent:

8:12

Sender:

Paul Smith

Title/Section

Phone #: ()

271-4320

Number of Pages Including Transmittal Sheet: 3

Special Instructions/Comments:

John / Nels

Enclosed/Attached is a letter to RGA. Bob Gils has submitted a H&S plan & proposal to do some borings & this is my response letter to him. please call me if you need to.

Paul

Mr. Morrison
January 8, 1992
page 2 of 2

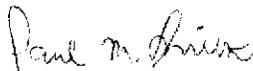
you are aware groundwater gradient has not yet been established at this site. A monitoring well placed in this location would serve as one data point in the determination of gradient, possibly one which would reflect up gradient conditions from the Harrison street garage.

As indicated in the latest submittal from Levine-Fricke (page 3) a second addendum to the Health and Safety Plan will be provided to this office.

Please provide a copy of this document which is reflective of the proposed drilling activities and specify the name of the drilling contractor.

Please address the above concerns by February 1, 1993. If you have any questions please feel free to contact me through Mark Thomson or have your consultant contact me directly.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Alvin Bacharach, 383 Diablo Road, #100, Danville, CA 94526
Barbara Borsuk, 383 Diablo Road, #100, Danville, CA 94526
John Sturman/Michael Stoll, Levine Fricke, 1900 Powell
Street, 12th Floor, Emeryville, CA 94608
Jonathan Rossen, Cal OSHA, 7700 Edgewater Dr., Suite 125,
Oakland, CA 94621
Mark Thomson, Alameda County District Attorneys Office, 7677
Oakport, Suite 400, Oakland, CA 94621



January 7, 1992

Paul Smith
Hazardous Materials Specialist
Dept. of Environmental Health
Hazardous Materials Program
80 Swam Way, Room 200
Oakland, CA 94621

Re: Harrison Street Garage

Dear Mr. Smith:

This letter will confirm our January 6, 1992 conversation. To avoid further delay in starting the work I will address the issues raised before I receive your memo. You requested that we provide the following information prior to beginning investigative work at the captioned site. Our plan now is to begin drilling on January 8, 1992. Please call immediately if this is not acceptable.

Boring and Sampling Procedure

Two borings will be drilled at the site to be at 10' to 15'. Samples will be collected at 10' and 15' depths. The borings will be drilled in the center of the site on the east side of the building. The borings will be drilled in the center of the site on the east side of the building. The borings will be drilled in the center of the site on the east side of the building.

Based upon available information, the soil at the site is expected to be between 15' to 20' below ground surface and on the east side of the building. We expect the oil water interface will be between 10' to 15' below ground surface. We expect to collect water samples for 10' and 15' depths.

ENVIRONMENTAL INC.
6500 45TH STREET
EMERYVILLE, CA
94608-2907
510.547.7771
FAX 510.547.1863
LOS ANGELES
213.930.1197

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

January 7, 1992

Robert E. Gils
RGA Environmental Inc.
1260 45th Street
Emeryville, CA 94608-2907

Re: Work Plan for preliminary borings around underground storage tanks (USTs), hydraulic hoists and piping at 1432 Harrison St. and Alice St. Parking Structures, Oakland, CA 94612

Dear Mr. Gils:

Alameda County has received and reviewed the December 26, 1991 Work Plan which you submitted proposing to install 15 soil borings at various locations at the above facilities. If I am interpreting drawing G-5.1 correctly three borings are proposed around the former hydraulic hoists and wash rack sumps and five borings are proposed around the usts on Harrison Street. According to drawing G-7.1 four borings are to be placed around the Alice Street usts and two additional borings are to be placed along the length of piping in the Alice St. basement heading west.

As discussed in our telephone conversation last evening the following concerns need to be addressed prior to Work Plan approval:

- 1) You are requested to specify the sampling depths of each boring.
- 2) The proposed analysis of halocarbons using method 8120 is inadequate because in previous sampling events constituents other than those detected using this method. You are required to use either method 8010 or 8240 for for halocarbon analysis. For pcb analysis you are required to use analysis method 8080 or 8270.
- 3) On page 17 of the August 19, 1991 Modified Work Plan submitted by SCS Consultants, laboratory analysis have been specified for several areas of the above facility. It is my understanding that the submittal from RGA focuses primarily on the collection of data to properly assess and adequately prepare for addressing the health and safety considerations of work at the above site. However, additional analyses must be performed in order to properly characterize the environmental concerns at the site. It is my understanding that you will advise me as to the timing of these tests after you have had the opportunity to talk with Mr. Morrison.

You are proposing to analyze for halocarbons including pcbs, petroleum hydrocarbons using method 8015(m) and also for metals. As discussed in our phone conversation and as stated in your proposal you have recommended that all excavated contaminated soil be moved to another site for treatment and disposal. In order to adequately classify soil for the presence of petroleum hydrocarbons, where applicable, you are required to sample for the presence of benzene, toluene, xylene and ethylbenzene, TPHg and TPHd.

RGA Environmental, Inc.

Environmental Consultants

* Date: 7 Jan '92
 * To: Paul Smith
 * Re: Harrison St. Garage
 * From: Robert Gils

Including this page, 5 pages are being transmitted.

If you have any questions, please call the above named person at (415) 547-7771.

Notes:

Original to follow by: U.S. Mail Federal Express _____ Courier _____ No Hard Copy to Follow

RGA Inc., 1260 45th St., Emeryville, CA. 94608

Fax (415) 547-1983

F A C S I M I L E

CHRAM TRANSMISSION COVER SHEET

THIS FAX MESSAGE SHOULD BE TRANSMITTED IMMEDIATELY TO THE FOLLOWING:

TO: Robert Gils, President

FIRM NAME: ROBERT GILS ASSOCIATES, INC.

CITY AND STATE: Emeryville, CA

TELECOPIER NO. (Area Code first): (510) 547-1983

OFFICE PHONE NO. (Area Code first): (510) 547-7771

TOTAL NUMBER OF PAGES TRANSMITTED INCLUDING COVER SHEET: 2

THIS TRANSMISSION WILL NOT BE FOLLOWED UP WITH A HARD COPY VERSION.

COMMENTS:

* * * * *

FROM: Randall D. Morrison

FIRM NAME: CROSBY, HEAFEY, ROACH & MAY

CITY AND STATE: OAKLAND, CA 94612

TELECOPIER NO. OF SENDER: (510) 273-8866 and (510) 273-8838

OFFICE PHONE NO. OF SENDER: (510) 763-2000 x4857

OUR FILE NO.: 17598.0001.6 DATE: JANUARY 7, 1992

ATTORNEY NUMBER: 803

ATTORNEY'S SECRETARY: Mary Abbott x4557

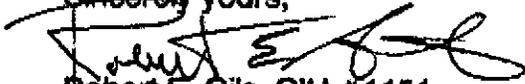
This message transmitted via CROSBY, HEAFEY, ROACH & MAY, - 1999 Harrison Street, Oakland, CA 94612.

If you have problems with or questions about this FAX, please call (510) 763-2000, ext.3451. Ask for Central Files and indicate you are calling regarding a FAX transmission.

Unauthorized Release Form

It is my understanding that on August 21, 1990 Jonathan Redding, Attorney for Steven Davis filed an "Unauthorized Release Form" (see attached).

Sincerely yours,



Robert E. Gils, CIH #1151

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

EMERGENCY YES NO
 HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? YES NO

FOR LOCAL AGENCY USE ONLY
 I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 504(b) OF EXECUTIVE ORDER 12047

REPORT DATE: 0 8 21 9 0
 CASE #

REPORTED BY: NAME OF INDIVIDUAL FILING REPORT: Jonathan W. Redding, Esq. PHONE: (415) 451-3300
 REPRESENTING: LOCAL AGENCY OWNER/OPERATOR REGIONAL BOARD OTHER: Lessee (not operator) COMPANY OR AGENCY NAME: Fitzgerald, Abbott & Beardsley
 ADDRESS: 1221 Broadway, 21st Floor Oakland California 94612

RESPONSIBLE PARTY: NAME: Mr. Alvin Bacharach and Ms. Borsuk ADDRESS: 383 Diablo Road, #100 Danville California 94526
 CONTACT PERSON: Robert Buchman, Esq. PHONE: (415) 273-8833

SITE LOCATION: FACILITY NAME (IF APPLICABLE): Harrison Street Garage OPERATOR: Tanks abandoned by owner years ago ADDRESS: 1432 Harrison Street Oakland Alameda 94607
 TYPE OF AREA: COMMERCIAL INDUSTRIAL RURAL RESIDENTIAL OTHER
 TYPE OF BUSINESS: RETAIL FUEL STATION FARM OTHER

REPORTING AGENCIES: LOCAL AGENCY: Alameda County Health Care Services CONTACT PERSON: Mr. Dennis Byrnes PHONE: (415) 271-4320
 REGIONAL BOARD: San Francisco Bay CONTACT PERSON: Mr. Lester Feldman PHONE: (415) 464-1255

SUBSTRANCE: (1) Gasoline NAME: NAME QUANTITY LOST (GALLONS): UNKNOWN

DISCOVERY/IDENTIFICATION: DATE DISCOVERED: 0 8 11 8 9 0 HOW DISCOVERED: TANK TEST INVENTORY CONTROL SUBSURFACE MONITORING MURMUR CONDITIONS
 DATE DISCHARGE BEGAN: DATE DISCHARGE STOPPED: YES NO YES, DATE: METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY): REMOVE CONTENTS REPLACE TANK CLOSE TANK REPAIR TANK REPAIR PIPING CHANGE PROCEDURE OTHER: Subsurface investigation

SOURCE OF DISCHARGE: TANK LEAK PIPING LEAK OTHER: TANKS ONLY: CAPACITY: AGE: UNKNOWN MATERIAL: FIBERGLASS STEEL OTHER CAUSE: OVERFILL RUPTURE/FALLING CORROSION UNKNOWN SPILL OTHER

CASE TYPE: UNDETERMINED SOIL ONLY GROUNDWATER DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)

CURRENT STATUS: SITE INVESTIGATION IN PROGRESS (DEFINING EXTENT OF PROBLEM) CLEANUP IN PROGRESS SIGNED OFF CLEANUP COMPLETED OR UNNECESSARY
 NO ACTION TAKEN POST-CLEANUP MONITORING IN PROGRESS NO PLACE AVAILABLE TO PROVIDE: EVALUATE THE CLEANUP ALTERNATIVES

RECOMMENDED ACTION: CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS)
 CAP SITE (C0) EXCAVATE & DISPOSE (E0) REMOVE FREE PRODUCT (FP) ENHANCED SO DILUTATION (E1)
 CONTAMINANT BARRIER (CB) EXCAVATE & TREAT (ET) PUMP & TREAT GROUNDWATER (PT) REPLACE SUPPLY (RS)
 TREATMENT AT HEADUP (TA) NO ACTION REQUIRED (NA) OTHER (M) Study not yet started

COMMENTS: 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.

January 6, 1992

Paul Smith
Hazardous Materials Specialist
Dept. of Environmental Health
Hazardous Materials Program
80 Swam Way, Room 200
Oakland, CA 94621

92 JAN - 6 11:19:29

Re: Harrison Street Garage

Dear Mr. Smith:

Per our telephone conversation, this letter to advise you of our plans to begin the additional testing outlined in my December 26, 1991 letter to you. Our plans are to begin the work January 7, 1992 at approximately 9:30 am. We expect the work will take approximately 2 days. Chris Wabuzoh will be the Project Geologist. He can be reached at our main number (510) 547-7771.

Please call should you have any questions.

Sincerely yours,


Robert E. Gils, CIH #1151

cc: Randall Morrison

ENVIRONMENTAL
CONSULTANTS
GEOLOGISTS
ENGINEERS
INDUSTRIAL
HYGIENISTS

1260 45TH STREET
EMERYVILLE, CA
94608-2907
510.547.7771
FAX 510.547.1983

LOS ANGELES
213.930.1197

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

569-0505

Fax Phone Number

Floor/Room #

Name:

Mark Thomson

Title/Section

Agency:

Ala Co DA office

Address:

Phone #: ()

FROM:

568-3706

Fax Phone Number

Floor/Room #

Date:

1/2/92

Time Sent:

11:15

Sender:

Paul Smith

Title/Section

Phone #: ()

271-4320

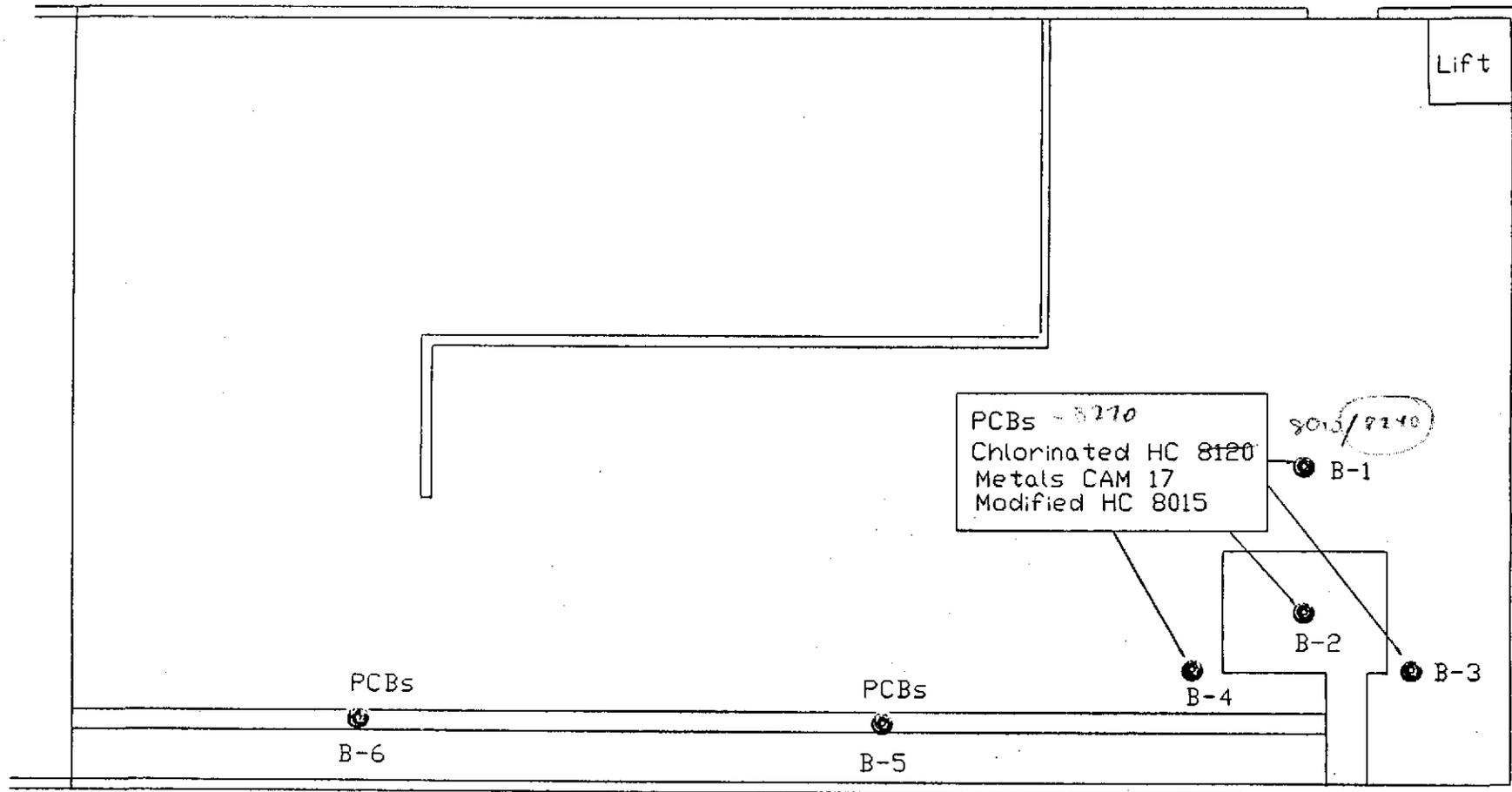
Number of Pages Including Transmittal Sheet: 3

Special Instructions/Comments:

mark/britt

These 2 pages should be attached to the 12/26/91 letter from RGA. Please tell me what you think re: the proposed 15 soil borings. I'm wondering to what depth particularly around the Harrison farm pit.

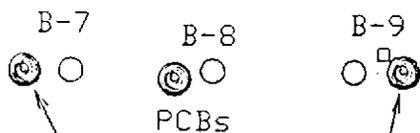
Paul



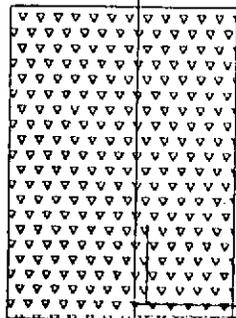
601

Drawing - G7.1	RGA 12-13-91
Floor Plan	
Basement Level	
Drilling Plan for Site Safety Ass.	
Not to scale	

Five soil borings
TPH-G/BTEX
Lead
B-10 - B-15



PCBs
Chlorinated HC 8120
Metals CAM 17
Modified HC 8015



○ Lift

□ Sump

Drawing G-5.1	RGA 12-13-91
Floor Plan	
Harrison Street Garage	
Drilling Plan for Site Safety Ass.	
Not to scale	

December 26, 1991

91 DEC 30 PM 2:35



Paul Smith
 Hazardous Materials Specialist
 Dept. of Environmental Health
 Hazardous Materials Program
 80 Swam Way, Room 200
 Oakland, CA 94621

Re: Harrison Street Garage

Dear Mr. Smith:

I am writing this letter at the request of Randall Morrison, attorney for Mr. Bacharach and Ms. Borsuk. The various topics discussed during our 12-11-91 meeting follow:

Protection of General Public

Based upon area demographics, the large number of unknowns, and the owners desire to maintain the garage in operation, I don't believe that storing contaminated soils on the property is the best choice. I have recommended to the owners that this not be done and that the excavated soils be removed to another site for treatment or disposal. The attached drawings show the modified sampling plan which we discussed during our meeting. I believe that the information obtained will provide the additional data needed to complete the Site Health and Safety Plan and classification of the excavated soils for off-site disposal.

Our tentative plans are to complete the additional sampling during the first or second week of January and to complete the Site Safety Plan by 1-27-92. Prior to completion of the Plan, I would like to meet with you once again to resolve any open issues relating to the Plan.

Observers

As we discussed, during the removal of the tanks there will very likely be a number of observers who will want to watch the proceedings. We may be able to reduce the number of observers by providing a site tour and a detailed discussion of the removal plans prior to any work. Also, we could provide the observers with some awareness and respiratory training, assuming this is acceptable to OSHA. I will contact John Rossen at OSHA to determine his stance on observers.

not to be done?

Other topics discussed during our meeting include the following:

Excavation and Remediation:

It is my understanding that SCS plans to excavate as much soil as is feasible, refill and compact and complete additional remediation needed at a later date. No remediation system will be installed during the initial removal phase. The initial removal phase will entail the removal of all tanks sumps, pipes and lifts. All work will be completed during weekends in order to minimize exposure to the public.

ENVIRONMENTAL
 CONSULTANTS
 GEOLOGISTS
 ENGINEERS
 INDUSTRIAL
 HYGIENISTS
 1260 45TH STREET
 EMERYVILLE, CA
 94608-2907
 510.547.7771
 FAX 510.547.1983
 LOS ANGELES
 213.930.1197

Assuming the absence of unforeseen difficulties, the initial removal phase is expected to occur over three to four weekends.

Asbestos Pipe Removal

I have suggested that the asbestos pipes be removed prior to tank removal. Pending resolution of this issue, it will be added to the Site Safety Plan.

Lift/NW Corner/Alice Street Garage

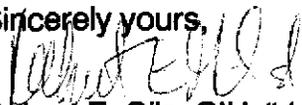
John Cummings of SCS investigated the basement lift in the Alice Street Garage. His research showed the lift is a hydro lift (water powered) containing no oil.

Open Items: Your 10-29-91 Letter to John Cummings

It is my understanding that the remaining open items will be resolved and response provided by 1-27-92.

Please call should you have any questions.

Sincerely yours,



Robert E. Gils, CIH #1151

cc: Randall Morrison

RGA Environmental, Inc.

Environmental Consultants

* Date: 26 Dec '91
 * To: Paul Smith
 * Re: Harrison St. Garage
 * From: Robert Gils

Including this page, 3 pages are being transmitted.

If you have any questions, please call the above named person at (415) 547-7771.

Notes: Change
Final Paragraph - date.
Call if you have any questions
- Sarah

Original to follow by: U.S. Mail Federal Express _____ Courier _____ No Hard Copy to Follow _____

RGA Inc., 1260 45th St., Emeryville, CA. 94608

Fax (415) 547-1983

ENVIRONMENTAL INC.

December 26, 1991

Paul Smith
Hazardous Materials Specialist
Dept. of Environmental Health
Hazardous Materials Program
80 Swam Way, Room 200
Oakland, CA 94621

Re: Harrison Street Garage

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ENVIRONMENTAL
CONSULTANTS
GEOLOGISTS
ENGINEERS
INDUSTRIAL
HYGIENISTS

1280 45TH STREET
EMERYVILLE, CA
94608-2907
510.547.7771
FAX 510.547.1983

LOS ANGELES
213.930.1197

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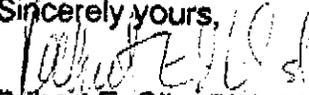
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Please call should you have any questions.

Sincerely yours,


Robert E. Gils, CIH #1151

cc: Randall Morrison

RG A Environmental, Inc.

Environmental Consultants

* Date: 26 Dec '91
 * To: Paul Smith
 * Re: Harrison St. Garage
 * From: Robert Gils

Including this page, 3 pages are being transmitted.

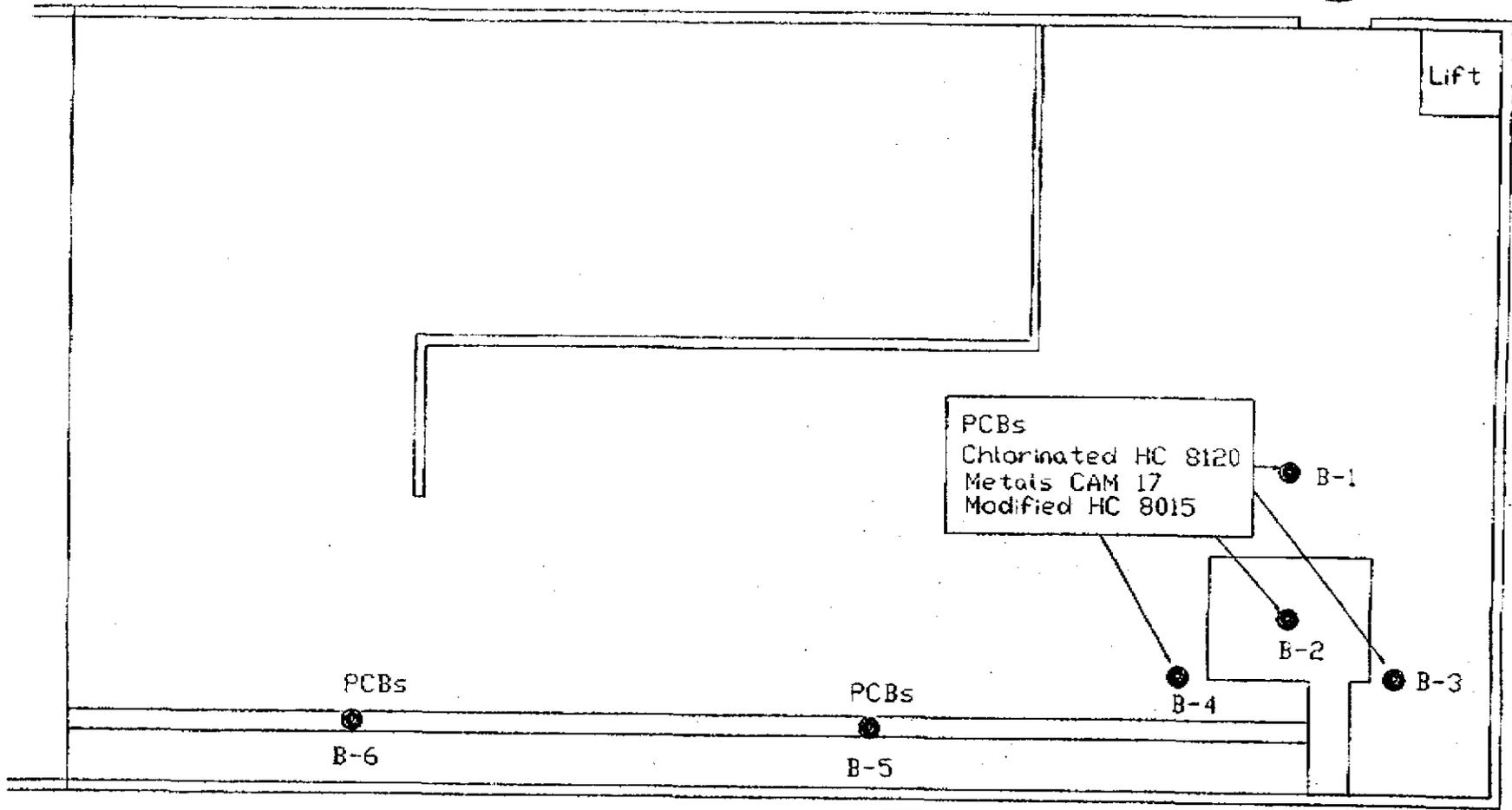
If you have any questions, please call the above named person at (415) 547-7771.

Notes:

Original to follow by: U.S. Mail Federal Express _____ Courier _____ No Hard Copy to Follow _____

RG A Inc., 1260 45th St., Emeryville, CA. 94608

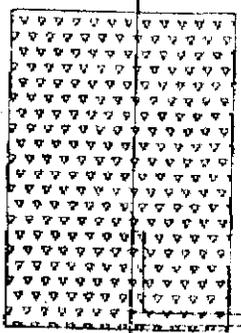
Fax (415) 547-1983



Drawing - G7.1	RGA 12-13-91
Floor Plan	
Basement Level	
Drilling Plan for Site Safety Ass.	
Not to scale	



Five soil borings
TPH-G/BTEX
Lead
B-10 - B-15



PCBs
Chlorinated HC 8120
Metals CAM 17
Modified HC 8015

○ Lift
□ Sump

Drawing G-5.1	RGA 12-13-91
Floor Plan	
Harrison Street Garage	
Drilling Plan for Site Safety Ass.	
Not to scale	

Lab results from 1432 Harrison St Oak.

VIEW THE NOTE

E01

STATION	DATE	TIME	ANALYSIS	RESULT	UNITS
CTAP	92 03 05	040	ALKALINITY, TOTAL	41.000000	mg/L
CTAP	92 03 05	040	CHLORIDE	4.000000	mg/L
CTAP	92 03 05	040	FLUORIDE	.640000	mg/L
CTAP	92 03 05	040	HARDNESS, TOTAL	55.000000	mg/L
CTAP	92 03 05	040	AMMONIA	NE	mg/L
CTAP	92 03 05	040	PH	7.400000	
SEEP	92 03 05	114	ALKALINITY, TOTAL	41.000000	mg/L
SEEP	92 03 05	114	CHLORIDE	4.000000	mg/L
SEEP	92 03 05	114	FLUORIDE	.640000	mg/L
SEEP	92 03 05	114	HARDNESS, TOTAL	55.000000	mg/L
SEEP	92 03 05	114	AMMONIA	NE	mg/L
SEEP	92 03 05	114	PH	7.400000	
CTAP	92 03 06	041	FLUORIDE	.930000	mg/L
CTAP	92 03 06	042	FLUORIDE	.910000	mg/L
CTAP	92 03 06	043	FLUORIDE	.400000	mg/L

SEEPAGE

8-Mar-1992
Page 2

STATION ANALYSIS RESULT UNITS

PF1 Alternate PFs PF2 File NOTE PF3 Keep PF4 Erase PF5 Forward Note
 PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

1) sample results indicate possible finished water
 2) leak detection has been out and surveyed
 area and found no leaks in immediate area
 from water mains and services.

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 A. PACE
ROBERT F. CAMPBELL
MICHAEL M. K. SEBREE
ANTONIA L. MORE
MICHAEL A. TOPP
MARIA I. LAWLESS
JENNIFER J. BANKER

FITZGERALD, ABBOTT & BEARDSLEY

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1221 BROADWAY, 21ST FLOOR

OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (510) 451-3300

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

STACY H. DOBRZENSKY
OF COUNSEL

BETH E. ASPEDON
SPECIAL COUNSEL

TELECOPIER: (510) 451-1527

December 11, 1991

VIA FACSIMILE AND U.S. MAIL

Mr. Paul Smith
Hazardous Materials Specialist
80 Swan Way, Room 200
Oakland, California 94621

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

Dear Mr. Smith:

This letter is in reference to our telephone conversation today regarding the Harrison Street Garage. I request, pursuant to the Public Records Act (Government Code § 6250, et seq.) that you make available to me the following documents:

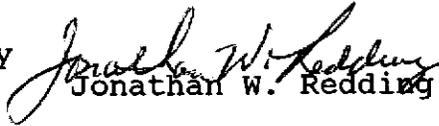
1. Workplan and site safety proposal from Robert Gils Associates.

If possible, fax the documents to me at 451-1527. If the volume is too large, please mail them to me. We will pay any charges in connection with this request.

If you have any questions, please feel free to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By 
Jonathan W. Redding

JWR:mbb
cc: Mr. Steve Davis

HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

525 UNIVERSITY AVENUE
PALO ALTO, CALIFORNIA 94301-1908
FACSIMILE (415) 324-0638
TELEPHONE (415) 326-7800

333 BUSH STREET · SAN FRANCISCO, CALIFORNIA 94104-2878
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

801 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017-5758
FACSIMILE (213) 614-1868
TELEPHONE (213) 689-0200

1201 PACIFIC AVENUE
TACOMA, WASHINGTON 98402-4308
FACSIMILE (206) 572-6743
TELEPHONE (206) 572-6666

November 22, 1991

1300 S.W. FIFTH AVENUE
PORTLAND, OREGON 97201-5698
FACSIMILE (503) 241-0980
TELEPHONE (503) 227-7400

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

JONATHAN SEBASTIAN LEO
DIRECT DIAL (415) 772-6068

17409-0001

To All Parties on the Attached List

Mr. Alvin Bacharach & Mrs. Barbara Jean Borsuk
Harrison Street Garage, Oakland, California
Underground Storage Tank Investigation

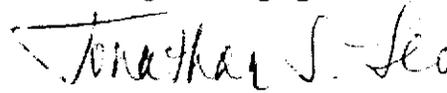
Dear Ladies and Gentlemen:

The purpose of this letter is to inform you that Randall Morrison, Esq. of the law firm of Crosby, Heafey, Roach & May (510-763-2000) has substituted for Heller, Ehrman, White & McAuliffe in the representation of Mr. Bacharach and Mrs. Borsuk with respect to the identification of, and response to, environmental issues related to the underground storage tanks at the Harrison Street Garage in Oakland, California. All inquiries and communications regarding those issues henceforth should be directed to Mr. Morrison.

All insurance claims and issues related to the aforementioned matters, however, will continued to be handled by Jonathan Hayden, Esq. of Heller, Ehrman. Mr. Hayden's direct dial telephone number is 415-772-6180.

If you have any questions regarding this letter, please contact either Mr. Morrison or Mr. Hayden.

Very truly yours,



Jonathan S. Leo

cc: Mr. Alvin Bacharach
Mrs. Barbara Jean Borsuk
Mark Thomson, Esq.
~~Mr.~~ Paul Smith
Randall Morrison, Esq.
Jonathan Hayden, Esq.

Bacharach Policies

Aetna (CIGNA)

3-63 to 3-65

CLP-44-59-49 (possibly 44-49-45 or 44-59-54)

Primary CGL

Aetna (CIGNA)

3-65 to 3-68

CLP-03-01-65

Primary CGL (Copy of this policy only)

Aetna (CIGNA)

5-68 to 5-71

CLP 20026

Primary CGL

Aetna (CIGNA)

3-68 to 5-68 (unknown policy #)*/_

5-71 to 9-75 (unknown policy #)*/_

Primary CGL

Mr. Thomas J. Miller
Environmental Claims Manager
CIGNA Property and Casualty Companies
Two Liberty Place
1601 Chestnut Street
Philadelphia, PA 19192-2181

*/_ Per Borsuk Memorandum Dec. 12, 1990

Guy Hollingsworth
MCRS, Woodland Hills
Cigna Property and Casualty Companies
21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365

Re : Bacharach, Alvin/Harrison Street Garage
Claimant: Alameda County Health Care Service Agency
Site : 1432 Harrison Street, Oakland, CA
File No.: 717 L 770717-2

American States (American Economy)

8-15-84 through 8-15-85

02 MP 277 814

primary CGL

American States (American Economy)

8-15-85 to 8-15-86

#01 AM 225602-1

primary CGL

Ms. Barbara North
Claims Representative
American States Insurance
P.O. Box 4030
Concord, CA 94524

Re: Insured : Alvin Bacharach and Barbara Borsuk
Claim No. : 491-0053-989
American States Policy No.: 02MP277814
Effective Dates: 8/15/84-85
Claim: Toxic Waste Cleanup at 1432 Harrison St.,
Oakland, California

Atlas Assurance Co. of America

8-15-86 through 8-15-87

360776

Garage Keeper

Fidelity and Deposit

8-15-87 to 8-15-88

#53-3333

Garage Keeper

Douglas W. Allan, Esq.
Patricia Sisemore, Esq.
Allan & Sisemore
300 Montgomery Street, Suite 435
San Francisco, CA 94104

Re: 1432 Harrison Street, Oakland pollution claim
Our Clients: Alvin Bacharach and Barbara Borsuk
Policy nos.: Atlas 360776
Fidelity & Deposit 533333
Your file no.: 2061.173

Chubb Group of Insurance Companies -

8-15-88 to 8-15-89

7907 24 68

Umbrella - \$3 million limit over \$2 million CIGNA

Ms. Elaine C. Agustin
Environmental Litigation
Chubb Group of Insurance Companies
15260 Ventura Blvd, # 400
Sherman Oaks, CA 91403-5307

Re: INSURED/OUR CLIENT: Alvin H. Bacharach
POLICY NO: 7907 24 68
CLAIMANT: Alameda County Health Care Services
Agency
SITE LOCATION: 1432 Harrison St., Oakland, CA
COMPANY: Federal Insurance Company

Commercial Union

Nov. 10, 1980 to August 15, 1982

AAW498067

primary CGL

Ronald L. Nelson, Esq.
Selman, Breitman & Burgess
Sixth Floor
11766 Wilshire Boulevard
Los Angeles, CA 90025-6538

Re: Our Client : Alvin H. Bacharach and Barbara J. Borsuk
Claimant : Alameda County
Health Care Services Agency
Site Location : 1432 Harrison Street
Oakland, California

Continental Casualty (CNA)

(1) Umbrella

RDU 9519257

5-11-66 to 5-11-69

(2) Umbrella

UMB 10 235 6015

8-15-84 to 8-15-85

Mr. Andrew Kern
Senior Claim Analyst
Centralized Environmental Claims - 37S
CNA Insurance Companies
CNA Plaza
Chicago, IL 60685

Insured: Alvin H. Bacharach, et al.
Claim Number: 05-101988
Policy Numbers: UMB 102356015 and RDU 9519257 ("the Policies")

Utica National

(1) Umbrella

M-863102

8-79 to 8-81

(2) Primary CGL (but see Commercial Union -- incepting
Nov. 10, 1980)

FMP-2639

8-79 to 8-81

James J.S. Holmes, Esq.
King & Williams
1875 Century Park East, Eighth Floor
Los Angeles, CA 90067-2585

Re: Alvin Bacharach/Barbara Borsuk

Our Client : Bacharach/Borsuk
Our File No. : 17409-0001
Your Client : Utica Mutual Insurance Company
Utica Claim No.: Z1 41 40 67 28
Your File No.: 2-00386-184

Wausau (First Nationwide)

74-PR-506940-0001
74-CU-506940-0002

Mr. William T. Cormack
Environmental Claim Unit Manager
Wausau Insurance Companies
901 Warrenville Road, Suite 500
Lisle, IL 60532-4307

Re: Steven Davis -
Alvin H. Bacharach, Inc.
Your File 3-74-824
Nationwide Claim 74-125683

Fireman's Fund

- 1) MXP 1550372
Oct. 1, 1971 - July 14, 1972
(Douglas policy). Primary CGL
Tendered November 13, 1990
- 2) 97-45-8598-D
March 7, 1990 - March 7, 1991
(Davis policy) - Primary CGL
Tendered March 13, 1991
- 3) L-09 MXP 0457 2551
8-15-82 to 8-15-85 (Cancelled 8-84)
Primary CGL
Tendered 2-13-91
- 4) 0-09 XLB 162 81 59
8-15-83 to 8-15-86
Umbrella
- 5) 0-09 XLB 167 21 75
8-15-85 to 8-15-86
Umbrella (plus personal umbrella supplement)
- 6) 0-09 XLB 177 1251
4-10-87 to 4-10-88
Umbrella
- 7) 0-09 XLB 1771482
8-15-86 to 4-10-87
Umbrella (plus personal supplement)
- 8) XLB 1501920
Nov. 1981 to Nov, 1982
Umbrella

Linda Tatka
Environmental Claims Facility
Fireman's Fund
1330 B Redwood Way
Petaluma, CA 94954

INSURED: ALVIN BACHARACH and BARBARA BORSUK
YOUR CLAIM NO.: H105L 90 087586
SITE: 1432 HARRISON STREET, OAKLAND, CA

Industrial Indemnity

MP 798 5736
10-4-78 to 7-18-79
primary

Umbrella
XLB 162 81 59
8-15-83 to 8-15-86

Ms. Lynn Peterson
Bay Area Liability Claims
Industrial Indemnity
Embarcadero Center West
275 Battery Street
San Francisco, CA 94111

Re: Our Clients: Alvin Bacharach and Barbara Borsuk
Policy No. : MP 798 5736

United Pacific (Reliance -United Pacific)

LP 3074201 (per M. Borsuk)

9-75 - 9-76 (possibly to 9-78)

Mr. Paul C. Reetz
Senior Officer
Environmental Claims
Reliance Insurance Company
4 Penn Center Plaza
Philadelphia, PA 19103

Ms. Ann Trenton
Specialist-Environmental Claims
Reliance Insurance Co.
4 Penn Center Plaza
Philadelphia, PA 19103

RE OUR CLIENTS: ALVIN BACHARACH & BARBARA J. BORSUK
a/k/a BACHARACH & BORSUK

Royal Insurance

Policy No.: PSV 001252

Ms. Sheila Beston
Claim Service Representative
Royal Insurance
1600 Riviera, Suite 210
P.O. Box 8194
Walnut Creek, CA 94596-8194
(Property claim)

Kevin Higgins
Environmental Claims Unit
9140 Arrowpoint Blvd.
Suite 440
Charlotte, NC 28273
(Other claims)

Re: Insured: Alvin H. Bacharach, et al.
Policy: PSV 001252 (8/15/88-8/15/89)
Subject: Bacharach, et al vs. Davis, et al
vs. Bacharach, et al.

Douglas Policies

Safeco - primary CGL

#CP801186/BA 801186

Expired 8-14-84

Mr. Jess Davis
Environmental Claims
Safeco Insurance Companies
Northern California Branch Office
3000 Executive Parkway, Suite 300
San Ramon, CA 94583-2300

Your Insured: Douglas Motor Services, et al.,
DNA Air Park

Your Policy: CP801186

Your Claim: 19T-91091-2229

Loss Location: 1432 Harrison Street, Oakland, California

Superior National - primary CGL

SMP-14521

12-1-86 to 4-10-88

Lori M. Currie
Senior Claims Adjuster
Property/Casualty
111 Anza Boulevard, Ste. 120
Burlingame, CA 94011

RE: Our Client: Alvin Bacharach & Barbara Borsuk
Your File No.: 013751
Your Insured: Douglas Motor Service
Subject: Contamination
1432 Harrison St., Oakland, CA
Date of Loss: Undetermined

Mr. Richard Kern
Investigator/Adjuster
Schifrin, Gagnon & Dickey
2255 Ygnacio Valley Rd., Suite J
Walnut Creek, CA 94598-3335

Re: Insured : Douglas Motor Service
Claimant : California Dept. of Health Services
Superior Natl. Claim # 013751
Your File # : 01 35 43

Zurich American - primary CGL

TOP 77-80-855

Expired 8-14-83

Ms. Dawn E. Gustafson
Senior Claims Specialist
Zurich-American
Zurich Towers
1400 American Lane
Schaumburg, IL 60196-1056

RE: INSURED: DOUGLAS MOTOR SERVICE, ET AL.
OUR CLIENTS: ALVIN BACHARACH AND BARBARA BORSUK
FILE NO.: 912-56115
SITE: HARRISON STREET GARAGE
CLAIMANT: ALAMEDA COUNTY HEALTH CARE SERVICES

Home Insurance

BOPP 157991

Expired 8-14-85

Mr. Robert Wooldredge
Assistant Vice President
New York Major Litigation
Home Insurance Company
69 Maiden Lane
New York, NY 10038

re: Policy No.: BOPP 157991
Insured: Alvin Bacharach and Barbara Borsuk
Policy Period: 8-14-84 - 8-14-85

Liberty Mutual

- 1) AV 1-761-001203-044
December, 1985
Primary CGL
- 2) AV 1-761-001203-044
December, 1985
Garage Policy
- 3) LE 1-761-001203-025
January 1986
Excess Liability
- 4) AV 1-761-001203-45
December, 1986
CGL

(Tendered March, 1991)

Mr. David W. Hudson
Technical Claims Specialist
Western Regional Environmental Claim Office
Liberty Mutual
8810 Cal Center Drive
Floor 3, Building 5
P.O. Box 276088
Sacramento, CA 95827-6088

RE: CA (Harrison Street Garage) -- Douglas Motor Services
LMIC File #: AB651-10002-01
Our Clients: Alvin Bacharach & Barbara Borsuk

Fireman's Fund

MXP 1550372

October 1, 1971 to July 14, 1972

(See list under Bacharach)

Davis Policies

State Farm

97-45-8598-0

3-7-90 to 3-7-91

primary CGL

State Farm Fire and Casualty Company

Attn: Thomas Rambo

395 Taylor Blvd.

Pleasant Hill, CA 94523

Phone: 674-4349

RE: YOUR CLAIM NUMBER: 05-P740-910
YOUR INSURED : Davis
OUR CLIENT : Bacharach and Borsuk
DATE OF LOSS : 04/04/90

LETTER OF TRANSMITTAL

TO Department of Environmental Health
80 Swan Way, Rm. 200
Oakland, CA 94621

DATE 10/7/91
JOB NO. 0390044.02
ATTENTION Mr. Paul M. Smith

GENTLEMEN: WE ARE SENDING YOU

Re: Oversight funds for Harrison
Street Garage

- Attached Under separate cover via _____
- Shop drawings Prints
- Copy of letter Change order
- the following items: Plans Samples
- Specifications _____

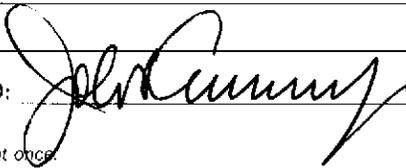
COPIES	DATE	DESCRIPTION
1	9/3/91	Alameda County letter requesting check for \$1,000
1	9/25/91	Check No. 05509 for \$1,000

91 OCT -9 PM 1:58

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____ SIGNED: 

If enclosures are not as noted, kindly notify us at once.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Director



Telephone Number: (415)

October 29, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court
Suite D
Dublin, CA 94568

Re: Comments of September 24, 1991 Revision to the Work Plan proposal for 1432 Harrison and adjoining Alice Street garages, Oakland, CA 94612

Dear Mr. Cummings:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed your comments responding to the September 3, 1991 letter from this office.

INTRODUCTION:

Our evaluation after reviewing SCSs several submittals is that SCS apparently considers this to be just another routine underground tank removal. There are several factors which make this removal far from routine. These include but are not limited to the following:

- 1) The tanks, sumps and hoists and associated ancillary piping are all located in confined or relatively confined areas with either full or partial enclosure within structures.
- 2) Chemicals which have previously been detected in or around tanks, pipes or sump are other than those typically found in fuel related underground tank sites.
- 3) Both garages are located in urban locations with relatively high foot traffic from workers travelling to and from adjacent commercial businesses. Air intake systems from adjacent structures may collect and circulate contaminated air produced from contaminants at the above site to heat or cool nearby buildings.
- 4) The garage systems are currently being used to park vehicles and it is my understanding that SCS currently plans that they will be occupied during the proposed removal activities. The intended use of the parking facility coupled with knowledge obtained from previous

Mr. John Cummings
October 29, 1991
Page 2

sampling intervals raises concerns regarding the possible health and safety which might affect parking patrons, employees and the general public.

Cal-OSHA:

After reviewing SCS's September 24, 1991 letter I became concerned about SCS's monitoring proposals in relation to worker and public safety. In particular I was concerned about the issue of proper monitoring to detect the presence of exposures from all of potential chemical detected on site. As a consequence of these concerns I discussed this matter with Cal-OSHA, Oakland Enforcement Office (Jonathan Rossen, Associate Industrial Hygienist). Cal-OSHA agrees that we are justified in requiring airborne monitoring for each hazardous substance that has been reasonably shown to be associated with this site. They also stated that the monitoring instrument(s) used must be able to detect the specific substance to be monitored. They also concurred with us that monitoring for benzene will not adequately detect chlorinated hydrocarbons or PCBs.

Photo Ionization Detector:

SCS proposes to use a photo ionization detector (PID) to detect the presence of all contaminants previously found at the site including all petroleum and chlorinated compounds. We believe it can't be done with a PID. A PID normally calibrated to isobutylene, is incapable of giving an indication that the permissive exposure levels (PELs) of chlorinated solvents or benzene have not been exceeded.

It should be noted that the ionization potentials for many halocarbons are greater than 11.0 electron volts (ev) therefore, the standard 10.2 ev bulb used with a PID would not only be non-definitive for the presence of a specific compound but it is likely that it would be unable to detect its presence.

Regarding the issue of providing quantitative and qualitative air quality monitoring information you are required to employ a more definitive monitoring system than the proposed PID. Please specify the type of continuous monitoring system to be used, the frequency of monitoring and the qualifications of the personnel performing the monitoring. You are also required to maintain a monitoring log documenting the chemical monitored, the level obtained, and the frequency of monitoring.

Known Data:

To clarify the laboratory results referred to in the September 3, 1991 correspondence from this office, the results referred to were of data received by this office of July 10, 1991 via FAX transmission from SCS. The data were actually collected on

Mr. John Cummings
October 29, 1991
Page 3

October 27, 1990 by SCS. These data (from samples collected from the Alice Street waste oil tanks) revealed contamination of di-bromo chloromethane as high as 13 ppm, 1-2 dichloroethene as high as 1.8 ppm, tetrachloroethene as high as 16.6 ppm, trichloroethene as high as 9.8 ppm and PCB as high as 100 ppm.

In the September 24, 1991 letter you characterize the October 19, 1990 data as "questionable. At this point, we assume the October 19, 1990 data are accurate. We don't intend to get drawn into a dispute concerning the reliability of the October 19, 1990 data. Until the tanks are removed and the site more fully characterized we will not know whether your characterization is accurate. Until we more fully understand the health and safety hazards at this site, we will insist that all data be considered as you embark upon Phase I and that includes addressing the health and safety issues raised by the October 19, 1990 data. Or to put it in more blunt terms: we don't want anyone to get hurt because SCS ignored the October 19, 1990 data.

Exposure Tolerances:

Regarding the specified PEL and STEL values which were specified in page 3 of the most recent SCS correspondence, after consulting California Code of Regulations, Title 8, Section 5155 it became apparent that the following corrections are necessary regarding allowable exposure levels.

The PEL for methylene chloride is 100 ppm and the STEL is 400 ppm, not 500 and 1000 as reported on page 3.

Tetrachloroethene (perchloroethylene) has a ceiling of 300 ppm.

The trichloroethene PEL is 25 ppm, not 50 ppm, and has a ceiling of 300 ppm.

When referring to PELs, STELs and ceiling limits, you are required to refer to Title 8.

Contingency Plan:

A Contingency Plan is required. Your 9 line contingency plan in your September 24, 1991 letter is inadequate. For example, it would be prudent to have standby level B apparatus when workers are working in level C. You are required to specify the measures which will be taken if the previously specified monitoring levels are exceeded. Site control measures should address exposure to hazardous levels to site workers, garage patrons, employees and the general public.

Ventilation:

Another issue of concern to this Department and also to Cal-OSHA

Mr. John Cummings
October 29, 1991
Page 4

is the use of an appropriate monitoring device and to provide specific volume measurements to include carbon monoxide, particularly within the Alice Street garage basement area during both the excavation and removal of the underground storage tanks. According to the American Conference of Governmental Industrial Hygienists, Industrial Ventilation Manual (1984) when diesel equipment is used in a basement, 100 cubic feet per meter of fresh air should be provided for each horsepower which the vehicle produces.

Accordingly, you are required to provide more detailed information specifying the volume of ventilation which will be provided in this area, including the number of air exchanges.

You are required to perform work in compliance with all State and Federal Worker Safety laws. Specifically we direct your attention to California Code of Regulations Title 8, Section 5155 (e) and (f) requiring personal monitoring and medical surveillance for all employees whenever it is reasonable to suspect that employees may be exposed to concentrations of airborne contaminants in excess of levels permitted in 5155 (c).

The air monitoring should be continuous while work is underway. This is to determine if the PELs and STELs are exceeded and if air purifying respirators are used to insure that the break through values for each substance have not been exceeded.

Stockpiled Soil:

Regarding stockpiled soil sampling, 4 discrete soil samples are required per 50 cubic yards. Samples collected from 4 locations per 50 cubic yards may then be composited into one in the laboratory. Please specifically acknowledge this point in your response.

Analyses Required:

Table 2 page 17 of the August 19, 1991 Modified Work Plan lists different laboratory analysis for the gasoline tanks and the waste oil tanks than those found on attachment 5a and 5b of your most recent correspondence. We assume listed analyses on Table 2 are what you will follow as these conform with the Tri-Regional Recommendations. Please specifically acknowledge this point in your response.

Phase II:

Additionally, as specified in the July 12, 1991 correspondence from this office you are required to submit a Phase II Work Proposal within 10 days of the completion of the laboratory analysis from the groundwater monitoring well installation. The Phase II report is to include, among other things, a proposal to

Mr. John Cummings
October 29, 1991
Page 5

install additional monitoring wells on and off site as warranted by the results of the Phase I investigation an consistent with the Tri-Regional Recommendations.

CONCLUSION:

The work at the 1432 Harrison Street and Alice Street sites has many serious risks and hazards that are not encountered at other underground storage tank removals. These include working in an enclosed environment, the surrounding high density office buildings, the possibility of encountering very toxic hazardous substances (chlorinated hydrocarbons and other carcinogens) and high concentrations of other hazardous substances associated with gasoline.

The County will not allow any work that results in an improper exposure, even for short period of time, of hazardous substances to the public. We consider an improper exposure to a hazardous substances for site workers to be any violation of the Cal-OSHA PEL's or other regulations, and that exposure to the general public (both inside and outside the garage) to be any exposure to hazardous substances originating from work at the above site.

The work plan is properly the product of the consultant, SCS Consultants and John Cummings. You have represented your firm and yourself as experts in underground storage tank removal and the related health and safety concerns. We expect that you are qualified to properly handle the specific and unique hazards of this site and will have qualified personnel on site to assist you. The County's role is not to write the work plan or to function as the health and safety experts but to provide general review and oversight.

The work plan includes many safety measures including air blowers to increase air exchanges, continuous air monitoring with instruments that will monitor all substances that may be on site, the covering of contaminated soil with plastic and the exclusion of the general public from certain parts of the garage. Many of these measures were placed in the work plan at the insistence of the County. We expect that you will take whatever additional safety and health measure are needed to ensure there are no improper exposures. You are the health and safety expert, we are not.

We further expect that SCS put additional measures into place if improper exposures are anticipated, and before the improper exposure occurs. Some examples of these measures may include, but are not limited to, such things as complete closure of the garage, negative air pressure to prevent escape of vapors from the garage, emergency removal of contaminated soil and removal

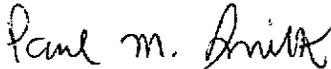
Mr. John Cummings
October 29, 1991
Page 6

and exclusion of the public from neighboring areas and buildings.

If SCS does not have the resources or expertise to protect the health and safety of site workers and the general public we expect that you will obtain these prior to the start of work. We will not tolerate your use of cost as justification for not providing adequate health and safety protection. We are concerned that your recent request that monitoring only be conducted for benzene (which will not allow for full monitoring of substances in the air that the record shows we have reason to be on site) is based upon cost.

We expect that if you are unable to provide a safe and healthy work site because of cost constraints or lack of expertise that you will disassociate yourself from this work plan. If you proceed with the work plan we expect that there will be no improper exposures. If there are we will hold you and the owner responsible to the full extent allowed by law.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Alvin Bacharach
Barbara Borsuk
Mark Borsuk Esq.
Jonathan Leo Esq., Heller Ehrman, White and McAuliffe
Randall Morrison Esq., Crosby, Heafy, Roach and May
Mark Thomson Esq., Alameda County District Attorney's Office
Lester Feldman, SFRWQCB
Charlene Williams, DHS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

451-1527 Floor/Room # _____
Fax Phone Number

Name: Jonathan Redding Title/Section _____

Agency: Fitzgerald Abbott & Beardsley

Address: _____

Phone #: ()

FROM:

(510) 568-3706 Floor/Room # _____
Fax Phone Number

Date: 10/29/91 Time Sent: 11:05

Sender: P. Smith Title/Section _____

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 7

Special Instructions/Comments:

Jonathan,
As requested ~~in the~~ enclosed is the latest correspondence
to SCS consultants from Haz. Mat.

Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

569-0505 Floor/Room # _____
Fax Phone Number

Name: Mark Thomson / Britt Johnson
Title/Section

Agency: Ala Co DA's office

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 10/24/91 Time Sent: 12:17

Sender: P. Smith
Title/Section

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 7

Special Instructions/Comments:

Mark / Britt,
Attached, I've made the latest corrections. Please pay particular attention to the Contingency Plan section where I've added a couple of sentences. I FAXed a copy of this letter to J. Rossen but unfortunately he's in training today and I'm not sure that he'll be able to view it. Another problem is that I wasn't going to be in the office tomorrow but I'll call Rossen from home. Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

568-7092 Floor/Room # _____
Fax Phone Number

Name: Jonathan Rossen Title/Section _____

Agency: CA1 - OSHA

Address: _____

Phone #: () 568 8602

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 10/24/91 Time Sent: 10:38

Sender: Paul Smith Title/Section _____

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 7

Special Instructions/Comments:

Jonathan,
Please review this letter at your earliest convenience. I have
quoted some of the issues which I had discussed with you
a week or so ago. Please comment as you see fit and call
me. Unfortunately I won't be in the office tomorrow (Fri 10/25)
but will call you if I don't hear from you today. Thanks
Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

(415) 451-1527
Fax Phone Number

Floor/Room # _____

Name: Jonathan Reiding
Title/Section _____

Agency: _____

Address: _____

Phone #: () _____

FROM:

568-3706
Fax Phone Number

Floor/Room # _____

Date: 9/12/91

Time Sent: 12:15

Sender: Paul Smith
Title/Section _____

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 4

Special Instructions/Comments:

Hi Jonathan,
Enclosed is the response letter to the Revised work plan.
I'm expecting a response back from J. Cummings any day
now. He called me & said he's working on it.

Paul

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

September 3, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

**Re: Comments on the Revised Modified Work Plan Proposal for
1432 Harrison Street and Adjoining Alice Street Garages.**

Dear Mr. Cummings:

Alameda County Environmental Health Department, Hazardous
Materials Division has received and reviewed the Modified Work
plan which you submitted to this office, dated August 19, 1991.

Upon review the work plan is still deficient in the following
areas:

- 1) Health and Safety Plan concerns regarding halogenated
solvents still need to be addressed. Chlorinated solvents
were reported in laboratory analysis from SCS collected on
July 10, 1991 and also from data collected October 19, 1990.
The Health and Safety plan should address the air monitoring
procedures utilized to detect the presence of suspect
chlorinated constituents and the permissible levels of
each contaminant.

You are required to develop and maintain a monitoring log on
the job site in order to evaluate the presence of all
suspect airborne contaminants. You are required to specify
the contaminants sought, frequency of monitoring, the method
of detection and person(s) conducting the monitoring.

The revised Health and Safety Plan shall include the
following:

Monitoring of the air space in and around the work site
including the enclosed garage areas and public sidewalks
and streets, for the protection of the garage employees,
patrons and the general public. You are required to
specify how monitoring will occur, the types of
monitoring devices to be used (which must be capable of
detecting all substances that have previously been
detected at this site) and the qualifications of the
persons conducting the monitoring.

This plan must include monitoring activities during the tank removals and any related work at the site, as well as during the time(s) when any detectable contamination remains on site. State specific quantitative contamination levels which are not acceptable and a Contingency Plan to be implemented in the situations where these maximum levels are exceeded.

You are required to specify the interim measures you will take during the interval between start of excavation for the tank removal(s) and the closure of that excavation to ensure proper site security measures are observed, including control of air borne contamination.

- 2) Page 12 of the Revised Work plan states that the project manager is authorized to act as the site safety officer. You are required to specify the name of a project manager who will be on site at all times when work is being conducted on site.

You are required to specify in a Contingency Plan what measures will be taken in the event that levels exceed permissible exposure level (PEL) amounts. Please discuss the operation of the parking garages during the tank removals and associated work and any measures which will be taken if the PELs are exceeded.

- 3) Page 20 of the Revised Work plan states that 2 samples will be collected every 50 cubic yards. Four discrete samples are required per 50 cubic yards, and samples are to be composited in the laboratory. Also, specify where you plan to store stock piled soil.
- 4) Prior experience with hydraulic lift removals in back fill material has shown a tendency for the soil to slough into the former location of the ram which renders sampling difficulties. You are requested to elaborate the method for collecting discrete soil samples from beneath the hydraulic lift rams.
- 5) Page 29 of the Revised Work plan states that soil tailings collected from monitoring well borings will be labelled "Possibly hazardous". You are requested to also label each drum with a sample number identifying the drum with the appropriate sample number(s).
- 6) Please confirm the state certification for SCS laboratories in Long Beach as E755 so that it can be entered in the closure form application.

Mr. John Cummings
September 4, 1991
Page 3

- 7) As specified in the County closure plan the method detection limits do not conform to the Tri-Regional Recommendations. You are required meet the higher detection limits as are required on page 18 of the Tri-Regional Recommendations.
- 8) On page 14 of the Revised Work plan you indicated that the installation of the monitoring wells would characterize the lateral and vertical extent of contamination at the above site. If substantial subsurface contamination exists additional wells will be required to adequately define the extent of contamination beneath the site.

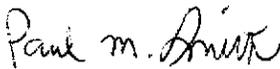
Please be advised that you are obligated to comply with all of the conditions specified in the July 12, 1991 correspondence as well as any previous or future conditions specified by this agency.

Additionally, as specified in the July 12, 1991 correspondence from this office you are required to submit a Phase II Work Proposal within 10 days of the completion of the laboratory analysis from the groundwater monitoring well installation. The Phase II report is to include, among other things, a proposal to install additional monitoring wells on and off site as warranted by the results of the Phase I investigation and consistent with the Tri-Regional Recommendations.

Finally, a review of our records indicates that the funds previously submitted for Alameda County Hazardous Materials Division oversight for this project are depleted. Please submit to this office a check made payable to the County of Alameda for \$ 1000.00.

If you have any questions regarding the content of this letter please feel free to contact me at 415/271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Jonathan Leo Esq., Heller, Ehrman, White & McAuliffe
Mark Borsuk Esq.
Mr. Alvin Bacharach
Ms. Barbara Borsuk

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

510-233-3333 Floor/Room # _____
Fax Phone Number

Name: Mr. John C. ... Title/Section _____

Agency: SCS _____

Address: _____

Phone #: () _____

FROM:

510-233-3333 Floor/Room # _____
Fax Phone Number

Date: 9/15/91 Time Sent: _____

Sender: L. Smith Title/Section _____

Phone #: () 510-233-3333

Number of Pages Including Transmittal Sheet: 4

Special Instructions/Comments:

Handwritten notes:
... to response to Res. Med. workshop.
...
[Signature]

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY
DAVID J. KEARS, Agency Director



File.
0390044.0

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

September 3, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

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Dear Mr. Cummings:

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Upon review the work plan is still deficient in the following
areas:

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chlorinated constituents and the permissible levels of
each contaminant.

You are required to develop and maintain a monitoring log on
the job site in order to evaluate the presence of all
suspect airborne contaminants. You are required to specify
the contaminants sought, frequency of monitoring, the method
of detection and person(s) conducting the monitoring.

The revised Health and Safety Plan shall include the
following:

Monitoring of the air space in and around the work site
including the enclosed garage areas and public sidewalks
and streets, for the protection of the garage employees,
patrons and the general public. You are required to
specify how monitoring will occur, the types of
monitoring devices to be used (which must be capable of
detecting all substances that have previously been
detected at this site) and the qualifications of the
persons conducting the monitoring.

Mr. John Cummings
September 4, 1991
Page 2

This plan must include monitoring activities during the tank removals and any related work at the site, as well as during the time(s) when any detectable contamination remains on site. State specific quantitative contamination levels which are not acceptable and a Contingency Plan to be implemented in the situations where these maximum levels are exceeded.

You are required to specify the interim measures you will take during the interval between start of excavation for the tank removal(s) and the closure of that excavation to ensure proper site security measures are observed, including control of air borne contamination.

- 2) Page 12 of the Revised Work plan states that the project manager is authorized to act as the site safety officer. You are required to specify the name of a project manager who will be on site at all times when work is being conducted on site.

You are required to specify in a Contingency Plan what measures will be taken in the event that levels exceed permissible exposure level (PEL) amounts. Please discuss the operation of the parking garages during the tank removals and associated work and any measures which will be taken if the PELs are exceeded.

- 3) Page 20 of the Revised Work plan states that 2 samples will be collected every 50 cubic yards. Four discrete samples are required per 50 cubic yards, and samples are to be composited in the laboratory. Also, specify where you plan to store stock piled soil.
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- 6) Please confirm the state certification for SCS laboratories in Long Beach as E755 so that it can be entered in the closure form application.

Mr. John Cummings
September 4, 1991
Page 3

- 7) As specified in the County closure plan the method detection limits do not conform to the Tri-Regional Recommendations. You are required meet the higher detection limits as are required on page 18 of the Tri-Regional Recommendations.
- 8) On page 14 of the Revised Work plan you indicated that the installation of the monitoring wells would characterize the lateral and vertical extent of contamination at the above site. If substantial subsurface contamination exists additional wells will be required to adequately define the extent of contamination beneath the site.

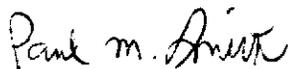
Please be advised that you are obligated to comply with all of the conditions specified in the July 12, 1991 correspondence as well as any previous or future conditions specified by this agency.

Additionally, as specified in the July 12, 1991 correspondence from this office you are required to submit a Phase II Work Proposal within 10 days of the completion of the laboratory analysis from the groundwater monitoring well installation. The Phase II report is to include, among other things, a proposal to install additional monitoring wells on and off site as warranted by the results of the Phase I investigation and consistent with the Tri-Regional Recommendations.

Finally, a review of our records indicates that the funds previously submitted for Alameda County Hazardous Materials Division oversight for this project are depleted. Please submit to this office a check made payable to the County of Alameda for \$ 1000.00.

If you have any questions regarding the content of this letter please feel free to contact me at 415/271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Jonathan Leo Esq., Heller, Ehrman, White & McAuliffe
Mark Borsuk Esq.
Mr. Alvin Bacharach
Ms. Barbara Borsuk

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 94104-2878
CABLE HELPOW · TELEX 184-996 · FACSIMILE (415) 772-6268
TELEPHONE (415) 772-6000

915 5TH AVENUE
SEATTLE, WASHINGTON 98104-7098
FACSIMILE (206) 447-8848
TELEPHONE (206) 447-0900

601 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017-5758
FACSIMILE (213) 614-1868
TELEPHONE (213) 689-0200

1201 PACIFIC AVENUE
TACOMA, WASHINGTON 98402-4308
FACSIMILE (206) 572-6743
TELEPHONE (206) 572-6666

August 30, 1991

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

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

JONATHAN SEBASTIAN LEO
DIRECT DIAL (415) 772-6068

17409-0001

Mark N. Thomson, Jr., Esq.
Deputy District Attorney
Alameda County District Attorney's Office
Consumer and Environmental Protection Section
7677 Oakport Street, Suite 400
Oakland, California 94621

1432 Harrison Street

Dear Mark:

I am writing this letter to call to your attention certain information concerning Douglas Motor Services' ("Douglas") failure to comply with applicable regulations governing the testing and monitoring of underground storage tanks (USTs) at the Harrison Street garage. This non-compliance raises serious questions about the validity of Douglas' assertion that its gasoline inventory reconciliation procedure provided reliable leak detection data. The regulations do not sanction its method. Therefore, Leland Douglas' statement that the tanks did not leak during his tenancy is not only not dispositive of the issue but should be entitled to no weight. The following analysis of the regulations and Douglas' failure to follow them supports my clients' position that substantial evidence presently exists to add Douglas Motor Services to the cleanup order.

On August 6, 1991, Mark Borsuk, Esq. reviewed the file for the above-referenced property with Paul Smith of the Alameda County Health Care Services Agency (the "Agency"). That review revealed Douglas' noncompliance with the monitoring of motor vehicle fuels as required by Section 2641 (Monitoring

Alternatives) of Title 23 of the California Code of Regulations, Chapter 3, Subchapter 16 (August, 1985).

1. Douglas failed to submit quarterly inventory reconciliation statements to the County. These statements provide a method to monitor gasoline tank leakage. A failure to provide quarterly reports may indicate inappropriate accounting procedures for leak detection. See section 2644(e) (Inventory Reconciliation) of Title 23 of the California Code of Regulations, Chapter 3, Subchapter 16 (August, 1985).

2. Douglas failed to test annually for leaks. The regulations specifically require this procedure to supplement the daily and quarterly inventory reconciliation calculations and reports. See Section 2641(c)(5)(C) (Monitoring Alternatives) of Title 23 of the California Code of Regulations, Chapter 3, Subchapter 16 (August, 1985).

3. Douglas said he was exempted by "local officials" from his duty to test. A search of the County's file fails to disclose any exemption. Douglas makes his exemption claim in his declaration of March 26 and Bernard Rose's letter of March 28, 1991. The County's file does not indicate any exemption was granted to Douglas, and Paul Smith stated to Mr. Borsuk that he was not aware of any exemption or County policy for granting exemptions. Additional inquiries with the Agency failed to disclose the existence of any exemption policy. Furthermore, the express regulatory exemptions from the requirements to perform those tests are clearly inapplicable to a UST owner or operator in Douglas' position. See Section 2611 (Exemptions) of Title 23 of the California Code of Regulations, Chapter 3, Subchapter 16 (1985).

Douglas is also the real property owner, tank owner and tank operator for a gas station and parking garage at 1721 Webster Street in the City of Oakland. The County's UST file on this property does not contain any quarterly statements or annual leak test data for the tanks. It seems that Douglas is under the mistaken impression that it is only obligated to comply with UST rules and regulations to the extent that it receives a County official's explanation of those UST rules and regulations. For example, Bernard Rose's letter to Theodore Cobb of March 28, 1991, states that Douglas' behavior is ". . . consistent with its understanding of the law as gleaned from actual agency contact." In other words, Douglas takes the position that it is somehow excused from independently complying with UST statutes and

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 _____ SUPV. DIST.

--	--	--	--

 C.T.

4				
---	--	--	--	--

A. Premises Address _____

Number Street City Zip Code Phone

Owner/Applicant Jonathan Redding Esq. / Fitzgerald, Abbott & Beardesley
If corporation, also show name of corporation president _____ Phone _____

B. Mailing Address _____

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. \$ _____ Total Fee \$ 135.00

REMARKS: site search request for 1432 Harrison St Garage
135 copies at \$1.00 / copy = 135.00

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

Owner/Applicant HMS Sanitarian Paul Smith Date 9/12/91
Phone 271-4320

Mark N. Thomson, Jr., Esq.
August 30, 1991

Page 3

regulations unless it "gleans" its obligations from "actual agency contact." Both Douglas' declaration and Bernard Rose's letter indicate Douglas did not comply with the UST rules and regulations. No credible evidence is offered to support their claim of any "exemption" given to Douglas. It is not surprising, therefore, that the Rose letter attempts to minimize Douglas's failure properly to close a UST at his 1721 Webster Street property. The proper procedure for closure, including sampling and testing, is set forth in Section 2670 et seq. (Closure Requirements) of Title 23 of the California Code of Regulations, Chapter 3, Subchapter 16 (1985).

In addition, almost six months has elapsed since Douglas' counsel acknowledged Douglas' failure in 1987 to follow the UST closure requirements for its property at 1721 Webster Street. Mr. Borsuk has informed me that the County's file contains no follow-up or any reference to Douglas' admitted failure to comply with the UST regulations despite the Rose letter being copied to you and Paul Smith. I would expect the County to undertake the same vigilant enforcement and compliance actions against Douglas as the County has taken against other real property owners.

I believe that the foregoing analysis of the regulations, Douglas' failure to follow them and its knowledge of gasoline leakage at the Harrison Street garage reinforces the already substantial evidence you have and which you require to name Douglas Motor Services in the cleanup order. Please let me know your position on these issues by September 15, 1991.

Very truly yours,



Jonathan S. Leo

cc: Mr. Alvin Bacharach
Mark Borsuk, Esq.
Theodore A. Cobb, Esq.
Mr. Paul Smith
Randall Morrison, Esq.
Bernard F. Rose, Esq.

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 A. PACE
ROBERT F. CAMPBELL
MICHAEL M. K. SEBREE
ANTONIA L. MORE
MICHAEL A. TOPP
MARIA I. LAWLESS
JENNIFER J. BANKER

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 27, 1991

VIA FACSIMILE AND U.S. MAIL

Mr. Paul Smith
Hazardous Materials Specialist
80 Swan Way, Room 200
Oakland, California 94621

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

Dear Mr. Smith:

This letter is to request, pursuant to the Public Records Act (Government Code § 6250, et seq.) that you make available to me as soon as possible the latest laboratory data obtained from the garage, along with a copy of the modified work plan proposal for the Harrison Street garage. Please fax these documents to me at 451-1527. We will pay any charges in connection with this request.

In addition, when it is available please send me a copy of your comments on the work plan.

If you have any questions, please feel free to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By

Jonathan W. Redding
Jonathan W. Redding

JWR:mbb

cc: Mr. Steve Davis

21001

LETTER OF TRANSMITTAL

TO Mr. Paul Smith
Alameda County Health Care Services
80 Swan Way, Room 200
Oakland, California 94621

DATE August 19, 1991

JOB NO. 0390044.02

ATTENTION _____

Re: Modified Work Plan for
Removal of Underground Storage Tanks
Harrison Street Garage

GENTLEMEN: WE ARE SENDING YOU

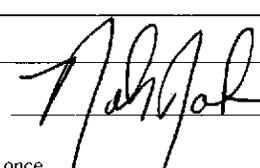
- Attached Under separate cover via _____
- Shop drawings Prints
- Copy of letter Change order
- the following items: Plans Samples
- Specifications _____

COPIES	DATE	DESCRIPTION
3	8-19-91	1 Original and 2 Copies
1	8-19-91	Check for \$1,000.00

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____
- FOR BIDS DUE _____ 19 _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____ SIGNED: 

white - lab
 yellow - insp. file
 pink - fac. file

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DIVISION OF HAZARDOUS MATERIALS
 80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 (415) 271-4320

Don't run unless requested. Please hold.

LABORATORY SERVICE REQUEST

SITENAME Waste oil tank contents sampling
 ADDRESS 1432 Alice Street
 SAMPLE SUBMITTED TO: _____
 DATE SUBMITTED 8/14/91
 SEND INVOICE TO: _____

SEND ANALYTICAL REPORT TO ABOVE OR:

ATTN: _____

_____ RUSH = ABOUT 1 WEEK TURNAROUND
 _____ ROUTINE = ABOUT 2 WEEKS TURN-AROUND

east
west

SAMPLE NO.	DATE/TIME COLLECTED	TYPE OF MATERIAL (WATER, SOIL OR MATRIX)	VOLUME/WEIGHT	FIELD OBSERVATION	ANALYSIS REQUESTED
WO-1	8/14/91 12:30	water/oil	40ml	water cont. waste oil	8240 TPH dtg
WO-2	8/14/91 1:00	" "	" "	" "	CHC
					5 metal Tcap
					TOG

Chain of Custody:

1. Paul M. Smith Signature HAZ Mat Spec. Title 8/14/91 - 8/15/91 Inclusive Dates
 2. Loray Wong Signature chemist Title 8/15/91 Inclusive Dates
 3. _____ Signature _____ Title _____ Inclusive Dates

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 Division Inspection Form

Site ID# _____ Site Name Sample from Alice St waste oil tanks Today's Date 8/14/91
 Site Address 1432 Alice St EPA ID# _____
 City Oakland CA Zip 94612 Phone _____

MAX Amt. Stored > 500lbs/55g/200cf? **Y N**
 Hazardous Waste generated per month?

Inspection Categories:

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

The marked items represent violations of the Calif. Administration Code (CAC) or the Health & Safety Code (HS&C)

I.A. GENERATOR (Title 22)

- | | | |
|-------------------|--|---------|
| Manifest | <input type="checkbox"/> 1. Waste ID | * 66471 |
| | <input type="checkbox"/> 2. EPA ID | 66472 |
| | <input type="checkbox"/> 3. > 90 days | 66508 |
| | <input type="checkbox"/> 4. Label dates | 66508 |
| | <input type="checkbox"/> 5. Biennial | 66493 |
| <hr/> | | |
| | <input type="checkbox"/> 6. Records | 66492 |
| | <input type="checkbox"/> 7. Correct | 66484 |
| | <input type="checkbox"/> 8. Copy sent | 66492 |
| | <input type="checkbox"/> 9. Exception | 66484 |
| | <input type="checkbox"/> 10. Copies Rec'd | 66492 |
| <hr/> | | |
| Misc. | <input type="checkbox"/> 11. Treatment | 66371 |
| | <input type="checkbox"/> 12. On-site Disp. (H.S.&C.) | 26189.5 |
| | <input type="checkbox"/> 13. Ex Haz. Waste | 66570 |
| <hr/> | | |
| Prevention | <input type="checkbox"/> 14. Communications | 67121 |
| | <input type="checkbox"/> 15. Aisle Space | 67124 |
| | <input type="checkbox"/> 16. Local Authority | 67126 |
| | <input type="checkbox"/> 17. Maintenance | 67120 |
| | <input type="checkbox"/> 18. Training | 67105 |
| <hr/> | | |
| Contn. Agency | <input type="checkbox"/> 19. Prepared | 67140 |
| | <input type="checkbox"/> 20. Name List | 67141 |
| | <input type="checkbox"/> 21. Copies | 67141 |
| | <input type="checkbox"/> 22. Emg. Coord. Tmg. | 67144 |
| <hr/> | | |
| Containers, Tanks | <input type="checkbox"/> 23. Condition | 67241 |
| | <input type="checkbox"/> 24. Compatibility | 67242 |
| | <input type="checkbox"/> 25. Maintenance | 67243 |
| | <input type="checkbox"/> 26. Inspection | 67244 |
| | <input type="checkbox"/> 27. Buffer Zone | 67246 |
| | <input type="checkbox"/> 28. Tank Inspection | 67259 |
| | <input type="checkbox"/> 29. Containment | 67245 |
| | <input type="checkbox"/> 30. Safe Storage | 67261 |
| | <input type="checkbox"/> 31. Freeboard | 67257 |

Comments:

onsite tanks
 Samples collected in Vial Vials
 Easternmost Alice basement tank labelled
 WO-1 used trailer
 Samples to be analyzed for T, P, H, G, & (C)
 PCB, CHC 8240 BTX & B
 2 vials taken from each tank
 Sample collected from west waste oil
 tank labelled WO-2
 The material sampled from both tanks
 appeared to contain mostly water
 Samples were to be analyzed by SCS
 Lab in Long Beach, CA
 Standard turn around

I.B. TRANSPORTER (Title 22)

- | | | |
|----------|--|-------|
| Manifest | <input type="checkbox"/> 32. Applic./Insurance | 66428 |
| | <input type="checkbox"/> 33. Comp. Cert./CHP Insp. | 66448 |
| | <input type="checkbox"/> 34. Containers | 66465 |
| <hr/> | | |
| | <input type="checkbox"/> 35. Vehicles | 66465 |
| | <input type="checkbox"/> 36. EPA ID #s | 66531 |
| | <input type="checkbox"/> 37. Correct | 66541 |
| | <input type="checkbox"/> 38. HW Delivery | 66543 |
| | <input type="checkbox"/> 39. Records | 66544 |
| <hr/> | | |
| Cont'n | <input type="checkbox"/> 40. Name/ Covers | 66545 |
| | <input type="checkbox"/> 41. Recyclables | 66800 |

Rev 6/88

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

[Faint, illegible text]

Called Prabhu & rescheduled for tomorrow at 11:00am

SCS ENGINEERS

August 9, 1991
File No. 0390044.02

Mr. Paul Smith
Alameda County Health Agency
Department of Hazardous Materials
Department of Environmental Health
60 Swan Way, Room 200
Oakland, California 94621

Subject: 1432 Harrison Street, August 5, 1991, Sampling

Dear Mr. Smith:

As you are well aware, the undersigned representatives of SCS Engineers (SCS) visited the 1432 Harrison Street-SCS project known as the Harrison Street Garage, to take samples from the two gasoline tanks in front of the premises. You were present along with Mark Borsuk, who represents the owners.

The easternmost tank was opened first and a Draeger benzene tube was inserted. After 40 pumps of the Draeger pump, the material was found not to contain a sufficient amount of benzene or allied products to warrant utilization of self-contained breathing apparatus (SCBA). Therefore, an organic vapor respirator was worn by John Cummings when taking samples, as a safety precaution. Four 40 milliliter VOA vials of product were taken out of that tank; two samples were sent to the SCS Laboratory and two samples were transferred to Paul Smith, Alameda County Health Agency (ACHS).

Upon opening the westernmost gasoline tank, approximately 1000 gallons of water was encountered in the tank. The top of the water was about 10 inches from the top of

Mr. Paul Smith
August 9, 1991
Page Two

fill pipe. A total of three VOA vials of samples were taken from this tank; two were sent to the SCS Laboratory and one was given to Paul Smith. A Chain of Custody form was also given to Paul Smith for signature and has been kept at SCS Engineers' office.

Documentation has already been provided to you verifying that on October 27, 1990, the owners had Falcon Energy remove gasoline from the two front tanks down to approximate dryness. It is unlikely that more than a half an inch of product was left in either of the tanks at that time. Therefore, the discovery of a tank full of water in the westward gasoline tank on the 5th of August, 1991 came as a real shock. After taking the samples, we had a discussion with Mark Borsuk to ascertain what further work should be done. As a matter of curiosity, the three of us (Messrs. Cummings, Johnson and Borsuk) returned to the Harrison Street Garage, went down to the Alice Street side, opened up the two waste oil tanks and encountered an even greater shock: approximately 9 inches of waste oil were found in the western tank and approximately 22 inches of waste oil were found in the eastern tank. As you will recall from the documentation sent to you months ago, both of those waste oil tanks had been evacuated to approximate dryness on October 27, 1990. Within two days after that evacuation, their one evacuation pipe located in the Alice Street sidewalk was plugged with concrete. Therefore, the additional waste oil could only have been added to the tanks subsequent to the October 1990 plugging of the evacuation pipe by accessing them within the premises.

Mr. Paul Smith
August 9, 1991
Page Three

SCS is informing you (and Mr. Thomson by copy of this letter) of this development because it reflects an alarming and unexpected activity which jeopardizes successful characterization and remediation (if necessary) of the site. Neither the owners, SCS nor the current tenant have any idea, short of speculating about illicit actions designed to frustrate our and your goals, of how this development occurred. SCS Engineers will obtain the results of the gasoline and water samples for BTEX and gasoline content, and these results will be submitted to ACHS. It is my understanding that the analyses of prior samples from the sump (as well as various other sample analytical results) have all been faxed to you and a hard copy is on its way. SCS does not propose at this time to take any further samples of the waste oil tanks until just prior to their removal, because of the possibility that further illicit activity of this type could occur without SCS' or the owners' knowledge. It is expected that the information received from the gasoline tank analysis will be utilized to complete the Health and Safety Plan and the modified work plan proposal for 1432 Harrison Street.

Should you have any questions, please call myself or Nels Johnson at (415) 829-0661.

Sincerely,



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



Nels R. Johnson, P.E.
Senior Project Engineer
SCS Engineers

JPC/NRJ:egh

cc: Mark Thompson, Esq., Alameda County District Attorney
Jonathan Leo, Esq., Heller, Ehrman, White and McAuliffe
Mark Borsuk, Esq.
Mr. Alvin Bacharach
Ms. Barbara Borsuk

21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365
(818) 712-6200



August 6, 1991

Paul Smith
Department of Environmental Health
Hazardous Materials Program
80 Swan Way, Rm 200
Oakland, CA 94621

Re:

Insured: Alvin Bacharach and Barbara Borsuk
Site: Harrison Street Garage, 1432 Harrison St, Oakland 94612
Our File: 717-1-770717-2

Dear Mr. Smith;

I have been assigned to investigate a claim submitted by Mr. Bacharach regarding the above site.

As part of my investigation I would like to review the content of your file.

I shall be in the bay area on Aug. 16th, 1991 in the morning and would like, if at all possible, to meet with you and review the file.

Please call me at 818-712-6313 and advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy Hollingsworth", with a stylized flourish at the end.

Guy Hollingsworth

MCRS, WOODLAND HILLS

cc. Thomas Miller, ECM, TLP

Called & left message on voice mail

91 AUG - 8 10:11:52

8/9
CIGNA Property and Casualty Companies

21860 Burbank Boulevard, Suite 200
P.O. Box 4142
Woodland Hills, CA 91365
(818) 712-6200



August 6, 1991

missing
8/15/91
9/12/91

01

Lester Feldman
SFRWQCB
2101 Webster Street, suite 500
Oakland, CA 94621

Re:

Insured: Alvin Bacharach and Barbara Borsuk
Site: Harrison Street Garage, 1432 Harrison St, Oakland 94612
Our File: 717-1-770717-2

Dear Mr. Smith;

I have been assigned to investigate a claim submitted by Mr. Bacharach regarding the above site.

As part of my investigation I would like to review the content of your file.

I shall be in the bay area on Aug. 16th, 1991 in the morning and would like, if at all possible, to meet with you and review the file.

Please call me at 818-712-6313 and advise.

Sincerely,

Guy Hollingsworth

MCRS, WOODLAND HILLS

cc. Thomas Miller, ECM, TLP

DEPARTMENT OF ENVIRONMENTAL HEALTH

APPLICATION FORM

MFR Sent 8/6/91 (date)

PURPOSE: Permit Application [] Service [x] 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 Site Search Request SUPV. DIST. [] [] [] [] C.T. 4 [] [] [] [] [] []

A. Premises Address 1432 Harrison St. Oakland 94612 Number Street City Zip Code Phone

Owner/Applicant Mark Borsuk Esq. 922-4740 If corporation, also show name of corporation president Phone

B. Mailing Address 1626 Vallejo Street, San Francisco CA 94123-5116 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

FOOD CATEGORIES: Bakery, Food Market, Confectionary, Restaurant, Vending Machine, Other Food, Temporary Food Operation, Food Vehicle, GENERAL CATEGORIES: Plan Review, Special Service, Public Swimming Area, Commercial Spa, Mobilehome Park, No. Spaces, Private Waste Disposal, Holding Tank, Water Supply-Utility, Private Water Supply, Drinking Water Analysis, Other

Number of Units/Hrs. 1.5 Fee Per Unit/Hr. \$ 67./hr. Total Fee \$ 114.50

REMARKS: Site search for 1721 webster street 9:20 - 10:50 AM = 1.5 1881 Harrison Street 14 Copies x 1.00 = 14.00 1432 Harrison St.

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

Owner/Applicant [Signature] Date Haz Mat. Spec. Sanitation Paul Smith Phone 271-4320 Date 8/6/91

JCH murre
Catherine Ryan

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

Site ID # _____ Site Name _____ Today's Date 8/15/91

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 14372 Harrison St

City Oakland Zip 94612 Phone _____

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. MAT'L

- 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(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

Comments: Present John Cummings, Nels Johnson, Mark Barsuk
11:10 AM

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 2451
 - 5. Closure Plans 2670

Sampling contents of 2 in place vst's located on Harrison St

Draeger readings < 1ppm

- Monitoring for Existing Tanks
- 6. Method
 - 1) Monthly Test
 - 2) Daily Vadose Semi-annual groundwater One time soils
 - 3) Daily Vadose One time soils Annual tank test
 - 4) Monthly Gndwater One time soils
 - 5) Daily Inventory Annual tank testing Cont pipe leak det Vadose/gndwater mon.
 - 6) Daily Inventory Annual tank testing Cont pipe leak det
 - 7) Weekly Tank Gauge Annual tank testing
 - 8) Annual Tank Testing Daily Inventory
 - 9) Other _____

Samples were taken by connecting a string to a vqa vial and decanting from several fillings. VST closest to 15th St was sampled first labelled as sample #1

Tank 2 next to 1428 (closest to 14th St) appeared to be filled w/ water. The tanks were previously in Oct 90. Samples were taken & labelled as #2

Chain of custody was filled out by J. Cummings and signed off to me

- 7. Precs Tank Test Date: _____ 2643
- 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 Date: _____ 2711
 - 14. As Built Date: _____ 2635

Rev 6/88

II, III

Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____

MARK BORSUK
Attorney at Law

87 RICO WAY
SAN FRANCISCO, CA 94123
TELEPHONE: (415) 922-4740
TELEX: 176249 AAMI SFO CABLE: MARKINSFCA

July 18, 1991

Mr. Paul Smith
Division of Hazardous Materials
Department of Environmental Health
Alameda County Health Care Services
Room 200
80 Swan Way
Oakland, CA 94621
(415) 271-4320

SUBJECT: FILE REVIEW

Dear Paul:

I would like to review the County's files on the three properties listed below. Also when did Alameda County implement Sections 2641(c)(5)(C) (Monitoring Alternatives) and 2644(e) (Inventory Reconciliation) of CCR Title 23, Chapter 3, Subchapter 16? Are there exceptions to these requirements?

-1721 Webster Street
-1881 Harrison Street
-1432 Harrison Street

Please give me a date and time to review the information at your office. You are authorized to spend up to one hour at \$69.00 per hour in locating this information. If more time is need, please inform me beforehand. My new mailing address is: 1626 Vallejo Street, San Francisco, CA 94123-5116

Your assistance with this request is most appreciated.

Sincerely yours



Mark Borsuk

91 JUL 23 0911

ALAMEDA COUNTY, DEPARTMENT OF
ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

white -env.health
yellow -facility
pink -files

Site ID # _____ Site Name Prabu SCS Consultants Today's Date 7/18/91

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 Harrison St + Alice St Garages

City Oakland Zip 94612 Phone _____

___ 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

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. OnSite Conseq. Assess. 25524(c)
- ___ 15. Probable Risk Assessment 25534(d)
- ___ 16. Persons Responsible 25534(e)
- ___ 17. Certification 25534(f)
- ___ 18. Exemption Request? (Y/N) 25536(b)
- ___ 19. Trade Secret Requested? 25538

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

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
Semi-annual groundwater
One time soils
 - 3) Daily Vadose
One time soils
Annual tank test
 - 4) Monthly Gndwater
One time soils
 - 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
 - 6) Daily Inventory
Annual tank testing
Cont pipe leak det
 - 7) Weekly Tank Gauge
Annual tank testing
 - 8) Annual Tank Testing
Daily Inventory
 - 9) Other _____

- ___ 7. Precs Tank Test Date: _____ 2643
- ___ 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 Date: _____ 2711
 - ___ 14. As Built Date: _____ 2635

Comments:

re-sample in storm drain, capped off pipe in between space 12 + 13, + wash rack sump.

Sample from basement drain w-2 liquid VOA
S-2 Sludge 250ml/Jar

Sample from capped off pipe in between parking space 12+13 w-3 VOA

Sample taken from hoist room opening located next to wash rack sump at Harrison St structure
hoist room sample # W-1

wash rack sump sample taken S-1

II, III

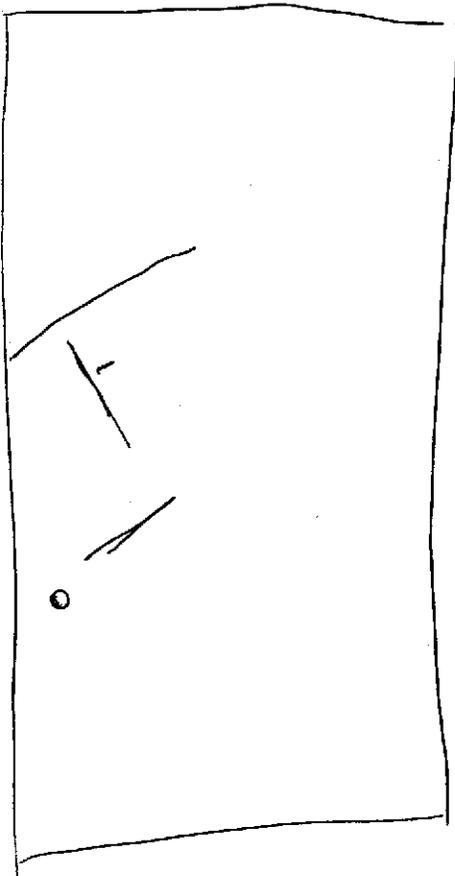
Contact: _____

Title: _____

Signature: _____

Inspector: _____

Signature: _____



lines are metal plates

white - lab
 yellow - insp. file
 pink - fac. file

ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
 DIVISION OF HAZARDOUS MATERIALS
 80 SWAN WAY, ROOM 200
 OAKLAND, CA 94621
 (415) 271-4320

please hold
 donot run until requested
 Thanks Paul

LABORATORY SERVICE REQUEST

SITENAME Harrison/Alice St. Garages
 ADDRESS 1432 Harrison St
 SAMPLE SUBMITTED TO: _____
 DATE SUBMITTED 7/18/91
 SEND INVOICE TO: _____

SEND ANALYTICAL REPORT TO ABOVE OR:

ATTN: _____

_____ RUSH = ABOUT 1 WEEK TURNAROUND
 _____ ROUTINE = ABOUT 2 WEEKS TURN-AROUND

SAMPLE NO.	DATE/TIME COLLECTED	TYPE OF MATERIAL (WATER, SOIL OR MATRIX)	VOLUME/WEIGHT	FIELD OBSERVATION	ANALYSIS REQUESTED
W-1	7/18/91 11:20	water	250ml		8240 8240
S-1	7/18/91 11:05	Soil	500ml		metals
W-2	7/18/91 10:10	water	500ml		8240
S-2	7/18/91 10:15	Soil	250ml		metal
W-3	7/18/91 10:10	water	250ml		8240

Chain of Custody:

1. Paul M. Smith Harz. Mat. Spec 7/18/91 -
 Signature Title Inclusive Dates
 2. [Signature] CHEMIST 7/18/91
 Signature Title Inclusive Dates
 3. _____
 Signature Title Inclusive Dates

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

July 18, 1991

Mr. Nels Johnson
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

Dear Mr. Johnson:

Thank you for the 6/27/91 fax transmittal detailing the results of analysis and supporting field reports. The information was useful as I reviewed the modified work plan.

Please be advised that this office has made the transmittal part of the Department of Environmental Health files. This office considers the information to be neither privileged nor confidential attorney/client communications nor attorney work product.

Accordingly, if a Public Records Act (Government Code, Section 6250) request is made, the information will be provided.

Sincerely,

Paul M. Smith
Hazardous Materials Specialist

cc:

Jonathan Leo Esq., Heller, Ehrman, White & McAuliffe

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
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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

July 12, 1991

VIA FACSIMILE AND U.S. MAIL

Mr. Paul Smith
Hazardous Materials Specialist
80 Swan Way, Room 200
Oakland, California 94621

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

Dear Mr. Smith:

This letter is to request, pursuant to the Public Records Act (Government Code § 6250, et seq.) that you make available to me as soon as possible a copy of the modified work plan proposal for the Harrison Street garage and a copy of your comments on the work plan. Please fax them to me at 451-1527. We will pay any charges in connection with this request.

If you have any questions, please feel free to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By

Jonathan W. Redding
Jonathan W. Redding

JWR:mbb

cc: Mr. Steve Davis

Sent 7/17/91
SCS work plan proposal
SCS 11/14/90 report
Copy of county letter 7/2/91

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

July 12, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

**Re: Comments on Modified Work Plan Proposal for 1432
Harrison St. and Adjoining Alice Street Garage.**

Dear Mr. Cummings:

On March 22, 1991 this office approved your Site Characterization/ Assessment Proposal for 1432 Harrison Street, Oakland CA and the adjoining Alice Street Parking Garage. Due to financial and other considerations expressed by Mr. Leo on behalf of his client a subsequent proposal (outlined in a 5 page letter dated April 26, 1991 from Jonathan Leo to Mark Thomson) was submitted to this office for consideration. Although there were numerous differences in Mr. Leo's letter from that of the original site characterization proposal (as were discussed with Mr. Leo, Mr. Cummings, Mr. Thomson and myself in a telephone conversation on or about May 14, 1991) it was agreed that a "modified work plan" outlining more specific information and containing a closure plan would be submitted to this office for review.

Alameda County Environmental Health, Hazardous Materials Division has received and reviewed the Modified Work Plan For the Removal of Underground Storage Tanks and Installation of Groundwater Monitoring Wells (Modified Work Plan) from SCS Consultants, dated June 5, 1991. The work plan as proposed has several deficiencies which must be addressed prior to the work plan approval. You are requested to submit a revised work plan addressing the following issues:

- 1) ✓ This work is to be conducted consistent with the **"Tri-Regional Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites"**, dated 10 August 1990, (Tri-Regional Recommendations) which is to be incorporated into and made a part of the modified work plan by reference.

Mr. John Cummings
July 12, 1991
Page 2

- 2) ✓ During our May 14, 1991 conversation it was established that once the initial soil sampling analysis for all of the Tri-Regional Recommendation listed analytical constituents were tested for, that future analytical constituents sought could be for only those which initially produced detectable concentrations.

This procedure is allowable when collecting and analyzing soil samples within the same sampling location and for the same contaminants. However, when analyzing for groundwater constituents and in the soil testing during construction of the monitoring wells you are (as per the Tri-Regional Guidelines) required to analyze for the full complement of contaminants rather than only those which were detected in soil. After several sampling events, if certain substances are not detected, discussion as to future substances sought, after conferring with the RWQCB, can be discussed with this office. Such determination will be based upon the Tri-Regional Recommendations and technical standards.

- 3) Health and Safety Plan:

On July 1, 1991, I received information (see enclosure) that a 13% and a 14% concentration of benzene was found in the liquid/sludge in each of the two gasoline tanks on the Harrison Street side of the site during a prior investigation. This appears to be a higher level of benzene than would normally be expected in gasoline. Existing, as well as this new information, indicates the presence of significantly high levels of chlorinated solvents and PCBs to warrant a more elaborate Health & Safety Plan. Due to this new information we require that your Health and Safety Plan be revised to include additional safety measures to quantify contaminants and protect human health and the environment from exposure from any of the aforementioned constituents.

The revised Health and Safety Plan shall include the following:

Monitoring of the air space in and around the work site including the enclosed garage areas and public sidewalks and streets, for the protection of the garage employees, patrons and the general public. You are required to specify how monitoring will occur, the types of monitoring devices to be employed and the qualifications of the persons conducting the monitoring. This plan must include monitoring activities during the tank removals

Mr. John Cummings
July 12, 1991
Page 3

and any related work at the site, as well as during the time(s) when any detectable contamination remains on site. State specific quantitative contamination levels which are not acceptable and a Contingency Plan to be implemented in the situations where these maximum levels are exceeded.

- 4) ✓ You are required to provide the state certification number of the SCS laboratory in Long Beach. All lab analysis must be conducted by a state certified laboratory and the lab must have certification to conduct each test performed. EPA holding times must be adhered to. You are also required to have the laboratory indicate in their report any unidentified anomalous data indicated in the gas chromatograph print out or by any other means. Also, address the proposed measures which will be employed in analyzing for constituents for which the SCS laboratory does not have proper certification (if applicable).
- 5) ✓ When sampling for the presence of chlorinated hydrocarbons you are required to utilize EPA method 8010/8020 or 8240 rather than 8120 which was specified in (Table 2 of page 18) of the Modified Work Plan.
- 6) In our conversation on or about May 14, 1991, regarding the April 26, 1991 letter, it was agreed that all samples would be tested for all contaminants listed at the last paragraph of page 2 of the April 26, 1991 letter. Although we allowed you to take the wash rack sump samples on 5/23/91, a review of the work plan indicates that the wash rack sump samples have not been tested for the 5 priority metals. Accordingly, you are required to sample the wash rack sump, basement drain, and capped pipe in the Alice Street basement for these constituents. (Please also note that the test method you used for the 5/23/91 samples - 8120 - bears no relationship to the contaminants expected to be encountered at this site. You will need to use 8010/8020 or 8240 when these samples are re-taken and analyzed.)
- ✓ 7) To clarify the sampling for metals (where applicable), you are required to analyze for the five priority metals (Pb, Ni, Zn, Cr and Cd).
- ✓ 8) You are required to collect a sample every 20 lineal feet for all ancillary piping (regardless of whether the piping is removed or not) and

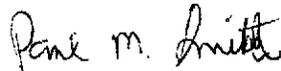
Mr. John Cummings
July 12, 1991
Page 6

The tank removal and associated work may provide a valuable and, perhaps, the only opportunity to collect evidence that might show the type of gasoline used, it's age or any other data which could help establish when any leaks occurred. We suggest that if your clients are interested in considering this sort of an investigation they retain expert(s) who are knowledgeable in this area.

Finally, a review of our records indicates that the funds previously submitted for Department of Health oversight for this project are depleted. Please submit to this office a check made payable to the County of Alameda for \$ 1000.00.

If you have any questions regarding the content of this letter please feel free to contact me at 415/271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Jonathan Leo Esq., Heller, Ehrman, White & McAuliffe
Mark Borsuk Esq.
Mr. Alvin Bacharach
Ms. Barbara Borsuk

Within 10 working dates of analysis, the Phase II workplan "describing and evaluating the data outlined and providing a phase II workplan for further site characterization" (See April 26, 1991 letter from Jonathan Leo to Mark Thomson) shall be submitted to this office. The Phase II report is to include, among other things, a proposal to install additional monitoring wells on and off site as warranted by the results of the Phase I investigation and consistent with the Tri-Regional Recommendations.

- 12) ✓ Phase I calls for the installation of three groundwater monitoring wells. Specify the analytes sought in each well and the frequency of ground water elevation measurements and ground water analysis.
- 13) ✓ If ground water is encountered in any of the tank excavations you will be required to sample that water per the Tri-Regional Recommendations.
- 14) ✓ The County Closure Plan portion of the Modified Work Plan must be dated and executed by both of the property owners.
- 15) It is anticipated that highly contaminated soil and/or free product conditions may be encountered at this site, therefore we require that you develop several contingencies for handling the anticipated contaminants including appropriate soil treatment and/or disposal situations. We also expect plans for the immediate abatement of any health, safety fire or explosion hazard that occurs during site work.
- 16) ✓ We wish to make explicit that a condition of any approved work plan will be that a representative from Alameda County Hazardous Materials Division will be present during the underground tank removal(s), first round of sampling, and any subsequent sampling at the above site. Additional sampling may be required at Alameda County's direction as field conditions dictate and according to the Tri-Regional Recommendations as well as any other appropriate guidance documents.
- 17) ✓ The work plan does not provide specificity as to the extent of excavation which will occur at each of the sites where tanks, sumps, lines or hoists will be removed. You are required to provide more elaboration as to the extent of the initial excavation which will occur in each area.

Mr. John Cummings
July 12, 1991
Page 4

analyze for the presence of the same constituents for which these pipes are connected.

- 9) Regarding the sampling of stock pile excavation tailings, page 20 of the modified work plan states that one sample per stock pile would be collected. The number of samples per stock pile shall be based upon volume of the soil, proposed storage, treatment and/or disposal methods and field conditions. Numbers of stockpile samples are often determined based upon the disposal or treatment requirements of the facility which is accepting the contaminated material. Specify the stock piled material sampling schedule. Stockpiled soil samples are to be composited in the laboratory; field compositing is not acceptable. Stockpiled material is to be covered with visqueen over and underneath of the material.
- 10) Regarding the sampling of the Lift area (discussed on page 18 of the modified work plan), you are required to collect a discrete sample underneath each hydraulic ram, each fluid reservoir and for every 20 feet of piping unless field conditions indicate the need for more or less sampling. Analysis shall be consistent with Table 2 on page 18 of the modified work plan unless site conditions indicate the presence of other contaminants.
- 11) a) On page 33 of the modified work plan you have indicated the sample analysis will be completed within 14 days. This is at variance with the May 14, 1991 agreement that analysis would be completed within 10 days of sampling. However, this change is acceptable. This raw data shall immediately be provided the County with an accompanying map describing the sampling location. The time delay in submitting the above data does not relieve you and/or your clients from their responsibility to insure that there are no health or safety hazards as a result of excavations remaining open or the storage of contaminated stockpiled materials on site.
- b) As discussed at issue 2, limiting the constituents sampling in the soil and ground water would be inconsistent with the Tri-Regional Recommendation. Accordingly, we expect the three groundwater wells to be installed immediately upon tank and piping removal. Sampling of the wells shall occur within seven days of installation. Analysis turn-around shall be 14 days.

JAMES C. SOPER, INC.
PHILIP M. JELLEY, INC.
JOHN L. McDONNELL, JR.
GERALD C. SMITH
LAWRENCE R. SHEPP
LEWELLYN E. THOMPSON II
RICHARD T. WHITE
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A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1221 BROADWAY, 21ST FLOOR

OAKLAND, CALIFORNIA 94612-1837

TELEPHONE: (415) 451-3300

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CARL H. ABBOTT 1867-1933
CHARLES A. BEARDSLEY 1882-1963

STACY H. DOBRZENSKY
OF COUNSEL

TELECOPIER: (415) 451-1527

July 1, 1991

VIA FACSIMILE AND U.S. MAIL

Paul Smith
Hazardous Materials Specialist
80 Swan Way, Room 200
Oakland, CA 94612

Re: Harrison Street Garage

Dear Paul:

As you consider health and safety plans, and the scope of testing in connection with the removal of numerous underground storage tanks at the above-referenced facility, I thought you might like to have copies of additional data taken by one of our consultants. As you can see, hydrocarbons, solvents and PCBs are present in numerous locations at the above-referenced facility.

In particular, I call your attention to page 3 of the cumulative results indicating benzene concentrations of up to 13 and 14 percent from the tanks in front of the building. Also, in the basement, please note the presence of TCE and PCE in and adjacent to the waste oil tanks (page 6) as well as BTEX near piping in the basement (pages 10, 11 and 12). Finally, please note PCB concentrations in the basement area in and adjacent to the waste oil tanks indicate concentration in soils and liquids as high as 21 ppm (pages 14-17). As you know, Title 22, § 67780 requires liquids containing PCBs of concentrations greater than 5 ppm to be incinerated or treated to less than 2 ppm.

Please contact me if you have questions concerning this data.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By

Jonathan W. Redding mbb

Jonathan W. Redding

Enclosure
JWR/mbb
cc: Steve Davis

8810 Cal Center Drive
Floor 3, Building 5
P. O. Box 276088
Sacramento, California 95827-6088
Telephone: (916) 361-3200



*Called 7/8/91
I left message to call
me re: site search fee
need letter authorizing*

91 JUN 25 PM 11:24

June 21, 1991

INFORMATION OFFICE
ALAMEDA COUNTY HEALTH CARE SERVICES
DEPARTMENT OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS PROGRAM
80 SWAN WAY ROOM 200
OAKLAND CA 94621

RE: Freedom of Information Act (FOIA) Request
Location: Harrison Street Garage,
1432 Harrison Street,
Oakland California

Dear Sir/Madam:

We have received notice from one or more companies of the EPA's notification to them of their potential involvement at the above site. Pursuant to the Freedom of Information act, please provide the following documents, if available:

- Preliminary Assessment/Site Investigation Report
- Remedial Investigation/Feasibility Study
- Record of Decision
- Executive Summary
- Site History
- Regulatory History
- Sampling history, including any information regarding when contamination was first discovered at the site.
- Any information you have regarding the above company's involvement.

_____ All of the above.

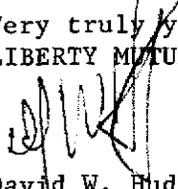
 X Other: Additionally, please provide a copy of the current
PRP list with their respective volumetric shares.

Please contact me prior to copying any documents in excess of
500 pages.

This request should not be construed as any indication that coverage
has been determined for any companies that have reported this
to us, but is being made solely for the purpose of enabling us
to properly evaluate the claims.

Thank you for your assistance in this matter.

Very truly yours,
LIBERTY MUTUAL INSURANCE COMPANY


David W. Hudson
Technical Claims Specialist
Western Regional Environmental Claim Office

DWH:vsb/V-III-1/014

D & T Investments

1445 Harrison St. · Oakland, CA 94612

(415) ~~330-3717~~ 547-4124

Real Property Limited Partnerships

5/30/91

Mr Paul Smith

ACIS

re: Harrison / Alice St Garage File

Sir,

I am interested in obtaining copies of the file referenced above. Further I am interested in obtaining all information with regard to 1432 Harrison St, Oakland. I realize the charge is \$67/hour and that it may take up to three hours to search the files.

Thank you

Alan Sin

white -env.health
 yellow -facility
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH
 Hazardous Materials Inspection Form

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

II, III

- 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)
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- ___ 10. Registration Form Filed 25533(a)
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 - ___ 16. Persons Responsible 25534(g)
 - ___ 17. Certification 25534(i)
 - ___ 18. Exemption Request? (Y/N) 25536(b)
 - ___ 19. Trade Secret Requested? 25538

- III. UNDERGROUND TANKS (Title 23)**
- General**
- ___ 1. Permit Application 25284 (H&S)
 - ___ 2. Pipeline Leak Detection 25292 (H&S)
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One time soils
 - 3) Daily Vadose
One time soils
Annual tank test
 - 4) Monthly Gndwater
One time soils
 - 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon.
 - 6) Daily Inventory
Annual tank testing
Cont pipe leak det
 - 7) Weekly Tank Gauge
Annual tank testing
 - 8) Annual Tank Testing
Daily Inventory
 - 9) Other _____
- New Tanks**
- ___ 7. Precs Tank Test Date: 2643
 - ___ 8. Inventory Rec. 2644
 - ___ 9. Soil Testing. 2646
 - ___ 10. Ground Water. 2647
 - ___ 11. Monitor Plan 2632
 - ___ 12. Access. Secure 2634
 - ___ 13. Plans Submit 2711
Date: _____
 - ___ 14. As Built 2635
Date: _____

Site ID # _____ Site Name _____ Today's Date 5/23/91

Site Address 1432 Harrison St / Alice St
 City Oakland Zip 94 Phone _____

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
 onsite 12:00pm offsite 3:30

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

Comments: 12:00pm
 initial sampling at Harrison / Alice street parking structure.

Prabhu Shankar N. Rawander a representative of SCS engineers was onsite collecting the following samples

Sample w-2 taken from Alice st basement storm drain
 4 VOA's, 4 liters
 pictures 2 + 3

Sample w-3 taken from capped pipe in between space 12 + 13. material sampled appears to be oil + gas mixed

Sample w-1 taken from cylindrical hoist opening sump wash rack
 S-1 sludge

S-1 taken from sump after removing metal plate

Took 2 samples w-2, + S-1

Contact: Prabhu Rawander

Title: _____

Signature: _____

Inspector: Paul Smith

Signature: _____

II, III

Site Search 5/20/91

MFR Sent _____ (date)

APPLICATION FORM

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 site search for Harrison/Alice St Garage Address SUPV.

--	--	--

 DIST.

--	--	--	--	--

 C.T.

4				
---	--	--	--	--

A. Premises Address 1432 Harrison street Oakland 94612
 Number Street City Zip Code Phone

Owner/Applicant Mr Steve Davis DIT Investments
 If corporation, also show name of corporation president Phone

B. Mailing Address 1445 Harrison street Oakland 94612
 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. <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>				C.P. CODE <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; height: 20px;"></td><td style="width: 20px; height: 20px;"></td></tr></table>			
FOOD CATEGORIES							
<p>Bakery</p> <p>___ Under 2,000 sq. ft. (130)</p> <p>___ 2,000 - 6,000 sq. ft. (131)</p> <p>___ Over 6,000 sq. ft. (132)</p> <p>Food Market, Retail</p> <p>___ Under 3,000 sq. ft. (120)</p> <p>___ 3,000 - 10,000 sq. ft. (121)</p> <p>___ Over 10,000 sq. ft. (122)</p> <p>___ Confectionary (125)</p> <p>Restaurant</p> <p>___ Tavern, Cocktail lounge (104)</p> <p>___ Snack Bar (105)</p> <p>___ Drive-In, Take Out (110)</p> <p>___ Catering Commissary (111)</p> <p>___ Under 26 seats (100)</p> <p>___ 26 - 50 seats (101)</p> <p>___ 51 - 75 seats (102)</p> <p>___ Over 75 seats (103)</p> <p>___ In Plant Feeding (114)</p> <p>___ Bed & Breakfast (Cont.) (115)</p> <p>___ Bed & Breakfast (Reg.) (116)</p> <p>___ Vending Machine</p> <p>Other Food</p>	<p>Temporary Food Operation</p> <p>___ Special Event Facility (113) (not to exceed 3 days)</p> <p>___ Temporary Food Facility (108) (not to exceed 21 days)</p> <p>___ Seasonal Food Facility (129) (not to exceed 45 days)</p> <p>Food Vehicle</p> <p>___ Vehicle Application Fee</p> <p>___ Mobile Food Prep. Unit (107)</p> <p>___ Stationary M.F.P.U. (117)</p> <p>___ Retail Food Vehicle (112)</p> <p>___ Itinerant Vehicle (128)</p> <p>GENERAL CATEGORIES</p> <p>___ Plan Review</p> <p>___ Special Service</p> <p>___ Public Swimming Area</p> <p>___ Commercial Spa</p> <p>___ Mobilehome Park</p> <p>___ No. Spaces</p>	<p>Private Waste Disposal</p> <p>___ Site Evaluation</p> <p>___ Percolation Test</p> <p>___ Plan Review</p> <p>___ Installation</p> <p>Holding Tank</p> <p>___ Site Evaluation</p> <p>___ Installation</p> <p>___ Inspection</p> <p>Water Supply-Utility</p> <p>___ Community System</p> <p>___ Non-Community System</p> <p>___ State Small Water System</p> <p>___ Local Small Water System</p> <p>Private Water Supply</p> <p>___ Flow, Bactl. & Chem. Anal.</p> <p>Drinking Water Analysis</p> <p>___ Bacterial</p> <p>___ Chemical</p> <p>___ Flow Rate</p> <p>Other <u>site search</u></p>					

Number of Units/Hrs. 1.0 Fee Per Unit/Hr. \$ 67.00 Total Fee \$ 67.00

REMARKS: Site search for 1432 Harrison - Appeal process to SWACB including update letter from John Leo reavesting standard VST closure. Site search performed by Bill Esparza, Attorney Diversified Services 10:15 - 10:55

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

Owner/Applicant Paul M. Arink Date 5/20/91
 Hat. Mat. Spec Sanitarian Phone 271-4326

May 14, 1991

Mr. Jonathan S. Leo
Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104-2878

**Re: Oakland Parking Garage, 1432 Harrison Street
including connecting Alice Street garage, Oakland, CA 94612**

Dear Mr. Leo:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the revised Site Characterization/Assessment Proposal for the above site dated April 26, 1991.

Approval of the above proposal is contingent upon the resolution of the following issues:

In order to proceed with the various aspects of underground tank removal and site remediation you are required to within 10 working days submit to Alameda County Environmental Health a properly filled out closure form.

Within the same 10 day time frame the following supplemental information shall be provided:

A revised Health and Safety Plan addressing the human health issues ~~associated with the human health issues~~ caused by the exposure of suspect contaminants during all phases of the proposed work. Concerns for human health and safety arise due to the initial amounts of contamination encountered from the initial borings, the contamination which appears to extend underneath the enclosed parking structure. *Backfilled soil*

edI have received and reviewed the Revision to the Addendum to the site characterization/ assessment proposal dated March 12, 1991 for proposed work at the above sites prepared by SCS Engineers.

It is deficient in only one regard. You are required to test MW 10 for the presence of chlorinated hydrocarbons.

Please send to this office a brief letter confirming this requirement within 5 days of the receipt of this letter.

As a reminder, this office has still not received payment of the requested \$ 750.00 for oversight expenses of the above project. You are requested to submit payment as authorized by the Alameda County Fee Ordinance. Should you have any questions please call me at 415/271-4320.

Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Borsuk, Attorney at Law
Jonathan Leo, Heller, Ehrman, White & McAuliffe
Mark Thomson, Alameda County District Attorney's office of
Consumer and Environmental Affairs
Rafat A. Shahid, Assistant Agency Director, Alameda County
Environmental Health Department
Lester Feldman, SFRWQCB
Charlene Williams, DHS

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

Site ID # _____ Site Name Bill Sparks Today's Date 5/29/91

Site Address 1424 Harrison St
 City Oakland Zip 94612 Phone 893-5855

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)

Comments: injo us regard to underground tank of unknown
1979
12 yrs ago 1 VST was filled as per volume
Oakland fire protocol

Mr Sparks doesn't have any paperwork on
the premises but he will look for any
in the building purchase paperwork

Mr Sparks is the current owner of the
above facility. During building remodeling
permits were taken for reconstruction & for
in place closure

Mr Sparks states that a fire dept repres-
entative was present during slurry fill
in tank.

The tank was emptied prior to filling
w/ cement slurry

I will check back next Monday 5/16/91
to inquire as to the paperwork

Donal Mockel Fire Marshall

Contact: Mr Bill Sparks
 Title: owner
 Signature: Bill Sparks
 Inspector: Paul Smith
 Signature: Paul M. Smith

will send permit per phone conv. 5/29/91

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)

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(e)
- 17. Certification 25534(f)
- 18. Exemption Request? (Y/N) 25536(b)
- 19. Trade Secret Requested? 25538

III. UNDERGROUND TANKS (Title 23)

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

Rev 6/88
 City of Oakland permit to
 excavate / fill Apr. 21, 1982

Paul Biloy - fire Marshall in 79

II, III

ALAMEDA COUNTY, DEPARTMENT OF
ENVIRONMENTAL HEALTH

Hazardous Materials Inspection Form

II, III

white -env.health
yellow -facility
pink -files

Site ID # _____ Site Name Bill Sparks Today's Date 5/21/91

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)

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) 25534(b)
- ___ 19. Trade Secret Requested? 25538

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
Semi-annual groundwater
One time soils |
| | 3) Daily Vadose
One time soils
Annual tank test |
| | 4) Monthly Gndwater
One time soils |
| | 5) Daily Inventory
Annual tank testing
Cont pipe leak det
Vadose/gndwater mon. |
| | 6) Daily Inventory
Annual tank testing
Cont pipe leak det |
| | 7) Weekly Tank Gauge
Annual tank testing |
| | 8) Annual Tank Testing
Daily Inventory |
| | 9) Other _____ |
| New Tanks | ___ 7. Precs Tank Test 2643 |
| | Date: _____ |
| | ___ 8. Inventory Rec. 2644 |
| | ___ 9. Soil Testing 2646 |
| ___ 10. Ground Water. 2647 | |
| ___ 11. Monitor Plan 2632 | |
| ___ 12. Access. Secure 2634 | |
| ___ 13. Plans Submit 2711 | |
| Date: _____ | |
| ___ 14. As Built 2635 | |
| Date: _____ | |

Rev 6/88

Site Address 1424 Harrison St

City Oakland Zip 94612 Phone 593-8985

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)

Comments: Insp w/ regard to underground tank of unknown volume
in yrs ago. Last was filled as per
tank label protocol

Mr Sparks doesn't have any paperwork on
the premises but he will look for any
in the building purchase paperwork

Mr Sparks is the current owner of the
above facility. During building remodeling
permits were taken for reconstruction & for
in place closure.

Mr Sparks states that a fire dept repres-
entative was present during slurry fill
in tank.

The tank was emptied prior to filling
w/ cement slurry.

I will check back next Monday 5/6/91
to inquire as to the paperwork

II, III

Contact: Mr Bill Sparks

Title: owner

Signature: [Signature]

Inspector: Paul Smith

Signature: Paul M. Smith

Excavation Permit Granted _____ No. _____

CITY OF OAKLAND

Tank Permit 8501

Permit to Excavate and Install, Repair, or Remove Inflammable Liquid Tanks. No. _____

Oakland, California, _____ April 21, 1982 _____ 19____

PERMISSION IS HEREBY GRANTED TO f11 XXXXXXXXXXXX Gasoline tank and excavate commencing _____ feet inside property line

on the _____ side of _____ Street _____ Avenue _____ feet _____ of _____ Street _____ Avenue

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

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

Applicant same 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 removal tanks on discontinuance of use or when notified by the City Authorities. When installing, removing or repairing tanks, no open flames to be on or near premises.

INSPECTOR MOCKEL
273-3851

EXCAVATING PERMIT

Issued in accordance with Ord. No. 278 CMS, Sec. 4-2.04

_____ square feet of digging or removal granted.

The receipt of _____ special deposit is hereby acknowledged.

GENERAL DEPOSIT

BUREAU OF PERMITS AND LICENSES

Inspection Fee Paid 20.00 ck # 0308 rec # 107298

Received by [Signature]

FIRE PREVENTION BUREAU

CERTIFICATE OF TANK AND EQUIPMENT INSPECTION

Inspected and found _____

By [Signature]

NOTICE

Before Covering Tanks, Above Certificate Must Be Signed.

When ready for inspection notify Fire Prevention Bureau, 273-3851

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

91 MAY -9 10:42

Paul Smith
Alameda County Environmental
Health Dept
HAZARDOUS MAT. Div.
80 Swan Way Rm #200
OAKLAND Ca 94621

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 94104-2878

CABLE HELPOW · TELEX 164-886 · FACSIMILE (415) 772-6268

TELEPHONE (415) 772-6000

701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7008
FACSIMILE (206) 447-0848
TELEPHONE (206) 447-0900

801 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017-5758
FACSIMILE (213) 894-1888
TELEPHONE (213) 889-0200

1201 PACIFIC AVENUE
TACOMA, WASHINGTON 98402-4308
FACSIMILE (206) 872-6743
TELEPHONE (206) 872-6666

April 26, 1991

1300 S.W. FIFTH AVENUE
PORTLAND, OREGON 97201-5694
FACSIMILE (503) 241-0850
TELEPHONE (503) 227-7400

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

JONATHAN SEBASTIAN LEO
DIRECT DIAL (415) 772-6088

17409-0001

VIA FACSIMILE

Mark N. Thomson, Jr., Esq.
Deputy District Attorney
Alameda County District Attorney's Office
Consumer and Environmental Protection Section
7677 Oakport Street, Suite 400
Oakland, California 94621

Site Characterization/Assessment Proposal
for 1432 Harrison Street
and Adjoining Alice Street Parking Garage

Dear Mr. Thomson:

This letter is intended to memorialize the substance of our telephone conversation of April 23, 1991 regarding my client, Alvin Bacharach's, request for modification of the site characterization/assessment proposal approved by the Alameda County Health Care Services Agency on March 22, 1991. As you will recall, the requested modification proposes to phase the implementation of the workplan, primarily by initiating the characterization with the removal of the two underground gasoline storage tanks on the Harrison Street side of the garage, the two waste oil tanks on the Alice Street side of the garage and the hydraulic lift within the garage itself.

After the Alameda County Health Care Services Agency ("County Health") provided Mr. Bacharach with its approval of the site characterization/assessment proposal dated March 18, 1991, Mr. Bacharach undertook to obtain an estimate of the costs of performance of that work from his consultant, SCS Engineers. Prior to his March 25, 1991 receipt of the County Health approval dated March 22, 1991, Mr. Bacharach was uncertain as to the full

scope of characterization/assessment work which the County would require. Therefore, his request to SCS Engineers for a cost estimate properly had to await final approval of the workplan from County Health. When that cost estimate was provided to him by SCS Engineers, Mr. Bacharach was genuinely disconcerted by the amount of the estimate. SCS Engineers explained to him that the estimate was as expensive as it was primarily because of the laboratory costs associated with analysis of the substantial number of initial soil and groundwater samples required by the approved plan. Mr. Bacharach's concern over the amount of the estimate was substantial enough to prompt him to solicit a second opinion from another consulting firm, Harding Lawson Associates ("HLA"). His purpose in obtaining this second opinion, at the time, was limited to determining whether the particular and overall costs for implementation of the workplan could be reduced meaningfully without impeding his ability to comply with County Health's requirement that he implement the workplan as approved.

The response which Mr. Bacharach received from HLA was unexpected and has resulted in this request for modification of the approved workplan. HLA told Mr. Bacharach that, in its opinion, the sequence of performance of site characterization work called for in the approved workplan was itself inappropriate. In particular, HLA stated that the first step for site characterization should be the removal of the tanks and the hydraulic lift, since they represent those areas within or adjacent to the garage which are the suspected sources of contamination. This was also the approach originally recommended by SCS Engineers. This approach is consistent with that used by the State Water Resources Control Board's guidelines as set forth in the Leaking Underground Fuel Tanks ("LUFT") field manual and the Tri-Regional Board Staff Recommendations for Preliminary Evaluation and Investigation of Underground Tank Sites.

HLA suggested, as did SCS originally, that after removal and visual inspection of the tanks and the hydraulic lift, soil samples be taken from the excavation pits and at 20-foot intervals where piping appurtenant to the tanks and hydraulic lift were located. (Obviously, all piping appurtenant to the tanks and, if any, the hydraulic lift will be removed concurrently with the tanks and hydraulic lift themselves.) Those soil samples will be analyzed for: total petroleum hydrocarbons as gasoline (by EPA method 8015 Mod); total petroleum hydrocarbons as diesel (by EPA method 8015 Mod); chlorinated hydrocarbons, benzene, toluene, ethylbenzene, and xylene (by EPA method 8240); oil and grease (by EPA method 5520 D and F); semi-volatile organic compounds (polychlorinated biphenyls and polynuclear aromatic hydrocarbons) (by EPA method 8270); and Title 26 metals (by EPA method 6010). (The

Mark N. Thomson, Jr., Esq.
April 26, 1991

Page 3

correlation between test methods for particular contaminants and source areas will be similar to that presented in Table 1 of the approved site characterization/assessment proposal.)

Following receipt of the laboratory analytical results for those soil samples, County Health will be provided with a copy of the raw data disclosing which contaminants were detected in the particular soil samples. Immediately after the receipt of that data, HLA proposes the installation of three groundwater wells to determine the direction of groundwater flow across the site. SCS also originally proposed the installation of groundwater wells as the data warrants. The soil borings from installation of those monitoring wells and groundwater samples obtained after installation of those wells would be analyzed for only those contaminants which were detected by the analysis performed on the soil samples obtained during removal of the tanks and the hydraulic lift. Depending upon the conditions encountered at the time of excavation and removal of the tanks and the hydraulic lift, HLA has indicated that some excavation of contaminated soil around the tanks and the lift may also be appropriate.

After receipt of the foregoing soil and groundwater sample analytical results and determination of direction of groundwater flow across the site, we will submit a written report within ten (10) working days to County Health describing and evaluating the data obtained and providing a Phase II workplan for further site characterization. The remainder of the site characterization work will entail the determination of the lateral and vertical extent in soil and groundwater, on and off site, of the identified contaminants. Sampling of the earlier-identified potential source areas in the vicinity of the wash rack sump and the basement collection drain will occur in this phase.

As I told you in our April 23, 1991 telephone conversation, Mr. Bacharach informed SCS Engineers of HLA's opinion and SCS Engineers concurred wholeheartedly that the tanks should be removed prior to any other work.

There are two reasons for the requested modification to the approved workplan. First, a phased implementation will enable Mr. Bacharach to determine at the outset of the work which particular contaminants are present in subsurface soils and in the shallow groundwater whose quality will be evaluated by the first three groundwater monitoring wells. To the extent that not every single contaminant to be analyzed for is detected in the initial round of soil sampling, a substantial amount of money will be saved and unnecessary sampling and analysis will be

Mark N. Thomson, Jr., Esq.
April 26, 1991

Page 4

avoided. In its present, approved form, the workplan requires soil sampling at five foot intervals for a wide array of contaminants in the absence of any evidence that all these contaminants are, in fact, present or present at detectable levels throughout the site. Although it is certainly possible that this may prove to be the case, both HLA and SCS believe this to be unlikely and further believe that the approach presented here is more efficient and probably much less expensive than, and just as certain to result in a comprehensive site characterization as, the workplan which County Health has approved.

In our April 23, 1991 telephone conversation, you expressed concern that the workplan modification proposed here might be a delaying tactic on the part of my client. I want to assure you in the strongest possible terms that this is absolutely not the case. As I mentioned earlier, Mr. Bacharach was truly and unpleasantly surprised by the amount of the estimate for performance of the approved workplan. Not only was he concerned that the costs of performance of the site characterization were excessive, but he was also concerned about the estimate's implication for the costs of the entire project through remediation. This legitimate concern prompted his decision to obtain a second opinion which, as I mentioned earlier, resulted in the proposal from HLA in which SCS Engineers has concurred. Obviously, your consideration of this modification request and, if you approve of it, implementation of the workplan as modified will result in some delay beyond that already experienced. However, the fact that no product remains in any of the tanks that are suspected sources of contamination substantially reduces any potential adverse environmental impacts as a result of this modification request. Most importantly, we know that the proposed workplan modifications will produce just as comprehensive a site characterization as that originally approved by County Health and probably will do so in a more efficient manner.

I appreciate your statement that you believe it would be "prudent" of you to consider this request. On behalf of my client, I urge you and Paul Smith of County Health to give this request your most serious consideration. Please do not hesitate to call me to discuss any aspect of this request in more detail.

I also want to use this opportunity to inform you that it is Mr. Bacharach's present intention to demolish the Harrison Street portion of the parking garage after County Health has

Mark N. Thomson, Jr., Esq.
April 26, 1991

Page

agreed that the site characterization is complete and prior to the initiation of remediation. I will keep you informed of any additional details about or changes in these plans.

Very truly yours,

Jonathan S. Leo
Jonathan S. Leo

cc: Mr. Alvin Bacharach
Mark Borsuk, Esq.
Cynthia Koehler, Esq.

DEPARTMENT OF ENVIRONMENTAL HEALTH

Site Search

MFR Sent _____ (date)

APPLICATION FORM

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 Carl Abude/Attorney's Diversified Services C.T. 4

A. Premises Address: Number _____ Street _____ City _____ Zip Code _____ Phone _____

Owner/Applicant Site Search requested by Ms Roseanne Hurvitz (213) 445-0800
If corporation, also show name of corporation president _____ Phone _____

B. Mailing Address Selman Breitman and Burgess 11766 Wilshire Blvd 6th Floor Los Angeles CA
Number _____ Street _____ City _____ Zip Code 90025-6538

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)

- 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

GENERAL CATEGORIES

- ___ Plan Review
- ___ Special Service
- ___ Public Swimming Area
- ___ Commercial Spa
- ___ Mobilehome Park
- ___ No. Spaces _____

Other site search
1432 Harrison St
Oakland, CA 94612

Number of Units/Hrs. 1.0 Fee Per Unit/Hr. \$ 67.00/hr Total Fee \$ 67.00

REMARKS: Site Search for 1432 Harrison information pertaining to permitting of VST's and workplan submission
start time 9:30 AM stop time 10:02

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

Owner/Applicant Paul M. Smith Date 4/22/91
Haz Mat. Spec. Sanitation Phone (415) 271-4320

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
ROBERT F. CAMPBELL
MICHAEL M. K. SEBREE
ANTONIA L. MORE
MICHAEL A. TOPP
MARIA I. LAWLESS
JENNIFER J. BANKER

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

April 15, 1991

Mr. Paul Smith
Hazardous Materials Specialist
80 Swan Way, Room 200
Oakland, California 94621

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

Dear Mr. Smith:

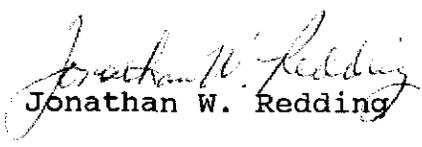
This letter is to request you to make available, pursuant to the Public Records Act, Government Code § 6250, et seq., all of the files and records on the Harrison Street Garage. Our client, Mr. Steve Davis, will call you next week to make an appointment for inspecting and copying records of interest to us. Please give him your assistance and make sure that the file contains all documents which are in your possession. We understand that there will be time and materials charges from the County for reviewing and copying documents.

If you have any questions, please feel free to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By


Jonathan W. Redding

JWR:mga
cc: Mr. Steve Davis

SELMAN, BREITMAN & BURGESS

ATTORNEYS AT LAW

SIXTH FLOOR

11766 WILSHIRE BOULEVARD

LOS ANGELES, CALIFORNIA 90025-6532

NEIL H. SELMAN
CRAIG R. BREITMAN
HOLLY S. BURGESS
ROBERT A. STELLER

ELAINE K. FRESCH
NANCY W. SHOKOHI
JEFFREY C. SEGAL
ALAN B. YUTER
A. SCOTT GOLDBERG
FREDDA L. ALPERT
MARK L. JUBELT
NICHOLAS BANKO
RONALD L. NELSON
FRANCIS P. ASPETTI
LYNETTE KLAWON
RAMON Z. BACERDO
JEFFREY A. TURKELL
JOHN S. KNOWLTON
MURRAY M. SINCLAIR

TELEPHONE
(213) 445-0800
FACSIMILE
(213) 473-2525

OUR FILE NUMBER

112.7033

April 10, 1991

*called Earl w/
Jannet & Jannet re:
appt to site Search
mon 4/22 9:30 AM*

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

Re: Authorization pertaining to obtaining documents
Site: 1432 Harrison Street, Oakland, California
Insured: Bacharach & Borsuk

Dear Mr. Smith:

This letter is to authorize the expenditure of \$67.00 per hour regarding your assistance in designating to a local copy service which we will retain, the specific pile of documents that we desire as responsive to our public records request of March 14, 1991. With reference to a phone call on April 2, 1991 between yourself and the undersigned, we would like to obtain copies of the documents that you have categorized into a 3 to 4 inch pile of "clean-up documents." We recognize that this 3 to 4 inch pile of clean-up documents was designated by your own selection and based on extensive telephone conversation we would like to initially obtain copies of that pile as opposed to the 6 inch pile of appellate documents.

With reference to our conversation on April 9, 1991, the copy service that we will be sending in will copy the documents for approximately two hours. The copy service has been instructed to make an appointment with you to select a date for copying. Since we are retaining a local copy service to come in and copy the documents we do not authorize your expense of a \$1.00 per page of copying, however, we do authorize your rate of \$67.00 per hour for a ceiling of \$201.00 or 3 hours for your time involved in preparing the documents for copying.

SELMAN, BREITMAN & BURGESS

Mr. Paul Smith
April 10, 1991
Page - 2 -

We anticipate the possibility of desiring the document that will be issued at the end of the 45 day period in the near future. At that time I will contact you to determine how we could obtain that document as well.

We would appreciate it if you could make an appointment with the copy service as soon as possible so that we could obtain the documents within 5 days or so. The copy service we will be using is called Janney & Janney.

Thank you for all of your assistance in this matter. If you have any questions please feel free to call the undersigned.

Sincerely,

SELMAN, BREITMAN & BURGESS

Roseanne Hurvitz
Roseanne Hurvitz

RH: cab

CH 403004



Janney & Janney
attorney service, inc.

a complete attorney service

(213) 628-6338

1313 W. 8TH ST.
LOS ANGELES, CA 90017

FIRM: Selman, Breitman & Burgess DATE: April 10, 1991

11766 Wilshire Blvd.
Sixth Floor

COURT:

Los Angeles, CA 90025-6538 NUMBER:

PHONE #: (213) 445-0800

CASE:

Alameda County Health
Place: Care Services Agency

ATTENTION OF: Roseanne Hurvitz

DOCUMENT: 3-4" pile of

"Clean-up documents"

FILE NO: 112-7033

FOR COURT FILING ONLY

INSTRUCTIONS: Teri- Please contact your N. Calif associate to copy the above pile of documents from Mr. Paul Smith (he must make an appointment) at phone (415) 271-4320 on the site at 1432 Harrison St. regarding insured Bacharach & Borsulich. The address where to copy is: Please try to copy within

DEPT'S APPEARANCE FEES PAID DATE:

P.S. Please find copy of letter to Mr Paul Smith notifying him of your

STATUTE

LAST DAY TO FILE
EXPEDITE & RETURN BY

Copying

REPORT:

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

HEARINGS:

SET FOR _____ AT _____ DEPT.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

JANNEY COPY

JANNEY ADVANCED

AMOUNT \$ _____

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

March 22, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

**RE: Site Characterization/Assessment Proposal for the
1432 Harrison & Adjoining Alice Street Parting Garages**

Dear Mr. Cummings:

Alameda County Department of Environmental Health, Hazardous Materials Division is in receipt of the Final Revision to the addendum to the Site Characterization/Assessment Proposal for the above site, dated March 18, 1991.

The proposal is approved in accordance with all of the inclusions specified in the correspondence from your office since the initial Site Characterization/Assessment Proposal dated February 15, 1991.

In accordance with the arrangements set forth in the January 25, 1991 correspondence from this office, you are required to implement the proposed work within forty-five (45) calendar days of the receipt of this letter.

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

Sincerely,

Paul M. Smith
Hazardous Materials Specialist

PMS:mnc

cc: Mark Borsuk, Attorney at Law
Jonathan Leo, Heller, Ehrman, White & McAuliffe
Mark Thomson, Alameda County District Attorney, Consumer and
Environmental Protection Agency
Lester Feldman, RWQCB
Rafat A. Shahid, Assistant Agency Director, Environmental Health
Files

SCS ENGINEERS

March 18, 1991
File No. 0390044.00

Mr. Paul Smith
Alameda County Health Care Services Agency
Department of Environmental Health (ACDEH)
Hazardous Material Program
80 Swan Way, Room 200
Oakland, California 94621

Subject: Health and Safety Code Section 25299.37(c) Order:
Site Characterization/Assessment Proposal
for the Parking Garage
at 1432 Harrison Street
Oakland, California 94612

Dear Mr. Smith:

SCS Engineers (SCS) has received and reviewed your letter dated March 14, 1991, regarding the revision to the Addendum to the site characterization/assessment proposal submitted by our office on March 12, 1991.

In accordance with your request, this letter is to confirm the requirement of testing samples from Monitoring Well 10 (MW-10) for chlorinated hydrocarbons per EPA Method 8120.

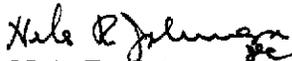
Please find a check for \$750.00 for oversight as required by Alameda County Ordinances.

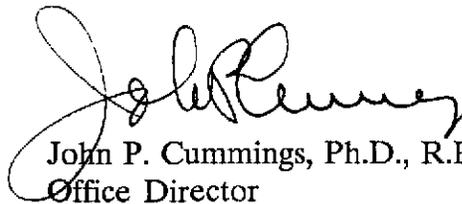
Please make note of this on your copies of the Addendum (i.e. Table 1). If this letter of confirmation is satisfactory and the work plan is approved in its entirety, please inform SCS in writing.

Mr. Paul Smith
March 18, 1991
Page Two

If you have any questions, please contact either of the undersigned at (415) 829-0661.

Sincerely,


Nels R. Johnson, P.E.
Senior Project Engineer
SCS Engineers


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

NRJ/JPC:egh:sar

cc: Mr. Lester Feldman, Regional Water Quality Control Board
Mr. Mark Thomson, Alameda County District Attorney's Office

SCS ENGINEERS

March 18, 1991
File No. 0390044.00

01 CALIFORNIA REGIONAL WATER
MAR 20 1991 *EF*
QUALITY CONTROL BOARD

Mr. Paul Smith
Alameda County Health Care Services Agency
Department of Environmental Health (ACDEH)
Hazardous Material Program
80 Swan Way, Room 200
Oakland, California 94621

Subject: Health and Safety Code Section 25299.37(c) Order:
Site Characterization/Assessment Proposal
for the Parking Garage
at 1432 Harrison Street
Oakland, California 94612

File
Harrison St Garage

Dear Mr. Smith:

SCS Engineers (SCS) has received and reviewed your letter dated March 14, 1991, regarding the revision to the Addendum to the site characterization/assessment proposal submitted by our office on March 12, 1991.

In accordance with your request, this letter is to confirm the requirement of testing samples from Monitoring Well 10 (MW-10) for chlorinated hydrocarbons per EPA Method 8120.

Please find a check for \$750.00 for oversight as required by Alameda County Ordinances.

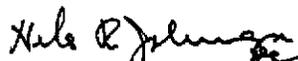
Please make note of this on your copies of the Addendum (i.e. Table 1). If this letter of confirmation is satisfactory and the work plan is approved in its entirety, please inform SCS in writing.

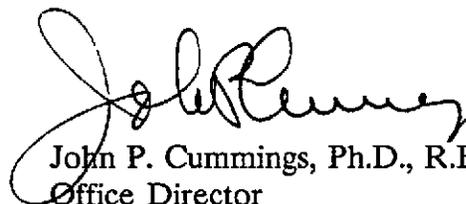
M. Aug.
scheduled
1:30 p.
May 8 -
W Co & HEDA

Mr. Paul Smith
March 18, 1991
Page Two

If you have any questions, please contact either of the undersigned at (415) 829-0661.

Sincerely,


Nels R. Johnson, P.E.
Senior Project Engineer
SCS Engineers


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

NRJ/JPC:egh:sar

cc: Mr. Lester Feldman, Regional Water Quality Control Board
Mr. Mark Thomson, Alameda County District Attorney's Office

SELMAN, BREITMAN & BURGESS

ATTORNEYS AT LAW

SIXTH FLOOR

11766 WILSHIRE BOULEVARD

LOS ANGELES, CALIFORNIA 90025-6538

NEIL H. SELMAN
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FRANCIS P. ASPESI
LYNETTE KRAWON
RAMON Z. BACERDO
JEFFREY A. TURKELL
JOHN S. KNOWLTON
MURRAY M. SINCLAIR

TELEPHONE

(213) 445-0800

FACSIMILE

(213) 473-2525

OUR FILE NUMBER

112.7033

March 14, 1991

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

Re: Public Records Request
Site : 1432 Harrison Street
Oakland, California 94612
Insured: Bacharach & Borsuk

Dear Mr. Smith:

This office is coverage counsel representing the insurance carrier, Commercial Union Insurance Companies, with respect to the insured Bacharach & Borsuk. Pursuant to our phone conversation of March 7, 1991, we are providing by this letter a public records request regarding the above-mentioned site.

Pursuant to the California Public Records Act Government Code, section 6253, et seq., please provide this office with the following documents enumerated in the categories below.

- 7 1. All documents constituting or relating to audit reports concerning any companies' costs or expenditures for environmental clean-up and site restoration at the Harrison Street site;
2. All documents constituting or relating to any claim request or application made by any company regarding reimbursement or compensation for any costs associated with environmental clean-up or site restoration at the Harrison Street site;

SELMAN, BREITMAN & BURGESS

Mr. Paul Smith
Re: Public Records Request
March 14, 1991
Page 2

3. All documents constituting or relating to government contracts under which any company asserts a claim for collection, reimbursement or payment of costs or expenses related to environmental clean-up or site restoration at the Harrison Street site;
4. All correspondence or other documents between or among any company, the defense contract audit agency and/or any other government agency regarding costs, expense of payment relating to compliance with regulations regarding clean-up of contaminants from soil and/or ground water at the Harrison Street site;
5. Documentation indicating how, when and why the U.S. E.P.A. became involved at the site located on Harrison Street site;
6. Any witness' statement;
7. All site owner records;
8. Any pollution incident reports;
9. Documentation between the U.S. E.P.A. and the State of California regarding the Harrison Street site;
10. Documentation regarding expenditure of U.S. E.P.A. funds at the Harrison Street site;
11. Any remedial investigation/feasibility studies;
12. Any Resource Conservation Recovery Act (RCRA) inspection reports - interim status standards;
13. All permits and licenses regarding the Harrison site; and
14. A copy of any signed or proposed consent decrees.

If any requested documents (or segregable portions of such documents) are withheld on the basis of a client privilege,

SELMAN, BREITMAN & BURGESS

Mr. Paul Smith
Re: Public Records Request
March 14, 1991
Page 3

please identify each document (or segregable portion) withheld and the privilege asserted.

We understand that all of this information may be quite voluminous. Please contact us and provide an estimate of the amount of documents so that we can decide whether or not to tailor our request to modify the volume of documents. Please feel free to call the undersigned if you have any questions.

Sincerely,

SELMAN, BREITMAN & BURGESS

Roseanne Hurvitz

Roseanne Hurvitz

RH:rl

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

March 14, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

**Re: Oakland Parking Garage, 1432 Harrison Street
including connecting Alice Street garage, Oakland, CA 94612**

Dear Mr. Cummings:

I have received and reviewed the Revision to the Addendum to the site characterization/ assessment proposal dated March 12, 1991 for proposed work at the above sites prepared by SCS Engineers.

It is deficient in only one regard. You are required to test MW 10 for the presence of chlorinated hydrocarbons.

Please send to this office a brief letter confirming this requirement within 5 days of the receipt of this letter.

As a reminder, this office has still not received payment of the requested \$ 750.00 for oversight expenses of the above project. You are requested to submit payment as authorized by the Alameda County Fee Ordinance. Should you have any questions please call me at 415/271-4320.

Sincerely,

Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Borsuk, Attorney at Law
Jonathan Leo, Heller, Ehrman, White & McAuliffe
Mark Thomson, Alameda County District Attorney's office of
Consumer and Environmental Affairs
Rafat A. Shahid, Assistant Agency Director, Alameda County
Environmental Health Department
Lester Feldman, SFRWQCB
Charlene Williams, DHS

AL

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

March 14, 1991

Mr. Jonathan Leo
Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104-2878

Dear Mr. Leo

I am in receipt of your Government Code Section 6250 request to inspect our files for the following addresses:

1721 Webster St.
420 13th Street
1833 Harrison Street
1424 Harrison Street

Please contact me at your earliest convenience to arrange a mutually acceptable time for the site search to take place.

Sincerely:

Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Borsuk
Mark Thomson
Ac

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 94104-2878

CABLE HELPOW · TELEX 184-996 · FACSIMILE (415) 772-6268
TELEPHONE (415) 772-6000

91 MAR 14 1991
708 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098
FACSIMILE (206) 447-0849
TELEPHONE (206) 447-0900

601 SOUTH FIGUEROA STREET
LOS ANGELES, CALIFORNIA 90017-5758
FACSIMILE (213) 614-1868
TELEPHONE (213) 889-0200

1201 PACIFIC AVENUE
TACOMA, WASHINGTON 98402-4308
FACSIMILE (206) 572-6743
TELEPHONE (206) 572-6666

March 12, 1991

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

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

WRITER'S DIRECT DIAL NUMBER

(415) 772-6724

17409-0001

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

California Public Records Act Request

Dear Mr. Smith:

Pursuant to the provisions of the California Public Records Act (Government Code Section 6250, et seq.), I request that you make available for inspection and copying any and all public records in the files of the Alameda County Health Care Services Agency pertaining in any way to the property located at: 1424 Harrison Street in Oakland, California. It is my understanding that this property is, or was at one time, owned by Bill and Chip Sparks.

Please be aware that Government Code Section 6256 provides that you have ten (10) days from your receipt of this letter (unless the Alameda County Public Records Act guidelines provide for a shorter period of time) within which to determine whether to comply with this request and to notify me of your determination and its reasons. The only justification for non-compliance with this 10-day limit is if one of the "unusual circumstances" specified in Section 6256.1 prevents such compliance, in which case, the "head of the agency" must explain to me in writing the reasons for an extension of the ten days and

Environmental Consultants

6761 Sierra Court
Suite D
Dublin, California 94568

415 829-0661
FAX 415 829-5493

ENGINEERS

TO :

DATE: 3/17/91
NAME: Paul Smith
COMPANY NAME: RWOCB
FAX NUMBER: 566-3706
PHONE NUMBER: 771-4320

FROM :

NAME: Nels Johnson
JOB / OVERHEAD NUMBER: 037024600

CHECK ONE

- NORMAL PROCESSING
- CONFIDENTIAL
- SPECIAL CONFIDENTIAL ARRIVAL
(415) 829-0661

CHECK ONE

- HAS
- RETURN ORIGINAL

MESSAGE:

TOTAL PAGES (INCLUDING THIS COVER) 5

SCS ENGINEERS

March 12, 1991
File No. 039004400

415825
5751 Sierra Court
Suite D
Dublin, CA 94568

Alameda County Health Care Services Agency
Department of Environmental Health (ACDEH)
Hazardous Materials Program
80 Swan Way, Room 300
Oakland, California 94621
Attention: Mr. Paul Smith

Project: Franklin and Saffrey Court Section 252227 (S) Order
Revised to Appendix
Site Characterization/Assessment Proposal
for the Franklin Garage
c/o 1421 Franklin Street
Oakland, California 94612

Dear Mr. Smith:

SCS Engineers (SCS) is submitting the attached pages as a revision to the assessment
submitted by our office on March 4, 1991.

The revision encompasses the attached pages as a revision to the assessment
submitted by our office on March 4, 1991, regarding SCS' proposed remediation of
the Franklin Garage site. The revision is dated March 12, 1991. The revision
is included prior to the word "Final" on the cover page.

The description of the site and the site data collected on March 4, 1991, regarding SCS' proposed remediation of the Franklin Garage site, as well as the assessment results, are as shown on the attached pages.

1. Information regarding the site and the site data collected on March 4, 1991, regarding SCS' proposed remediation of the Franklin Garage site, as well as the assessment results, are as shown on the attached pages.

Mr. Paul Smith
March 12, 1991
Page Two

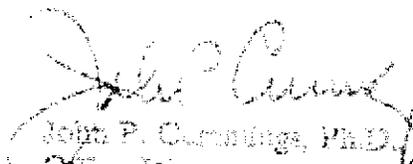
- 2) Plate 3: To be inserted prior to attachments in Addendum letter, revised to show assigned monitoring well numbers.

Please insert these revised pages in your copies of the Addendum. If this submittal is satisfactory, please inform SCS in writing that the work plan in its entirety is approved.

If you have any questions, please contact either of the undersigned at (415) 874-6661.



John F. Johnson, P.E.
Senior Project Engineer
SCS Engineers



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

NRWA High
Attachments

cc: Mr. Louis Falkner, Regional Water Quality Control Board
Mr. Mark Thomson, Alameda County District Attorney's Office

TABLE I

LABORATORY ANALYSIS SUMMARY
FOR COLLECTED SOIL AND WATER SAMPLES

Location	TPH-G ¹	TPH-D ²	BULK ³	OL ⁴	O&G ⁵	OH ⁶	PCBs ⁷	PMM ⁸
Gasoline Tanks MW 1-8	X	X	X	X	X	X	X	X
Hydraulic Lift MW 9 & 10		X	X		X			
Waste Oil Tanks (Basement) MW 11-15	X	X	X		X	X	X	X
Wash Rack Sump	X	X	X		X	X		
Collection Ponds (Basement)	X	X	X		X	X		X

1. Total Petroleum Hydrocarbon as Gas (EPA 8015 Mod)
2. Total Petroleum Hydrocarbon as Diesel (EPA 8015 Mod)
3. Benzene, Toluene, Ethylbenzene, Xylene (EPA 8020)
4. Organic Lead (DOHS MIBK Method)
5. Oil & Grease (EPA 413.1)
6. Chlorinated Hydrocarbons (EPA 8120)
7. Polychlorinated Biphenyls (EPA 8080)
8. Priority Pollutant Metals

MW - Monitoring Well

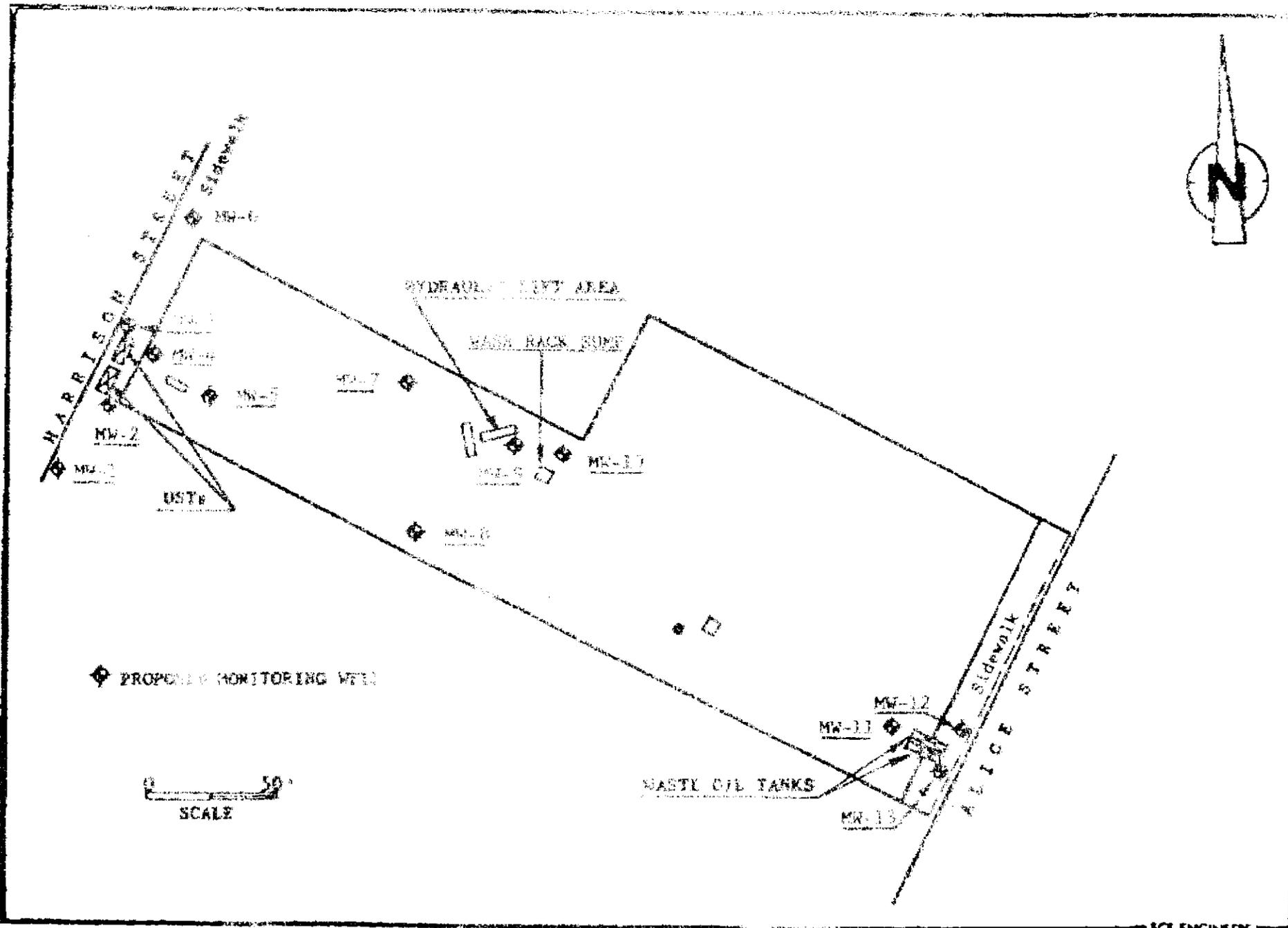


PLATE 3: HARRISON STREET GARAGE-OAKLAND Site, Proposed Monitoring Wells

SCS ENGINEERS

10-91

3:03PM

411.295493-4415 568 3706

1# 5

HELLER, EHRMAN, WHITE & MAULIFFE

ATTORNEYS

REGISTERED ENVIRONMENTAL PROFESSIONALS WITH BARBERS

100 WASHINGTON AVENUE
SUITE 1700, TORONTO, ONTARIO M5X 1C6
TELEPHONE (416) 593-8888
FACSIMILE (416) 593-8888

570 SOUTH STREET SAN FRANCISCO, CALIF. 94108-3808
TELEPHONE (415) 774-8000
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FACSIMILE TRANSMITTAL SHEET

Mr. Paul M. Smith

(Address only)

Agency Health Care Services Agency
Department of Environmental Health
Hazardous Materials Program

(City only)

San Francisco

(Area only)

415 774-8000

(Telephone only)

Jonathan S. Leo, Esq.

(S. No.)

March 5, 1991

(Date)

2

(Total pgs. incl. cover sheet)

17409-0001\172

Client #/Matter #/Atty #

Message:

HELLER, FARMAN, WHITE & McCAULIFFE

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TELEPHONE (213) 621-8743

FAX (213) 621-8000

PHOENIX OFFICE

1000 WILSON AVENUE, SUITE 2000, LOS ANGELES, CA 90024-4000

TELEPHONE (602) 441-1111

FAX (602) 441-1111

March 2, 1991

7/2/91

RE: [Illegible]

Mr. [Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]

[Illegible]
[Illegible]

[Illegible]

On February 6, 1991, Mr. [Illegible], Esq., advised me
that he had reviewed the [Illegible] County files in this matter and
that he had prepared for review the [Illegible] of [Illegible]. These
documents are in Mr. [Illegible]'s possession. Mr. [Illegible] advised me that you
had indicated his request to Mark Thomson, Esq., of the [Illegible]
of the [Illegible] Attorney's Office for Mr. Thomson's review.
When Mr. [Illegible] told me that you had asked him to ask that he
submit the [Illegible] with the [Illegible] regarding the [Illegible] request of
February 15.

Thus morning, Mr. [Illegible] and I spoke with Mr.
[Illegible] and he agreed to send the [Illegible] Public
Records Act request to you with a copy to Mr. Thomson.
Accordingly, I request, pursuant to the provisions of the
California Public Records Act (CPRA), Gov. Code sections 6250 et
seq. that the [Illegible] County Health Care Services Agency make
available for inspection, use copying, by myself or Mr. [Illegible],
any and all files pertaining to the properties at:

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

March 6, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

**Re: Oakland Parking Garage, 1432 Harrison Street
including connecting Alice Street garage, Oakland, CA 94612**

Dear Mr. Cummings:

I have received and reviewed the Addendum to the site characterization/ assessment proposal dated March 4, 1991 for proposed work at the above sites prepared by SCS Engineers.

The Addendum responded to requirements specified in a letter dated February 21, 1991, by this department on areas of the proposed workplan requiring further investigation or elaboration.

The following issues still require resolution prior to workplan approval:

- 1) You are required to specify the type of laboratory analysis to be conducted on the borings taken during monitoring well installation and the analyses type to be performed of groundwater samples from each groundwater well.
- 2) When sampling beneath the collection drain located in the basement of the Alice Street garage you are requested to analyze for the presence of chlorinated hydrocarbons (EPA 8020).
- 3) You are requested to indicate the approximate locations of the monitoring wells on a revised drawing 4 of the addendum report.

Mr. Cummings
March 6, 1991
Page 2 of 2

Please submit within 5 calendar days the requested changes to the addendum to your proposal addressing the issues outlined in this letter. Should you have any questions please call me at 415/271-4320.

Sincerely,

Paul M. Smith

Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Borsuk, Attorney at Law
Jonathan Leo, Heller, Ehrman, White & McAuliffe
Mark Thomson, Alameda County District Attorney's office of
Consumer and Environmental Affairs
Rafat A. Shahid, Assistant Agency Director, Alameda County
Environmental Health Department
Lester Feldman, SFRWQCB
Charlene Williams, DHS
LS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



February 21, 1991

Mr. John Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

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

**Re: Oakland Parking Garage, 1432 Harrison Street
including connecting Alice Street garage, Oakland, CA 94612**

Dear Mr. Cummings:

I have received and reviewed the site characterization/ assessment proposal dated February 15, 1991 for proposed work at the above sites prepared by SCS Engineers. That review was also greatly facilitated as a result of our meeting onsite on 2/11/91.

The workplan proposes to install 13 groundwater monitoring wells in order to investigate potential soil and groundwater contamination in several areas of both of the parking facilities.

The workplan is not approved. Although the workplan is adequate in many areas, the following concerns need to be addressed and understood prior to workplan approval:

- ✓ 1) It is your responsibility to determine the appropriate locations for monitoring wells and borings. Keep in mind that wells must be installed within 10 feet of a contaminated source in the downgradient direction and the full extent of soil and groundwater contamination must be determined at the above sites.
- 2) Specific areas requiring subsurface investigation are listed below:
 - ✓ a) You are required to investigate for possible soil contamination beneath the wash rack sump located in the northeast corner of the Harrison Street garage. *boring out to sump → 20 ft log every 5'*
 - ✓ b) You are required to sample the material from beneath the drain grate in the basement of the Alice Street structure and to sample the soil beneath the location of the capped pipe in between space 12/13 also located in the Alice Street Basement.
 - ✓ c) You are required to examine for soil contamination around the area of the three hydraulic lift rams and the hydraulic oil reservoir.
 - ✓ d) You are also required to investigate and delimit the location of the pipes running within the garage complex and to develop a sampling schedule to investigate for contaminated soil beneath any pipes which were historically used as a conduit for

Mr. Cummings
February 21, 1991
Page 2 of 2

hazardous materials/ or hazardous waste. The extent and locations of all piping needs to be defined and the ultimate destination of all piping and drains identified in order to determine where the pipes ultimately connect to (sewer drain, storm drain, etc.).

e) In the January 25th letter from this department to you we requested that you investigate downgradient of the waste oil tanks located on Alice Street for possible contamination from PCB's and petroleum contaminants. Based on the assumption stated in the workplan proposal the proposed downgradient direction is in the southeasterly direction. The proposed monitoring wells in this area have not been placed so that downgradient monitoring would occur. You are required to reevaluate the well placement.

3) You are also required to specify what chemical sampling analysis will be performed for soil and water samples collected from each boring or water sample.

4) Once subsurface contamination levels have been established for the site an assessment will be necessary of the human health risks associated with both the underground tank removals and any remedial activity which will occur at the above site.

Please be advised that some of the wells as specified in the proposed workplan may need to be removed when soil excavation occurs following the tank removals. Additional wells may be required to delineate the extent of groundwater contamination following tank and soil removal.

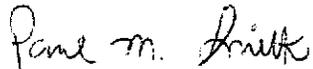
You are requested to submit copies of all documentation pertaining to the remedial activity at this site to the Regional Water Quality Control Board.

Finally, a review of our records indicates that the balance of the deposit submitted with the initial underground tank removal closure submittal has been nearly exhausted. Please submit to our office a check made payable to the County of Alameda for \$ 750.00. (This deposit is authorized by Section 3-141.6 of the Ordinance Code of the County of Alameda and is used to cover expenses incurred by Alameda County personnel in the discharge of their oversight duties associated with this project. Records are maintained of the time County employees commit to a project and the deposit is charged at an hourly rate of \$ 69.00 per hour. Upon the completion of the project the balance of the deposit will be returned to you).

Mr. Cummings
February 21, 1991
Page 3 of 3

Please submit within 10 calendar days an addendum to your proposal explaining how you plan to address the issues outlined in this letter. Should you have any questions please call me at 415/271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Mark Borsuk, Attorney at Law
Jonathan Leo, Heller, Ehrman, White & McAuliffe
Mark Thomson, Alameda County District Attorney's office of
Consumer and Environmental Affairs
Rafat A. Shahid, Assistant Agency Director, Alameda County
Environmental Health Department
Lester Feldman, SFRWQCB
Charlene Williams, DHS

HELLER, EHRMAN, WHITE & MCAULIFFE

ATTORNEYS

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January 30, 1991

17409-0001

91 JAN 02 AM 11:09
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TELEPHONE (415) 326-7600

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JONATHAN SEBASTIAN LEO
DIRECT DIAL (415) 772-6068

VIA TELECOPY

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

1432 Harrison Street Garage--Oakland, California
Site Characterization/Assessment Workplan

Dear Paul:

The purpose of this letter is to memorialize our telephone conversation today regarding your January 25, 1991 letter to John Cummings of SCS Engineers. In that letter, you described the criteria which your office required for a satisfactory Site Characterization/Assessment Proposal from my clients, Alvin Bacharach and Barbara Jean Borsuk, for the above-referenced property.

At the middle of page 3 of your January 25, 1991 letter, you stated that after the site characterization/assessment report had been submitted, my clients would be required to submit quarterly reports to your Agency thereafter "until this site qualifies for final RWQCB 'sign off'." I asked you for more information both about the criteria which would be considered by your Agency and the RWQCB in determining whether and when such a "sign-off" was appropriate, as well as about the legal document (i.e., Memorandum of Understanding) which establishes the relationship between your Agency and the RWQCB for purposes of enforcing compliance with the California Underground Storage of

Mr. Paul M. Smith
January 30, 1991

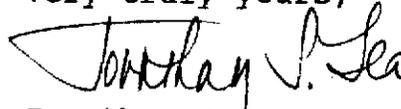
Page 2

Hazardous Substances Act in Alameda County. Please send me the requested information (with which you said you were familiar) at your earliest convenience and, if possible, by Tuesday, February 5.

We also discussed the due date for my clients' submittal to your Agency of the Site Characterization/Assessment Workplan. Your letter requiring that Workplan was dated January 25, 1991, but not received by John Cummings or myself until Monday, January 28, 1991. The letter requires your receipt of our Workplan "within 15 days of this letter. . . ." With respect to that deliverable date, I requested two things: first, that the 15 days begin to run from our receipt of the letter on January 28; and second, that the 15 "days" be understood to mean "working" rather than "calendar" days so that it may be due to you by February 15, 1991. The reason for the second request is itself twofold. First, I may have to be out of the office Thursday and/or Friday February 7 and/or 8 and, if so, would have insufficient time to review the draft Workplan with my clients and our consultant prior to its submittal to you on February 11 (Monday), if the 15 days is understood to mean "calendar" days. Second, I believe that the additional four days of review and refinement of the draft Workplan which we would derive from an understanding of the 15 days as "working" days will inure to your benefit as well, since it will increase the likelihood that the draft will satisfy your requirements with little, if any, further revision. You indicated to me that, although you personally did not object to my request, you would need to obtain the approval of Mark Thomson of the District Attorney's Office. For your and Mark's convenience, I have decided to telecopy this letter to both of you simultaneously so that this request can be answered without delay.

Thanks very much for your prompt attention to these matters.

Very truly yours,



Jonathan S. Leo

cc: Mark Thomson, Esq. (by telecopy)
Mr. John Cummings (by telecopy)
Mark Borsuk, Esq. (by telecopy)

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



28th - deficit
Feb 15 -
11
wr of Jan 7 1991

January 28, 1991

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

Jonathan W. Redding, Esq.
Fitzgerald, Abbott and Beardsley
1221 Broadway, 21st Floor
Oakland, CA 94612-1837

Re: Harrison Street Garage

This office is in receipt to your Subsurface Consultant's report concerning the Harrison Street Garage. Because oversight of site remediation is a major responsibility of this office, DDA Mark Thomson has asked me to make a written request for Mr. Thomson and I to meet you to discuss the details and technical implications of the Subsurface report.

Sincerely,

Paul M. Smith

Paul M. Smith
Hazardous Materials Specialist

cc:

Rafat A. Shahid, Assistant Agency Director, Alameda County
Environmental Health Department
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



2/21/91 March 21,

January 25, 1991

Certified Mailer # P 062 127 954

Mr. John P. Cummings
SCS Engineers
6761 Sierra Court, Suite D
Dublin, CA 94568

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

**Re: Oakland Parking Garage, 1432 Harrison Street
including connecting Alice Street garage, Oakland, CA 94612**

Dear Mr. Cummings:

This letter follows telephone conversations I shared on January 17, 1991, with Mr. Jonathan Leo, and yourself, outlining criteria required by this office for the preparation of a Site Characterization/ Assessment Proposal.

As you know, Subsurface Consultant's 10/19/90 report disclosed various areas of contamination and abandoned underground storage tanks at the above sites. In brief summary, the report indicates that abandoned underground storage tanks exist in the basement of the parking structure near Alice Street as well as under the sidewalk on Harrison street. An "anomalous" radar image also revealed a suspected former underground storage tank (ust) location next to the engine-hoist area. Laboratory results from seven soil borings indicated contamination levels of Total Petroleum Hydrocarbon as high as 9300 ppm, and benzene concentrations as high as 99,000 ppb. Lab analysis revealed contaminant sources of gasoline, diesel and PCBs.

Clearly, this preliminary data strongly suggests groundwater has been impacted and the probability that contamination has migrated off-site. More detail than that provided in the 10/19/90 report with regard to definition of the nature and extent of the problem is required.

It is my understanding that attorneys for the property owners and the District Attorney's office have agreed to the following time table:

Within 15 days of the date of this letter, you shall submit a proposal for site characterization/assessment for my review.

Within 5 days of my receipt of that proposal, I shall have completed my review and if the proposal is adequate, give my consent to commence site assessment. If the proposal is deficient, I shall apprise you of the deficiencies.

Within 45 days of my consent for you to commence site characterization/ assessment, you shall provide this office a report of the results of that site characterization/ assessment.

Mr. Cummings
January 25, 1991
Page 2 of 4

This Department will oversee the site assessment for the referenced facility. This oversight will include our review and comment on work proposals and technical guidance on appropriate investigative approaches. The issuance of well drilling permits, however, will be through the Alameda County Flood Control and Water Conservation District, Zone 7.

All reports and proposals must be submitted under seal of a California-Registered Geologist, Certified Engineering Geologist, or Registered Civil Engineer. Please include a statement of qualifications for each lead professional involved with this project.

Your proposal for site characterization/assessment shall be consistent with RWQCB Staff Recommendations for the Initial Evaluation and Investigation of Underground Tanks. The major elements of such an investigation are summarized in the attached Appendix A.

Essentially your proposal for site characterization/ assessment is a plan for investigative work which will identify and delimit areas of contamination. That investigative work will define the vertical and lateral impact upon groundwater and soils resulting from underground tanks and other contamination sources.

Your proposal for site characterization/ assessment shall also include:

- o A risk assessment addressing the human health issues likely to occur resulting from exposure of contaminants emanating from the above site, and any mitigative measures proposed in association with the preliminary investigative assessment work.
- o A subsurface assessment to determine the correct number of underground tanks or other sources of contamination at the Harrison/ Alice street sites.
- o A plan for evaluation for PCB contamination and halogenated substances in the down gradient direction of the waste oil tanks located near Alice street.

Upon implementation of the site characterization/ assessment proposal, and as earlier noted, you will be submitting a report of the site characterization/ assessment to this office. The site characterization/ assessment report shall include, but shall not be limited to, the following information:

Information gathered to develop a strategy for further delimiting and effectively remediating subsurface contamination at the site.

Mr. Cummings
January 25, 1991
Page 3 of 4

A discussion of the human health issues associated with the removal of the UST's, and during site remediation may need to be conducted.

A tank closure/ modification plan for the removal of any additional underground storage tanks (USTs). The current closure plan approved by this office is for 2 UST's.

With the re-submitted tank closure plan, a revised Health & Safety Plan to address all issues of concern of the project.

A time schedule for the completion of the various phases of work including site characterization, plan implementation, tank removal, monitoring well installation, and soil and groundwater remediation.

After the completion of the site characterization/ assessment report subsequent reports must be submitted quarterly until this site qualifies for final RWQCB "sign off". Such quarterly reports are due the first day of the third month of each subsequent quarter (i.e., March 1, June 1, September 1, and December 1). These reports should describe the status of the investigation and must include, among others, the following elements:

- o Details and results of all work performed during the designated period of time: records of field observations and data, boring and well construction logs, water level data, chain-of-custody forms, laboratory results for all samples collected and analyzed, tabulations of free product thicknesses and dissolved fractions, etc.
- o Status of ground water contamination characterization
- o Interpretation of results: water level contour maps showing gradients, free and dissolved product plume definition maps for each target component, geologic cross sections, etc.
- o Recommendations or plans for additional investigative work or remediation

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

569-0505 Floor/Room # _____
Fax Phone Number

Name: Mark T. / Britt J. Title/Section _____

Agency: _____

Address: _____

Phone #: () _____

FROM:

568-3706 Floor/Room # _____
Fax Phone Number

Date: 1/7/91 Time Sent: _____

Sender: Paul S. Title/Section _____

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 3

Special Instructions/Comments:

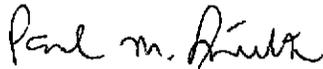
Mark, Britt,
Please review this letter. I'm thinking maybe I should
have put a paragraph in at the end talking about a deadline
of assessing the fact that the plan is not approved. Please
let me know what you think. Please call me should you

Mr. Gils
January 7, 1991
page 2 of 2

It is my understanding that you will advise me as to the plan to test for the variety of constituents specified in both the August 1991 SCS Work Plan and also for the RGA Work Plan specified items.

Should you have any questions pertaining to any of the above issues, do not hesitate to contact me at 271-4320.

Sincerely,



Paul M. Smith
Hazardous Materials Specialist

cc:

Alvin Bacharach
Barbara Borsuk
Randall Morrison, Crosby, Heafy, Roach and May
Mark Borsuk Esq.
John Cummings, SCS Consultants
Mark Thomson, Alameda County District Attorneys Office

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



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

FACSIMILE TRANSMITTAL

TO:

569-0505 Floor/Room # _____
Fax Phone Number

Name: Mark Thomson Title/Section _____

Agency: Ala Co. DA's office

Address: _____

Phone #: () _____

FROM:

548-3706 Floor/Room # _____
Fax Phone Number

Date: 1/2/91 Time Sent: _____

Sender: Pam Smith Title/Section _____

Phone #: () 271-4320

Number of Pages Including Transmittal Sheet: 3

Special Instructions/Comments:

Mark/Britt
Sorry I didn't get this to you earlier. Please comment
on this letter as you see fit

Thanks

[Signature]