

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
0524-06

May 23, 2006

Sydney & Barbara Borsuk Trust
Sheila Siegel Trust
c/o Mark Borsuk, Attorney at Law
1626 Vallejo Street
San Francisco, California 94123-5116

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Dear Mr. Borsuk:

Subject: Fuel Leak Case No. RO0000266,
1432 Harrison Street, Oakland, California

Alameda County Environmental Health (ACEH) staff has reviewed "Risk Assessment Work Plan" dated April 6, 2006 prepared by Cambria Environmental Technology, Inc. (Cambria). We request that you perform the proposed work and send us the information requested below.

TECHNICAL REPORT REQUEST

Please submit the information requested to Alameda County Environmental Health (Attention: Don Hwang), by:

July 23, 2006 - Risk Assessment

These reports are being requested pursuant to California Health and Safety Code Section 25296.10. 23 CCR Sections 2652 through 2654, and 2721 through 2728 outline the responsibilities of a responsible party in response to an unauthorized release from a petroleum UST system, and require your compliance with this request.

If you have any questions, please call me at (510) 567-6746.

Sincerely,

Don Hwang
Hazardous Materials Specialist
Local Oversight Program

C: Subbarao Nagulapaty, Cambria Environmental Technology, Inc.,
5900 Hollis Street Suite A, Emeryville, CA 94608
Donna Drogos
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



SENT
8-11-05

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

August 11, 2005

Estate of Alvin H. Bacharach
Barbara Jean Borsuk, Trustee
c/o Mark Borsuk, Esq.
1626 Vallejo Street
San Francisco, California 94123-5116

Dear Ms. Borsuk:

Subject: Fuel Leak Case No. RO0000266, A. Bacharach Trust,
1432 Harrison Street, Oakland, California

Alameda County Environmental Health (ACEH) staff has received "Initiating Risk Assessment" dated June 29, 2005 prepared by Cambria Environmental Technology, Inc. (Cambria) notifying us of their intention to proceed with a risk-based corrective action (RBCA) analysis. Title 23 CCR Chapter 16, Article 11, Sec. 2722, is cited. This regulation applies to workplans. We do not believe that your submittal constitutes a workplan. We intend to review your file as soon as possible. We request that you send us the information requested below.

Section 25297.15 requires the primary or active Responsible Party to notify all current record owners of fee title before the local agency considers cleanup or site closure proposals or issues a closure letter. For purposes of implementing section 25297.15, this agency has identified Estate of Alvin H. Bacharach, Barbara Jean Borsuk, Trustee as the primary or active Responsible Party. It is the responsibility of the primary or active Responsible Party to submit a letter to this agency within 20 calendar days of receipt of this notice that identifies all current record owners of fee title. It is also the responsibility of the primary or active Responsible Party to certify to the local agency that the required notifications have been made at the time a cleanup or site closure proposal is made or before the local agency makes a determination that no further action is required. If property ownership changes in the future, you must notify this local agency within 20 calendar days from when you are informed of the change.

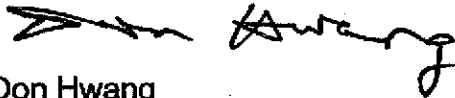
INFORMATION REQUEST

August 31, 2005 - Current record owners of fee title

Ms. Borsuk
August 11, 2005, Page 2

If you have any questions, please call me at (510) 567-6746.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Hwang". The signature is stylized with a long horizontal stroke at the beginning and a loop at the end.

Don Hwang

Hazardous Materials Specialist
Local Oversight Program

C: Subbarao Nagulapaty, Cambria Environmental Technology, Inc.,
5900 Hollis Street Suite A, Emeryville, CA 94608
Donna Drogos
File

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20266

December 31, 1998
STID 498

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700

Estate of Alvin H. Bacharach Leland Douglas
Barbara J. Borsuk, Trustee Douglas Parking Co.
C/o Mark Borsuk, Esq. 1721 Webster St.,
1626 Vallejo St. Oakland, CA 94612
San Francisco, CA 94123-5116

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Mr. Borsuk and Mr. Douglas:

This office received a groundwater monitoring report by Blaine Tech Services dated November 28, 1998 with amendments dated November 16, 1998 for the above site. The following are comments concerning the report:

1. The contamination levels seem to be rising in MW-1 and MW-2 but are down for the rest of the wells for TPHg and for benzene. This would indicate that the plume is not yet in a stable situation, but that it is now very small.
2. There are no comments, conclusions, or recommendations in this report.
3. The changes have also been received and included in the IIIQ report as you requested.

If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,

Thomas Peacock, Manager
Division of Environmental Protection

c: Dick Pantages, Acting Chief - files - Tom
Dave Deaner, SWRCB Clean-Up Fund
Richard Blaine, Blaine Tech Services, Inc., 1680 Rogers
Ave., San Jose, CA 95112
LeRoy Griffin, City of Oakland Hazardous Materials
John Riggi, Cambria Environmental Technology, Inc., 1144
65th St., Suite B, Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO#266

ENVIRONMENTAL HEALTH SERVICES

1131 Harbor Bay Parkway, Suite 250

Alameda, CA 94502-6577

(510) 567-6700

(510) 337-9335 (FAX)

October 13, 1998

STID 498

Estate of Alvin H. Bacharach Leland Douglas
Barbara J. Borsuk, Trustee Douglas Parking Co.
C/o Mark Borsuk, Esq. 1721 Webster St.,
San Francisco, CA 94123-5116 Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Mr. Borsuk and Mr. Douglas:

This office received a groundwater monitoring report by Blaine Tech Services dated August 14, 1998 for the above site. The following are comments concerning the report:

1. The contamination levels seem to be going down in all monitoring wells for TPHg and for benzene
2. The State Water Board also wrote you about declining pre-approval of corrective action costs.
3. There are no comments, conclusions, or recommendations in this report.

If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager

Division of Environmental Protection

c: Dick Pantages, Acting Chief - files - Tom
Dave Deaner, SWRCB Clean-Up Fund
Richard Blaine, Blaine Tech Services, Inc., 1680 Rogers
Ave., San Jose, CA 95112
LeRoy Griffin, City of Oakland Hazardous Materials

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0266

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

July 07, 1998

ATTN: Accounts Payable

Harrison Street Garage
1432 Harrison St
Oakland CA 94612

RE: Project # 2022C - Type M
at 1432 Harrison St in Oakland 94612

Dear Property Owner/Designee:

Our records indicate the deposit/refund account for the above project has fallen below the minimum deposit amount. To replenish the account, please submit an additional deposit of \$858.70, payable to Alameda County, Environmental Health Services, within two weeks of receipt of this letter.

It is expected that the amount requested will allow the project to be completed with a zero balance. Otherwise, more money will be requested or any unused monies will be refunded to you or your designee.

The deposit refund mechanism is authorized in Section 6.92.040L of the Alameda County Ordinance Code. Work on this project will be debited at the Ordinance specified rate, currently \$94 per hour.

Please be sure to write the following identifying information on your check:

- project #
- type of project and
- site address

(see RE: line above).

If you have any questions, please contact Amir Gholami at (510) 567-6876.

Sincerely,

Tom Peacock, Manager
Environmental Protection

c: files

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0266

ENVIRONMENTAL HEALTH SERVICES
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
(510) 337-9335 (FAX)

June 11, 1998
STID 498

Estate of Alvin H. Bacharach Leland Douglas
Barbara J. Borsuk Trustee Douglas Parking Co.
C/o Mark Borsuk, Esq. 1721 Webster St.,
1626 Vallejo St. Oakland, CA 94612
San Francisco, CA 94123-5116

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Mr. Borsuk and Mr. Douglas:

This office wrote a letter dated March 18, 1998. The additional investigation requested at that time did not seem warranted. New information on an upgradient site has changed the situation. A former Chevron station had operated a treatment system for several years. This system reversed the normal direction of groundwater flow, thus not allowing any contamination to flow towards your site. Although the remaining contamination is low and the site is some distance away, this office does not have any objection to the further investigation which you requested.

This office received and reviewed a Groundwater Monitoring Report dated May 27, 1998 by Blaine Tech Services for the above site. The following are comments concerning the report:

1. The levels of contamination do not seem to be going down in MW-1 and MW-2. Perhaps some method should be used to encourage bioremediation.
2. The contact for the Regional Board is now Chuck Headlee, rather than Richard Hiatt.
3. My Compuserve E-Mail address is replaced with a new e-mail address: Tpeacock@Co.Alameda.Ca.Us
4. There are no comments, conclusions, or recommendations in this report.
5. After discussion today with John Espinosa it was acknowledged that a workplan should be submitted for installation of any additional monitoring wells. This should be forthcoming, as well as a proposal to use ORC.

Bacharach and Borsuk and Douglas

STID 498

June 11, 1998

Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager

Division of Environmental Protection

c: Dick Pantages, Chief - files - Tom
Dave Deaner, SWRCB Clean-Up Fund
Richard Blaine, Blaine Tech Services, Inc., 1680 Rogers
Ave., San Jose, CA 95112
LeRoy Griffin, City of Oakland Hazardous Materials
Chuck Headlee, Regional Water Quality Control Board

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 266

March 18, 1998

Estate of Alvin H. Bacharach;
Barbara Jean Borsuk, Trustee
c/o Mark Borsuk, Esq.
1626 Vallejo St.
San Francisco, CA 94123-5116

Leland Douglas
Douglas Parking Co.
1721 Webster St.
Oakland, CA 94612

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

re: STID 498, 1432 Harrison St., Oakland, CA 94612

Dear Mr Borsuk:

This office has received and reviewed a IVQ '97 Monitoring Report dated February 16, 1998 by Blaine Tech Svcs. and a Corrective Action Plan (CAP) dated December 29, 1997 by Cambria Environmental Technology, Inc. The following are comments concerning these reports:

1. The CAP is acceptable to this office except that the additional investigation proposed on page 8 does not seem warranted. The tank in question was filled with concrete according to City of Oakland records and should not be an additional source. The monitoring report finds no contamination in the upgradient well, MW-6. Furthermore, this same report shows the gradient as going away from MW-1 and MW-2 (the wells with the most contamination) in both a northerly and a southerly direction. This would allow contamination to flow towards that tank rather than only away from it, as previously presented.
2. The monitoring report showed an increase in contamination in MW-1 and in MW-2, both for TPHg and for benzene. The 30,000 ppb for benzene is higher than any sample in more than a year and appears to be from some type of fresh source. This is a very unusual situation.

Please contact me at 510) 567-6782 if you have any questions regarding this letter.

Sincerely,

Thomas Peacock, Manager

c: Owen Ratchye, Cambria, 1144 - 65th St., suite B, Oakland, CA
Kent Brown, Blaine Tech Svcs., 1680 Rogers Ave., San Jose, CA 95112
Dave Deaner, UST Cleanup Fund, SWRCB
LeRoy Griffin, City of Oakland Hazardous Materials
Dick Pantages - Files

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 266

December 26, 1997

STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a Groundwater Sampling Report dated November 20, 1997 by Blaine Tech Services, a Third Quarter Monitoring Report by Cambria dated November 3, 1997, and a cover sheet dated November 23, 1997 and signed by Mark Borsuk for the above site. The following are comments concerning these reports:

Blaine:

1. The levels of contamination in MW-1 and MW-2 at this site are still very high (22,000 ppb benzene in MW-1). The benzene level and TPH level in MW-2 have actually gone up. This is highly unusual and appears to be from more of a fresh product rather than degraded gasoline. For the first time 270 ppb of MTBE has been found in MW-2 and 220 ppb in MW-2. 33 ppb of MTBE was found in MW-4 which is about 90 ft. downgradient from where the tanks were. This is also highly unusual and more indicative of a recent release.

Cambria:

2. The Cambria Report shows a groundwater gradient that is high around the location of the former leaking tanks and which flows to the north and also to the south. This is very curious as it seems there must be some type of inflow at the location of the former tanks for this mounding effect to occur. It certainly tends to eliminate previous suggestions that the contamination has come from an off site source to the south down Harrison St.

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Bacharach and Borsuk and Douglas
STID 498
December 26, 1997
Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Dick Pantages, Chief - files - Tom
Bob Chambers, Alameda County District Attorney's Office
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Richard Blaine, Blaine Tech Services, Inc., 1680 Rogers
Ave., San Jose, CA 95112
David Elias, Cambria, 1144 Sixty-Fifth St., Suite C,
Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO# 266

February 27, 1997
STID 498

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a Groundwater Sampling Report dated January 24, 1997 by Blaine Tech Services, and a Subsurface Investigation Report dated January 6, 1997 by Cambria Environmental Technology Inc. for the above site. The following are comments concerning the reports:

Cambria:

1. The levels of contamination found in SB-P and SB-Q, their location, and depth are such that they are not considered distinguishable from contamination from the source at this site.
2. This office agrees with the rest of the comments in the Conclusions and Recommendations.

Blaine:

1. The levels of contamination in MW-1 and MW-2 at this site are still very high (36,000 ppb benzene in MW-1). The benzene level in this well has actually gone up, while the TPHg level has declined by 35%. This is highly unusual and appears to be from more of a fresh product rather than degraded gasoline.
2. It is not necessary for you to purge the wells prior to sampling. This practice should be eliminated for the next round of sampling, which is due in March 1997. It is also not necessary for you to sample MW-3 or MW-6, which are ND wells. Chevron's wells C-8 and C-9 can be used, if ever needed, to see if there is any upgradient contamination contributing to this plume.

Bacharach and Borsuk and Douglas
STID 498
February 27, 1997
Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - **files** - Tom
Bob Chambers, Alameda County District Attorney's Office
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Richard Blaine, Blaine Tech Services, Inc., 1680 Rogers
Ave., San Jose, CA 95112
David Elias, Cambria, 1144 Sixty-Fifth St., Suite C,
Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



RO#266

November 19, 1996
STID 498

ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a IIIQ96 Groundwater Monitoring Report dated October 30, 1996 by Blaine Tech Services for the above site. The following are comments concerning the report:

1. The levels of contamination in MW-1 and MW-2 at this site are still very high (28,000 ppb benzene in MW-1) and there is no uncontaminated well in the area where the tanks had been. Three additional monitoring wells have been installed but their sampling results are not included in this report. The level of benzene in MW-2 at 20,000 ppb is even higher than the previous quarter so there does not seem to be any natural degradation going on at this site. The lateral extent of contamination has not been defined.
2. Your consultant, Cambria, has drilled 3 new wells, MW-4, MW-5, and MW-6 and has told this office that a report of the well installation and sampling is forthcoming.
3. You are also reminded that the two wells are due again for sampling in the month of December.

If you have any questions or comments, please contact this office at (510) 567-6782.

Bacharach and Borsuk and Douglas

STID 498

November 19, 1996

Page 2 of 2

Sincerely,



Thomas Peacock, Manager

Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files - Tom
Bob Chambers, Alameda County District Attorney's Office
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Richard Blaine, Blaine Tech Services, Inc., 985 Timothy
Dr., San Jose, CA 95133
Scott MacLeod, Cambria, 1144 Sixty-Fifth St., Suite C,
Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



20266

Alameda County CC4580
Environmental Protection Services
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

September 17, 1996
STID 498

Mark Borsuk
1626 Vallejo St.
San Francisco, CA 94123-5116

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Mark Borsuk:

This office received your letter dated September 12, 1996 titled Third Request. The Public Records Act only requires that information be given to the public which is under the control of the person the information is requested of. Information concerning the District Attorney's Office would have to be requested of the District Attorney's Office. Although I forwarded your request for personnel information to our Personnel Officer there is no requirement that I seek out who may have information that you are requesting. That is your responsibility.

Our Personnel Officer has just been reassigned and there is no replacement. All Personnel functions are now being done by Alameda County Public Health Personnel and that is who should receive any request concerning Paul Smith. They are located at 499 - 5th St. Oakland, CA 94507.

I hope this helps answer your letter. If you have any questions or comments, please contact me at (510) 567-6782.

Sincerely,

Thomas Peacock, Manager
Division of Environmental Protection

c: Lori Casias, SWRCB
Gordon Coleman, Acting Chief - files
Bob Chambers, Alameda County District Attorney's Office

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20266

Alameda County CC4580
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

August 29, 1996
STID 498

Lori Casias
Clean Water Program
State Water Resources Control Board
901 P Street
Sacramento, CA 95814

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Lori Casias:

This office received a letter from Mark Borsuk dated April 21, 1996 concerning District Attorney Charges. As you are aware, District Attorney time is part of our supply and service invoice and, as such, is not connected to any specific site. Any records which may be kept on a specific site related to, as Mr. Borsuk requested, dates, time, person, and task, would be administratively handled by our District Attorney's office. I have contacted that office and they will not respond to Mr. Borsuk's request simply by our forwarding it.

Mr. Borsuk further requested on April 26 to review these records in our office. We did not give him a confirmation because the records which he requested are not available here.

On August 2, 1996 Mr. Borsuk requested specific information concerning Mr. Paul Smith's personnel file. At this time this office has determined that the information requested is not public information. I forwarded that request to our Personnel Office to see if they also concur, especially since this office does not keep those types of records.

On August 25, 1996 Mr. Borsuk wrote your office questioning the use of the 206 activity code. 206 is used in this office when it is appropriate. There is never a consideration made as to whether the RP can then charge the Clean-up Fund for 206 charges.

On August 27, 1996 Mr. Borsuk wrote your office questioning Mr. Paul Smith and our District Attorney's office. Our answer to those two issues is above.

Lori Casias
STID 498
August 29, 1996
Page 2 of 2

I hope this helps you to answer his letter. If you have any questions or comments, please contact me at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Don Yee, Personnel Officer

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



20266

Alameda County CC4580
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

August 19, 1996
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a IIQ96 Groundwater Monitoring Report dated July 23, 1996 by Blaine Tech and a Pre-Approval of Corrective Action Cost Estimate from the Clean-Up Fund dated July 23, 1996 for the above site. The following are comments concerning the report and estimate:

1. The levels of contamination in MW-1 and MW-2 at this site are still very high (30,000 ppb benzene) and there is no uncontaminated well in the area where the tanks had been. This level of benzene is even higher than the previous quarter so there does not seem to be any natural degradation going on at this site. The lateral extent of **contamination has not been defined.**
2. Your consultant, Cambria, seems to have been approved by the State Water Resources Control Board Clean-up Fund to do an 8-hour SVE Pilot test and, if successful, this should be a big step towards cleaning up this site.
3. You are reminded that you are to begin field work on this proposal within 30 days.
4. You are also reminded that the two wells are due again for sampling in the month of September.

If you have any questions or comments, please contact this office at (510) 567-6782.

Bacharach and Borsuk and Douglas

STID 498

August 19, 1996

Page 2 of 2

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Blaine Tech Services, Inc., 985 Timothy Dr., San Jose, CA
95133
Scott MacLeod, Cambria, 1144 Sixty-Fifth St., Suite C,
Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

20266

Alameda County
Environmental
1131 Harbor B.
Alameda CA

CC4580
ices
n 250

July 9, 1996
STID 498

1432-1434

EMISSION

HAS ONLY

1432

ST #

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a IQ96 Groundwater Sampling Report dated May 10, 1996 by Blaine Tech and an Investigation Workplan preliminary dated May 7, 1996 and final dated May 16, 1996 by Cambria Environmental Technology, Inc. For the above site. The following are comments concerning these reports:

1. The levels of contamination in MW-1 and MW-2 at this site are very high (29,000 ppb benzene) and there is no uncontaminated well in the area where the tanks had been. The lateral extent of contamination has not been defined. There appears to be a reporting error for TPH gasoline in MW-1 and MW-2 as the levels (140 and 150) are three orders of magnitude below previous measurements as well as below the current measurement for benzene.
2. This office accepts the workplan and comments. It is good to see that the consultant also eliminated the Chevron site from being an additional source. The gradient to the north may be incorrect from their data because there has been significant pumping at that site which has caused a cone of depression around the site. The office also accepts the remedial feasibility study and further investigation proposal.
3. You are reminded that you are to begin field work on this proposal within 30 days.
4. You are also reminded that the two wells were due for sampling again in the month of June.

Alvin H. Bacharach and Leland Douglas
Barbara J. Borsuk Trust
1432 - 1434 Harrison St., Oakland, CA 94612
Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 567-6782.

Sincerely



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Blaine Tech Services, Inc., 985 Timothy Dr., San Jose, CA
95133
Scott MacLeod, Cambria, 1144 Sixty-Fifth St., Suite C,
Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



Ro#266

Alameda County CC4580
Environmental Health Services
1131 Harbor Bay Pkwy., #250
Alameda CA 94502-6577
(510)567-6700 FAX(510)337-9335

May 6, 1996

Dave Deaner, Manager
Cleanup Fund
Division of Clean Water Programs
State Water Resources Control Board
P.O. Box 944212
Sacramento, CA 94224-2120

Dear Dave Deaner:

Recently we have had **two different consultants** (ACC Environmental Consultants and Cambria Environmental Tech, Inc., as attached) come in our office to review files for other sites. Both of these consultants were working for STID 498, 1432 Harrison St., Oakland, CA 94612. The RP's listed are A. Bacharach and B. Borsuk and Leland Douglas, but Mark Borsuk is the RP contact for both of these consultants. He apparently is working for his mother, B. Borsuk.

Both of these consultants spent over half a day in our office reviewing adjacent files, the purpose was to gather information for Mark Borsuk on **fair and equal treatment**, whether our office follows **proper procedures**, and the possibility of an up gradient source of his mother's site's contamination. Since he has not defined the lateral extent of contamination this activity is somewhat premature. This office has **already looked for up gradient sources** at his request, in our own files.

You were very concerned about his use of the fund. We are concerned that he may try to charge the fund for this activity, and associated consultant fees, although the activity was **not directed** by us. We are trying to keep costs down, not to inflate them.

This office also has indication that there was an insurance settlement between Borsuk and Douglas whereby Douglas's insurer agreed to pay about \$200,000 to Borsuk for the contamination caused. We are trying to find evidence of this.

This information is also important as Mark Borsuk has recently written a scathing White Paper to the SB 1764 Committee, dated December 19, 1995. The subject of his 11 page submittal was to "Abolish the UST Program." His paper seems very contrary to actions he is doing and not doing on his own site. His paper was also published in the California Environmental Law reported, March 1996, titled, "The Leaking Tank Scam."

If you have any questions concerning this matter please contact Tom Peacock at (510) 567-6782.

Sincerely,



Gordon Coleman, Acting Chief
Division of Environmental Protection

c: Thomas Peacock, Manager - file
Mee Ling Tung, Director

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 266

RAFAT A. SHAHID, Assistant Agency Director

April 8, 1996
STID 498

Alameda County CC4580
Environmental Protection Services
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a Groundwater Sampling Report dated January 28, 1996 by Blaine Tech for the above site. The following are comments concerning this report and for the site:

1. The levels of contamination in MW-1 and MW-2 at this site are very high (120,000 ppb TPHg and 33,000 ppb benzene) and there is no uncontaminated well in the area where the tanks had been. The lateral extent of contamination has not been defined. Although it has been alleged that there is another plume contributing to this contamination, there is no information regarding soil or groundwater data to lead to that conclusion.
2. In the letter from this office dated September 13, 1995, this office agreed with the recommendations on page 4 and 5 made by your consultant, Cambria Environmental Technology, Inc. This recommendation included further investigation to define the extent of contamination. To date, no proposal has been made to do this investigation and over 6 months has elapsed.
3. You are directed to submit, to this office, a work plan to define the lateral extent of contamination in soil and groundwater within 30 days.
4. You are directed to plan a time schedule to begin field work on this investigation within 60 days.
5. You are reminded that the two wells were due for sampling again in the month of March.

Alvin H. Bacharach and Leland Douglas
Barbara J. Borsuk Trust
1432 - 1434 Harrison St., Oakland, CA 94612
Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Blaine Tech Services, Inc., 985 Timothy Dr., San Jose, CA
95133

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO# 266

RAFAT A. SHAHID, Assistant Agency Director

February 9, 1996
STID 498

Alameda County Environmental Health Dept.
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577
(510)567-6700 fax: (510)337-9335

Lori Casias
Clean Water Program
State Water Resources Control Board
901 P Street
Sacramento, CA 95814

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Lori Casias:

This office received and reviewed an Appeal of LOP Charges dated January 22, 1996 and addressed to you concerning the above site. The following will attempt to clarify the concerns of Mr. Mark Borsuk:

A: (First paragraph) Any Hazardous Material Specialist may charge to the LOP program when called upon for work or consultation. This is common practice and essential for quality work. Paul Smith was the case officer prior to this being an LOP case. The fact that Paul Smith did not issue a Notice of Violation does not alleviate the fact that the tanks at the above site were abandoned and no permit had been applied for, as required.

(next paragraph) It is true that the response dated December 22, 1995 was not sent to you. This was an oversight, as it was sent directly to the Borsuks and Mr. Douglas. It was also copied to Dave Deaner.

(next paragraph) The Lop is not a judge in any case. We are an administrative group that gives our best judgement and opinion about cases within the scope of the law and regulation. It is up to the courts to judge what is fact. Again, the fact that Paul Smith did not issue a Notice of Violation does not alleviate the fact that the tanks at the above site were abandoned and no permit had been applied for, as required prior to January 26, 1995. Paul Smith told what he remembered which was not in the written record of this case.

(next paragraph, page 2 of 3, #1) As stated in the letter of December 22, 1995 Paul Smith used activity code 212 in error and should have charged code 204.

(next paragraph, page 2 of 3, #2) Paul Smith did not keep a written record of his telephone conversation. This office did not say who the contact was at the State Board on instructions of our District Attorney's Office.

Lori Casias
STID 498
February 9, 1996
Page 2 of 2

(last paragraph, 2 of 3) In 4 quarters only 1 monitoring report was submitted and no extension was ever granted. This was not in compliance with a quarterly monitoring schedule.

(1st paragraph, 3 of 3) The only written summary has been provided.

(next paragraph) The RP requested this office look at an adjacent site as it could be affecting his pollution. It was not and that site has since been closed.

(next paragraph) I have no idea what site this refers to. It may be STID 1098, which is closed. The RP did ask us to look at that site, even though it was low priority and had not been worked because of that fact.

(next paragraph) The LOP has not had an independent audit but one is scheduled to begin next week.

I hope this helps you to answer his letter. If you have any questions or comments, please contact me at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

R0266
ARNOLD PERKINS, DIRECTOR
RAFAT A. SHAHID, DEPUTY DIRECTOR

December 22, 1995
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Alameda County
Environmental Protection Division
1131 Harbor Bay Parkway, Room 25
Alameda CA 94502-6577
Leland Douglas 567-6700
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed an Appeal of LOP Charges dated September 19, 1995 and November 23, 1995, a project update dated September 20, 1995, and a report of 3rd qtr monitoring well sampling dated November 15 (November 14, 1995). The following are comments concerning these correspondences:

Re: Sep 19 appeal:

- #1. Paul Smith should have used code #204, which is talking to the Water Board.
- #2. The question at hand concerned previous actions and examining a pattern of non-compliance, which may have existed.
- #3. At this time, Mr. Smith's contact at the State Board is considered confidential.
- #4. Prior history was used to examine the issues of appropriate action which must consider prior actions and also to look at a pattern of non-compliance. This site has been out of compliance several times in this case history.

Re: Sep 20 Update:

This brief letter is acceptable to this office.

Re: Nov 23 LOP Charges:

Attached is a site history report which should answer your first question. The remaining questions are directed more toward the State Water Resources Control Board.

Re: Groundwater Sampling Report by Blaine Tech dated November 14, 1995:

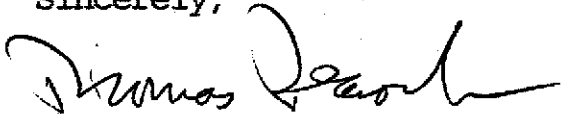
1. The amount of contamination in all two of the three wells is extremely high, with as much as 110,000 ppb TPHg and 27,000 ppb benzene.
2. There are no recommendations by Blaine Tech Services, Inc., Cambria Environmental Technology, Inc., National Environmental Testing, Inc., or by Mark Borsuk in his cover letter.

Alvin H. Bacharach and Barbara J. Borsuk Trust
Leland Douglas
STID 498
December 22, 1995
Page 2 of 2

3. You are directed to further delineate the vertical and lateral extent of soil and groundwater contamination, especially in the downgradient direction, although, with both wells heavily contaminated, there is no delineation in any direction. MW-1 and MW-2 showed no degradation of contamination with MW-1 actually showing an increase in BTEX levels. This office agreed with previous recommendations to further delineate the vertical and lateral extent of soil and groundwater contamination. There is a lot of contamination around the former fuel tanks and the extent of this contamination has not been defined.

If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,



Thomas Peacock, Manager
Division of Environmental Protection

c: Gordon Coleman, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
N. Scott MacLeod, Cambria Environmental Technology, Inc.,
1144 65th St., Suite C, Oakland, CA 94608
Richard C. Blaine, Blaine Tech Services, 985 Timothy Dr.,
San Jose, CA 95133

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0266

RAFAT A. SHAHID, DIRECTOR

September 13, 1995
STID 498

DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6777

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed Results of Subsurface investigation dated August 10, 1995 by Cambria Environmental Technology Inc. for the above site. The following are comments concerning this report:

1. This office agrees with the recommendations on page 4 and 5 except that there is not any evidence at this time to say that other off-site tanks have caused the contamination. There is just a lot of contamination around the former fuel tanks and the lateral extent of this contamination has not been defined.
2. There is a comment in a letter dated May 15, 1995 that the buildings would be demolished soon. It appears that there has not been any demolition to date and the parking structure is still being used.
3. There is not a summary of sampling for MW-1 and MW-2 but on a quarterly schedule you are reminded that those wells are due for sampling again in the month of September.

If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,

Thomas Peacock, Manager
Division of Environmental Protection

- c: George Young, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Joseph Theisen, Cambria Environmental Technology, Inc.,
1144 65th St., Suite C, Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



ADDRESS: 1432 Harrison
St.
Oakland, CA

R0266

RAFAT A. SHAHID, DIRECTOR

August 14, 1995

Lori Casias
Division of Clean Water Programs
State Water Resources Control Board
P.O. Box 944212
Sacramento, CA 94224-2120

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

Dear Lori Casias:

This letter is in response to a letter written to you dated July 11, 1995 by Mark Borsuk concerning STID 498 in the LOP program. Referring to his letter dated May 16 he asked for an explanation for 1 hour of meeting charge on October 3, 1994. That charge was made by Paul Smith of our office and involved speaking with me and also the State Water Resources Control Board concerning whether this site was in compliance during a period of time familiar to Mr. Paul Smith.

If you have any questions concerning this matter please contact me at (510) 567-6782.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Thomas Peacock'.

Thomas Peacock, Supervising HMS
Division of Environmental Protection

c: Leroy Todd, Acting Chief- files
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



#1432 Harrison St.

R0266

RAFAT A. SHAHID, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
1131 Harbor Bay Parkway
Alameda, CA 94502-6577
(510) 567-6700

June 22, 1995

Lori Casias
Division of Clean Water Programs
State Water Resources Control Board
P.O. Box 944212
Sacramento, CA 94224-2120

Dear Lori Casias:

This letter is in response to a letter written to you by Mark Borsuk concerning STID 498 in the LOP program. He questions the validity of 2 activity code 206 charges totalling \$121.20. The charges were on 11/15/94 and 11/16/94 for 0.3 and 1.7 hours. They involved speaking with Gil Jensen, our District Attorney, and reviewing the case file for a summary. This was done as it seemed that there was a pattern of non-compliance developing on this case, as follows:

July 30, 94 mw's finally drilled, 1 week later than the last extension which was granted.

Aug 16, 94 a request was made to submit a monitoring schedule by 1 Oct. Schedule was never delivered.

Sep 26, 94 RP requested extension to Nov 1, 94 for submittal of 2nd monitoring report for wells drilled 30 Jul 94. Extension was never granted and no report was submitted. It is now in the 4th quarter since the tanks were removed and there has been only 1 quarterly report submitted.

This information and chronology of action was compiled at that time and discussed as "what to do?" with the District Attorney.

If you have any questions concerning this matter please contact me at (510) 567-6782.

Sincerely,

Thomas Peacock, Supervising HMS
Division of Environmental Protection

c: Jun Makishima, Acting Chief- files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0 266

April 26, 1995
STID 498

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk and Leland Douglas:

This office received and reviewed a 1st quarter sampling report dated April 12, 1995 by Blaine Tech Services and an additional monitoring report by Cambria Environmental Technology Inc. dated April 11, 1995 for the above site. The following are comments concerning these reports:

1. There are still very high levels of contamination in the area of MW-1 and MW-2. Your request to cease monitoring of MW-3 is acceptable although the well may still be needed to determine gradient or if contamination is shown to migrate. The extent of contamination is not defined in any direction around MW-1 and MW.
2. There were no recommendations or conclusions in these reports. There was also no statement of proposed actions in the next quarter. These should be included.
3. It is not necessary to copy the Regional Water Quality Control Board with reports. If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,

Thomas Peacock, Supervising HMS
Division of Environmental Protection

cc: Bill Raynolds, Acting Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Taylor Bennett, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund
Joseph Theisen, Cambria Environmental Technology, Inc.,
1144 65th St., Suite C, Oakland, CA 94608

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



Alameda County CC4580
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577

R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 10, 1995
STID 498

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office received and reviewed a 4th quarter sampling report dated January 19, 1995 by Blaine Tech Services for the above site. The following are comments concerning this report:

1. It seems that there is very high levels of contamination in the area of MW-1 and MW-2. MW-3 is not showing any contamination. The extent of contamination is not defined in any direction around these two wells. Even the direction towards MW-3 is not defined as it is an entire block away and apparently in a cross gradient direction.

2. Your proposal for expanding the investigation was found acceptable, although actual survey points may be modified based upon the most recent data. There were no recommendations or conclusions in this report. There was also no statement of proposed actions in the next quarter. These should be included.

4. It is not necessary to copy the Regional Water Quality Control Board with reports. If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Thomas Peacock'.

Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Taylor Bennett, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RO#266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

January 26, 1995
STID 498

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

ALAMEDA COUNTY CC4580
DEPT. OF ENVIRONMENTAL HEALTH
ENVIRONMENTAL PROTECTION DIVISION
1131 HARBOR BAY PKWY., #250
ALAMEDA CA 94502-6577

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

NOTICE OF VIOLATION

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office received and reviewed Proposal dated January 9, 1995 for Phase II Implementation of your Work Plan for the above site submitted by Levine-Fricke. This office has not received a quarterly monitoring report for this period, as required by Title 23, Division 3, Chapter 16, Article 11, 2726(a) of the California Code of Regulations. The following are comments concerning this proposal and the lack of an appropriate quarterly monitoring report:

1. Initial well development and sampling was done 30 Jul 94. This would have made the next quarterly report due in October. The Chevron site which is nearby was sampled on Sep. 26, 1994. It was be due again in December. Levine Fricke sampled wells on Sep. 13 (there appears to be a discrepancy in coordination between Sep. 13 and 26) but only for groundwater level measurements. There was no sampling done for any contamination which is on the site.
2. In a Sep. 6 letter from this office we agreed to a minimum of 4 quarters of monitoring. Quarterly reports are due every quarter. A requested deadline of submittal of an addendum to Nov. 1, 1994 was not agreed to by this office.
3. There has apparently not been any sampling done since the initial July 1994 sampling. There was not a quarterly report submitted in September or in December, although Mark Borsuk says in a conversation today that a report will be submitted within days. It has been 5 quarters since the tanks were removed and only 1 quarterly report has been submitted to this office.

Harrison St. Garage
STID 498
Page 2 of 2
January 25, 1995

4. It is certainly reasonable to allow an extension to conducting further investigation since the building will be demolished. However, demolition of the building should not stop ground water monitoring, level measurement, or the writing and submittal of a quarterly report. You must submit a quarterly report to this office within 30 days. The District Attorney has instructed this office that the request contained in this letter will put you in current compliance for the purposes of the administration of the underground storage tank Clean-up Fund, but any compliance in response to this letter should not, will not, preclude their taking independent enforcement action in this matter, given the repetitive violations which they are aware of. this case.

If you have any questions or comments, please contact this office at (510) 567-6782.

Sincerely,



Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Taylor Bennett, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116
Dave Deaner, SWRCB Clean-Up Fund

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



1432 Harrison St.

R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

September 6, 1994
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Harrison St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office received and reviewed a Soil and Groundwater Investigation Report for the above site dated September 1, 1994 and submitted by Levine-Fricke.

This office concurs with the recommendations on page 7 of the report. Please note that 4 quarters of monitoring is a minimum and not a maximum, especially when contamination is discovered. The lateral and vertical assessment of soil and groundwater contamination is really a first step in moving forward on the cleanup of this property.

If you have any questions or comments, please contact this office at (510) 567-6700. Note our new address and telephone.

Sincerely,

Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
John Sturman, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



SITE ADDRESS: 1432 Harrison St.
Oakland, CA 94612

R0266

June 28, 1994
STID 498

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

Alvin H. Bacharach and Barbara J. Borsuk
383 Diablo Rd., Suite 100
Danville, CA 94526

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office accepted a Work Plan for Soil and Ground-water Investigation dated October 13, 1993 by Levine-Fricke concerning the above site. This office approved that workplan and a modification in as letter dated April 14, 1994. In that letter it was agreed that a report concerning implementation of the workplan would be submitted to this office by July 1994.

To date there has been no contact with this office concerning the implementation of the workplan. This mainly concerns drilling monitoring wells and sampling at the site. July begins at the end of this week. Lack of field work being accomplished will be considered as non-compliance with the agreed upon schedule of work.

If you have any questions or comments, please contact this office at (510) 271-4330. (Our location has moved to Alameda and the phone system is not complete. If you do call, please be patient.)

Sincerely,

Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Kevin Graves, RWQCB
Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Leland Douglas, Douglas Parking Co., 1721 Webster St.,
Oakland, CA 94612
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



SITE: 1432 Harrison St.
Oakland, CA 94612

RO 266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

April 14, 1994
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office accepted your Workplan for Soil and Groundwater investigation dated October 13, 1993 by Levine-Fricke. You then submitted a Modification to the Workplan which was dated April 8, 1994, also by Levine-Fricke. This Modification is acceptable to this office. In the Modification you present a timeline for completion of the several tasks. The report on workplan implementation, by this timeline, should be complete and presented to this office by July 1994.

Also presented was a letter describing treatment and disposal of soils. Records of disposal, manifests, and laboratory analysis for tests that were cited must also be submitted.

If you have any questions or comments, please contact this office at (510) 271-4530.

Sincerely,

Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
John Sturman, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



SITE: 1432 Harrison St
Oakland, CA

R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

March 15, 1994
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office accepted your Workplan for Soil and Groundwater investigation dated October 13, 1993, which stated on page 7 that drilling was expected to begin within about one month from the date of approval. It has been over 5 months from that workplan submittal and there has been no contact with this office concerning any well drilling, or soil and groundwater investigation taking place. Furthermore, the workplan above included the installation of three groundwater monitoring wells. There has been no contact with this office concerning this activity, which is overdue to be accomplished.

This office has also received and reviewed a Tank Closure Report concerning the above site. The report is acceptable with the following comments:

1. The recommendations section on page 13 recommends that fuel leak case closure be completed. This case is not suitable for case closure at this time. The next step that must be completed is a soil and groundwater investigation, as elaborated in your work plan dated October 13, 1993.
2. The petroleum contamination at this site is obviously of such magnitude as to require the above mentioned investigation. The first important need of this investigation

March 15, 1994
Bacharach & Borsuk
1432 Harrison St., Oakland
STID 498
Page 2 of 2

is to define the vertical and lateral extent of soil and groundwater contamination. Once done, a feasibility study should be done in order to select the best method of remediating soil and any groundwater contamination. These steps are essential tasks which must be completed as soon as possible.

3. The levels of contamination found during the tank removal (as high as O & G 17,000 ppm, TPHg 3,100 ppm, BTEX 11,000 ppb, 190,000 ppb, 64,000 ppb, 400,000 ppb respectively) are so high as to be a public health hazard in this neighborhood. Their extent must be evaluated and controlled as soon as possible.

4. The site drawings did not show any levels of contamination found or attempt to delineate any areas of contamination. This type of exercise is important to define the extent of contamination at this site and should be presented in the next report.

5. A quarterly report stating what actions have been taken and what actions should occur in the future should be submitted every quarter. As you are overdue for the installation of monitoring wells, this activity should be done first within this quarter. Quarterly monitoring reports should then follow every 3 months.

If you have any questions or comments, please contact this office at (510) 271-4530.

Sincerely,



Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Richard Hiett, RWQCB
Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
John Sturman, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
SWRCB - Clean-Up Fund

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer: P386 338 449

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

February 25, 1994
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

NOTICE OF NON-COMPLIANCE

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office accepted your workplan dated October 13, 1993 as well as your underground tank removal plans. The underground tanks were removed by December 7, 1993. A report of sampling results and tank removal was due to this office within 60 days.

On February 16, 1994 this office contacted your consultant, who asked if the report of tank removal could be sent to this office by February 18, 1994. It is now 1 week after that date.

There has been no further contact from you or your agents regarding the delay, which is now more than 2 weeks.

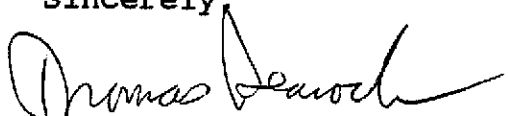
You are directed to send a technical report of underground tank removal to this office **within 2 weeks**.

Furthermore, your workplan above included the installation of three groundwater monitoring wells. There has been no contact with this office concerning this activity, which is **overdue** to be accomplished.

February 25, 1994
Bacharach & Borsuk
1432 Harrison St., Oakland
STID 498
Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 271-4530.

Sincerely,



Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Richard Hiett, RWQCB
Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
John Sturman, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
SWRCB - Clean-Up Fund

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



1432 Harrison St. Oakland

R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

Certified Mailer: P 386 338 450

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

February 25, 1994
STID 498

Alvin H. Bacharach and
Barbara J. Borsuk Trust
383 Diablo Rd., Suite 100
Danville, CA 94526

Leland Douglas
Douglas Parking Co.
1721 Webster St.,
Oakland, CA 94612

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

NOTICE OF NON-COMPLIANCE

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On February 16, 1994 this office contacted your consultant, who asked if the report of tank removal could be sent to this office by February 18, 1994. It is now 1 week after that date.

There has been no further contact from you or your agents regarding the delay, which is now more than 2 weeks.

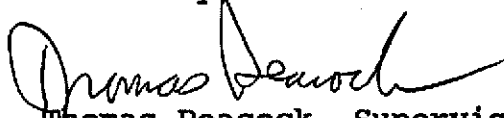
You are directed to send a technical report of underground tank removal to this office **within 2 weeks**.

Furthermore, your workplan above included the installation of three groundwater monitoring wells. There has been no contact with this office concerning this activity, which is **overdue** to be accomplished.

February 25, 1994
Bacharach & Borsuk
1432 Harrison St., Oakland
STID 498
Page 2 of 2

If you have any questions or comments, please contact this office
at (510) 271-4530.

Sincerely,



Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Richard Hiett, RWQCB
Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
John Sturman, Levine Fricke, 1900 Powell St., 12th Fl.,
Emeryville, CA 94608
SWRCB - Clean-Up Fund

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



SITE: 1432 Harrison St.

R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

November 14, 1993
STID 498

Alvin H. Bacharach and Barbara J. Borsuk
383 Diablo Rd., Suite 100
Danville, CA 94526

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office has received and reviewed a Work Plan for Soil and Ground-water Investigation dated October 13, 1993 by Levine-Fricke concerning the above site. The following comments are to be considered:

1. This office requires at least 1 week notice for the field activities to be conducted on a Saturday.
2. An Underground Tank Removal Plan must be submitted to this office prior to tank removal. A copy of the plan and instructions is attached.
3. The workplan for a soil and ground-water investigation is acceptable.

If you have any questions or comments, please contact this office at (510) 271-4530.

Sincerely,

Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Richard Hiett, RWQCB
Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Leland Douglas, Douglas Parking Co., 1721 Webster St.,
Oakland, CA 94612
Enclosures

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



DAVID J. KEARS, Agency Director

Certified Mailer # P 422 218 067
November 8, 1993
STID 498

A. Bacharach & B. Borsuk
1432 Harrison St.
Oakland CA 94612

Leland Douglas
Douglas Parking Co.
1721 Webster St.
Oakland, CA 94612

R0266

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

Dear A. Bacharach & B. Borsuk and Leland Douglas:

This office has received a Work Plan for Soil and Ground-Water Investigation by Levine-Fricke, dated October 13, 1993. This was approved and a letter from this office dated October 18, 1993 was sent.

A technical report addressing the removal of underground storage tanks, hydraulic lifts, and associated piping from the site was also to have been submitted. The only reference to these tanks in the above workplan was in the last paragraph of the cover sheet and in the second paragraph of page 1 where it is mentioned that removal of the tanks is planned for the month of November. **This is not a tank removal plan.** An adequate plan, as you and Levine-Fricke have been told, must be in the Alameda County Tank Removal Format. This Tank Removal Plan has numerous items and information which is essential to approval of the plan. **None of these items are addressed in the above cited sentences.**

You are requested to submit 3 copies of an Alameda County Tank Removal Plan. A copy of the plan is attached.

You are therefore in violation of Title 23, Division 3, Chapter 16, 2670 (f), of the California Code of Regulations, which states:

"At least 30 days prior to closure, or for such shorter period of time as may be approved by the local agency, the underground storage tank owner who intends to close a tank shall submit to the local agency a proposal describing how the owner intends to comply with section 2671 or 2672 of this article, as appropriate."

If you have any questions concerning the contents of this letter, please call this office.

Bacharach & Borsuk
November 8, 1993
STID 498
Page 2 of 2

This violation has been referred to the Alameda County District Attorney's office for appropriate action.

Sincerely,



Thomas Peacock
Supervising HMS

cc: Gil Jensen, Alameda County District Attorney
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
William R. Attwater, SWRCB, 901 P St., P.O. Box 100,
Sacramento, CA 95812-0100
Steve Richie, RWQCB
Edgar Howell, Chief - Files

tp

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

R0266

DEPARTMENT OF ENVIRONMENTAL HEALTH
State Water Resources Control Board
Division of Clean Water Programs
UST Local Oversight Program
80 Swan Way, Rm 200
Oakland, CA 94621
(510) 271-4530

October 18, 1993
STID 498

Alvin H. Bacharach and Barbara J. Borsuk
383 Diablo Rd., Suite 100
Danville, CA 94526

RE: 1432 - 1434 Franklin St., Oakland, CA 94612

Dear Alvin H. Bacharach and Barbara J. Borsuk:

This office has received and reviewed a Work Plan for Soil and Ground-water Investigation dated October 13, 1993 by Levine-Fricke concerning the above site. The following comments are to be considered:

1. This office requires at least 1 week notice for the field activities to be conducted on a Saturday.
2. An Underground Tank Removal Plan must be submitted to this office prior to tank removal. A copy of the plan and instructions is attached.
3. The workplan for a soil and ground-water investigation is acceptable.

If you have any questions or comments, please contact this office at (510) 271-4530.

Sincerely,

Thomas Peacock, Supervising HMS
Hazardous Material Division

cc: Richard Hiett, RWQCB
Edgar Howell, Chief - files
Gil Jensen, Alameda County District Attorney's Office
Randall Morrison, Crosby, Heafey, Roach & May, 1999
Harrison St., Oakland, CA 94612
Bernie Rose, Randick & O'Dea, 1800 Harrison St., Suite
2350, Oakland, CA 94612
Leland Douglas, Douglas Parking Co., 1721 Webster St.,
Oakland, CA 94612
Enclosures

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

| | | |
|--------------------------------|---|---------------------------|
| In Re The Property Known As : |) | Notice of Official Action |
| A. Bacharach Trust & B. Borsuk |) | By the San Francisco Bay |
| 1432 Harrison St. |) | Regional Water Quality |
| Oakland, CA 94612 |) | Control Board |
| |) | |
| |) | |

Dear Sirs:

The attached **Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b)** has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this **Official Action**, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Thomas Peacock, do hereby certify that I served A. Bacharach Trust and B. Borsuk with a copy of the attached **Notice of Official Action by the Regional Board** by certified mailer # P 113 815 055.

Dated: October 1, 1993



(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

| | | |
|--------------------------------|---|---------------------------|
| In Re The Property Known As : |) | Notice of Official Action |
| A. Bacharach Trust & B. Borsuk |) | By the San Francisco Bay |
| 1432 Harrison St. |) | Regional Water Quality |
| Oakland, CA 94612 |) | Control Board |
| |) | |
| |) | |
| |) | |

Dear Sirs:

The attached Official Notice of Request for Technical Reports pursuant to Water Code Section 13267(b) has been forwarded to this office for legal service, and oversight. As the Agency responsible for enforcing the terms of this Official Action, all communication should continue to be directed to this office. Please make arrangements to comply by calling me at (510) 271-4530 to coordinate all future activities.

Failure to comply could result in liability for civil or administrative penalties of up to \$1000 per day of delinquency.

I Thomas Peacock, do hereby certify that I served Leland Douglas with a copy of the attached Notice of Official Action by the Regional Board by certified mailer # P 113 815 054.

Dated: October 1, 1993



(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :)

**Notice of
Pre-Enforcement
Review Panel**

Harrison Street Garage
1432 Harrison St., Oakland, CA 94612)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on August 31, 1993 at 9:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. **A. Bacharach & B. Borsuk Trust**
383 Diablo Rd. #100
Danville, CA 94526
2. **Leland Douglas**
Douglas Parking Co.
1721 Webster St.
Oakland, CA 94112
3. **William J. Trinkle, Randick & O'Dea**
1800 Harrison St., Suite 2350
Oakland, CA 94612

Dated: July 21, 1993


(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)

Proof of Service of

1432 Harrison St.
Oakland, CA 94612

)
)
)

Notice of
Pre-Enforcement
Review Panel

I Shirley M. Simril, do hereby certify
that I served A. Bacharach & B. Borsuk Trust
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 21, 1993 by certified
mailer # P 418 724 543

Dated: July 21, 1993

Shirley M. Simril
(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :)

**Notice of
Pre-Enforcement
Review Panel**

Harrison Street Garage
1432 Harrison St., Oakland, CA 94612)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on August 31, 1993 at 9:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

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1. **A. Bacharach & B. Borsuk Trust**
383 Diablo Rd. #100
Danville, CA 94526
2. **Leland Douglas**
Douglas Parking Co.
1721 Webster St.
Oakland, CA 94112
3. **William J. Trinkle, Randick & O'Dea**
1800 Harrison St., Suite 2350
Oakland, CA 94612

Dated: July 21, 1993



(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :)

Proof of Service of

1432 Harrison St.
Oakland, CA 94612

)
)
)

Notice of
Pre-Enforcement
Review Panel

I Shirley M. Simril, do hereby certify
that I served Leland Douglas
with a copy of the attached Notice of Pre-Enforcement Review
Panel on July 21, 1993 by certified
mailer # P 418 724 544

Dated: July 21, 1993

Shirley M. Simril
(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

In Re The Property Known As :) Notice of
 * Pre-Enforcement
 * Review Panel

Harrison Street Garage
1432 Harrison St., Oakland, CA 94612)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on August 31, 1993 at 9:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

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1. **A. Bacharach & B. Borsuk Trust**
383 Diablo Rd. #100
Danville, CA 94526
2. **Leland Douglas**
Douglas Parking Co.
1721 Webster St.
Oakland, CA 94112
3. **William J. Trinkle, Randick & O'Dea**
1800 Harrison St., Suite 2350
Oakland, CA 94612

Dated: July 21, 1993

Thomas DeLoach
(signature)

Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division

In Re The Property Known As :) Proof of Service of

1432 Harrison St.)
Oakland, CA 94612) Notice of
Pre-Enforcement
Review Panel

I Shirley M. Simril, do hereby certify
that I served William J. Trinkle, Randick & O'Dea
with a copy of the attached **Notice of Pre-Enforcement Review**
Panel on July 21, 1993 by certified
mailer #P 418 724 545

Dated: July 21, 1993 Shirley M. Simril
(signature)

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

certified mailer # P 367 603 857

In Re The Property Known As :) **Notice of
Pre-Enforcement
Review Panel**

1432 Harrison St. Oakland, CA 94612)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a Review Panel will convene on July 27, 1993 at 9:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This Review Panel will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

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1. A. Bacharach & B. Borsuk Trust
383 Diablo Rd. #100, Danville, CA 94526
2. Leland Douglas, Douglas Parking Co.
1721 Webster St., Oakland, CA 94612
3. William J. Trinkle, Randick & O'Dea
1800 Harrison, Suite 2350, Oakland, CA 94612

Dated: July 7, 1993

Thomas Deacon

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

certified mailer # P367 603 855

In Re The Property Known As :)
**Notice of
Pre-Enforcement
Review Panel**

1432 Harrison St. Oakland, CA 94612)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a **Review Panel** will convene on July 27, 1993 at 9:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This **Review Panel** will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

The Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board have named and served notice of this **Review Panel** on the following persons or entities as having proposed responsibility for closure, site assessment, clean-up and mitigation of contamination at the above location, and by this notice all parties named herein are informed of the right to appear and show cause, if any they have, for the exclusion or inclusion of any of the parties served herein from said responsibility or obligations:

1. **A. Bacharach & B. Borsuk Trust**
383 Diablo Rd. #100, Danville, CA 94526
2. **Leland Douglas, Douglas Parking Co.**
1721 Webster St., Oakland, CA 94612
3. **William J. Trinkle, Randick & O'Dea**
1800 Harrison, Suite 2350, Oakland, CA 94612

Dated: July 7, 1993 *Thomas Borsuk*

**Alameda County Health Care Services Agency, Department of
Environmental Health, Hazardous Materials Division**

certified mailer # P 367 603 854

In Re The Property Known As :) **Notice of
Pre-Enforcement
Review Panel**

1432 Harrison St. Oakland, CA 94612)

Notice is hereby given that upon the motion of the Alameda County Hazardous Materials Division, and the San Francisco Bay Regional Water Quality Control Board a Review Panel will convene on July 27, 1993 at 9:00 a.m. in the offices of the Alameda County Hazardous Materials Division located at 80 Swan Way, Room 200, Oakland, CA 94621. This Review Panel will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination at the above location.

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1. **A. Bacharach & B. Borsuk Trust**

383 Diablo Rd. #100, Danville, CA 94526

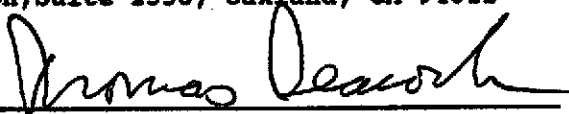
2. **Leland Douglas, Douglas Parking Co.**

1721 Webster St., Oakland, CA 94612

3. **William J. Trinkle, Randick & O'Dea**

1800 Harrison, Suite 2350, Oakland, CA 94612

Dated: July 7, 1993


Thomas Dea

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0266

RAFAT A. SHAHID, Assistant Agency Director

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

February 18, 1993

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

**Re: Further Site Characterization Workplan for 1432
Harrison Street Garage Site, Oakland, CA 94612**

Dear Mr. Morrison:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the workplan, dated December 15, 1992, and the workplan revision dated February 9, 1993, prepared by Levine-Fricke.

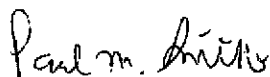
The workplan is hereby approved with the inclusion of the following:

- 1) A fingerprint analysis of three representative samples is acceptable to determine which hydrocarbon constituents are present in the area of the Harrison Street underground tanks and pipes. The appropriate hydrocarbon analyses in the subsequent nine samples will be performed based upon these results.
- 2) Regarding leachability testing for nickel and mercury, you are requested to have your consultant measure the pH of the rainfall at the site (depending on available rainfall) and to buffer the de-ionized water accordingly, using carbonic acid, for the leachability test.
- 3) As mentioned in previous correspondence from this Department you should be aware that because metals and chlorinated compounds were previously detected in grab samples at the Harrison St. tank location, during installation and initial sampling of monitoring wells, you are required to sample soil and groundwater for the presence of all contaminants previously detected at the site.
- 4) As specified, a Health and Safety Plan Addendum is expected prior to the initiation of field activities at the site
- 5) Please have your consultant notify this office with as much advance notice as possible prior to initiation of any scheduled work at the site.

Mr. Morrison
February 18, 1993
page 2 of 2

If you have any questions please feel free to contact me through
Gil Jensen 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
Gil Jensen, Alameda County District Attorneys Office, Consumer
and Environmental Protection, 7677 Oakport, Suite 400,
Oakland, CA 94621

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



R0266

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

January 8, 1993

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

**Re: Further Site Characterization Workplan for 1432
Harrison Street Garage Site, Oakland, CA 94612**

Dear Mr. Morrison:

Alameda County Environmental Health Department, Hazardous Materials Division has received and reviewed the workplan, dated December 15, 1992, prepared by Levine-Fricke. The workplan proposes to drill and collect soil samples from three borings surrounding the two underground fuel tanks beneath the Harrison Street sidewalk.

The proposal states that nine soil samples will be analyzed for total petroleum hydrocarbons as gasoline (TPHg), three soil samples will be analyzed for total petroleum hydrocarbons as diesel (TPHd), and that nine soil samples will be analyzed for benzene, toluene, ethylbenzene and xylene (BTEX). The April 2, 1992 Robert Gils Associate Report states that analysis of soil in the area of the Harrison tanks indicated TPHg at 1540 ppm, TPHd at 670 ppm, benzene at 0.987 ppm, total oil and grease (TOG) at 35.2 ppm, mercury at 2.48 ppm and nickel at 224.8 ppm. Groundwater samples collected in the area of the Harrison Street tanks indicated total lead at 0.81 ppb (a water sample taken beneath the dispenser location indicated lead at 8.3 ppb), bromodichloromethane at 2.4 ppb, and chloroform at 30 ppb.

For this reason when performing soil and groundwater analysis you are required to analyze for the presence of each of these materials in at least some of the samples.

The report states that soil samples will be collected at a frequency of no greater than one sample per five vertical feet. If your intention is to attempt to determine the vertical extent of the contamination why has the sampling regime been limited to five foot intervals?

The proposal does not mention the collection of any groundwater samples. In light of the above groundwater data shouldn't additional water samples also be collected in this phase of work? There is some question as to why instead of installing a boring on Harrison street a monitoring well has not been specified. As

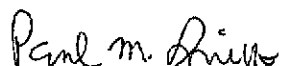
Mr. Morrison
January 8, 1992
page 2 of 2

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0266

RAFAT A. SHAHID, Assistant Agency Director

September 25, 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: 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 semivolatle 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.

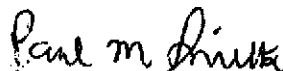
3) When completing the Alameda County underground tank closure form please also include compliance sampling and analysis for the hydraulic hoists and sump.

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0266

RAFAT A. SHAHID, Assistant Agency Director

July 22, 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.

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RO266 (1432Harrison)

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.

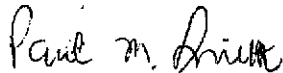
Mr. Morrison
June 30, 1992
page 4 of 4

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0266

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

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

DAVID J. KEARS, Agency Director

R0266

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.

Mr. Morrison
Mr. Trinkle
February 5, 1993
page 2 of 2

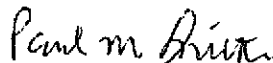
On January 15, 1993, Douglas Motors Service presented evidence to the Alameda County Department of Health in arguing against adding Douglas Motor Service as a responsible party for appropriate corrective action for unauthorized releases associated with gasoline tanks.

On January 29, 1993, Mr. Bacharach and Ms. Borsuk replied to the January 15, 1993 Douglas Motors Service presentation.

Order:

The County has been presented substantial evidence that leaks from the underground gasoline tanks occurred during the time Douglas Motor Service was operating them. Therefore, Douglas Motor Service is a responsible party. Pursuant to Health and Safety code Section 25299.37(c), Alvin Bacharach, Barbara Borsuk, and Douglas Motor Service and Its Partners shall take appropriate corrective action in response to the discovery of unauthorized releases associated with gasoline tanks located at 1432 Harrison St., Oakland, CA.

Sincerely,



Paul M. Smith
Senior Hazardous Materials Specialist

cc:

Gil Jensen Esq., Alameda County District Attorneys Office,
Consumer and Environmental Protection, 7677 Oakport
Dr., Suite 400, Oakland, CA 94621
Alvin Bacharach, 383 Diablo Road, #100, Danville, CA 94526
Barbara Jean Borsuk, 383 Diablo Road, #100, Danville, CA
94526
Leland Douglas, Douglas Parking Company, 1721 Webster
Street, Oakland, CA 94612
Lester Feldman, CA Regional Water Quality Control Board, San
Francisco Bay Region, 2101 Webster St., Fifth Floor,
Oakland, CA 94612

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, Assistant Agency Director

January 14, 1992

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

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

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



PH066

January 7, 1992

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

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

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 Eastern hydraulic hoists and wash rack sumps and five borings are proposed around the uests on Harrison Street. According to drawing G-7.1 four borings are to be placed around the Alice Street uests 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 SCE 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.

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, SCE Consultants
Mark Thomson, Alameda County District Attorneys Office



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 SCS's 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 (b).

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

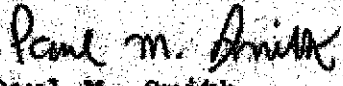
Mr. John Cummings
October 29, 1991
Page 6

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 other 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 Muldiffe
- Randall Morrison Esq., Crosby, Heafy, Roach and May
- Mark Thomson Esq., Alameda County District Attorney's Office
- Lester Feldman, SFRMOCB
- Charlene Williams, DHS

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0260

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 Garage.

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.

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.
- 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.

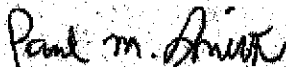
Please be advised that you are obligated to comply with all of the conditions specified in the July 12, 1991 correspondence as well as any previous or future conditions specified by this agency.

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



R0266

March 22, 1991

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

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R0266

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

✓ 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



R0266

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



R0266

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.
 - 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

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

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



R026C

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



R0266

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

Mr. Cummings
January 25, 1991
Page 4 Of 4

Should you have any questions about the content of this letter,
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



R0266

Certified Mailer P 062 128 176

September 24, 1990

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

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

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

Dear Mr. Bacharach and Ms. Borsuk:

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

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

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

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

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

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

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

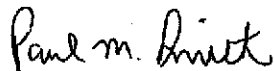
Based upon the findings referred to in the above report you are legally obligated to report any unauthorized release to this department. Section 2652 of Title 23 of the CA Code of Regulations states that within 24 hours of the discovery of the release the release shall be reported to the local agency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

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

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

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

Sincerely,



Paul M. Smith,
Hazardous Materials Specialist

PMS:

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

AGENCY

DAVID J. KEARS, Agency Director



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Certified Mailer P 062 128 176

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

September 24, 1990

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

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CA, 94612**

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

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

Sincerely,

Paul M. Smith

Paul M. Smith,
Hazardous Materials Specialist

PMS:

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

AGENCY
DAVID J. KEARS, Director



R0266

Certified Mailer P: 062 127 745

Telephone Number: (415)

August 27, 1990

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

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

Dear Mr. Bacharach and Ms. Borsuk:

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Paul M. Smith

Paul M. Smith,
Hazardous Materials Specialist

PMS:mnc

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

AGENCY
DAVID J. KEARS, Agency Director



R0266

Certified Mailer #P 062 128 227

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

July 31, 1990

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

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

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

Dear Mr. Bacharach and Ms. Borsuk:

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

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

The following concerns need to be addressed regarding this location:

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

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

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

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

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

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

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

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

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

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

Sincerely,

Paul M. Smith

Paul M. Smith,
Hazardous Materials Specialist

PMS:mnc

cc: Gil Jensen, Alameda County District Attorney, Consumer and
Environmental Protection Agency
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