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4 Attorneys for Petitioners
5 Alvin H. Bacharach and Barbara Jean Borsuk

6
7 BEFORE THE CALIFORNIA
8 STATE WATER RESOURCES CONTROL BOARD

9
10 Petition for Review of Decision of)
Alameda County Naming Douglas Motor) No. A-843
11 Service and its Partners as Responsible)
Parties)

12
13
14 DECLARATION OF JOHN STURMAN IN SUPPORT OF RESPONSE OF
15 OWNERS ALVIN H. BACHARACH AND BARBARA JEAN BORSUK
16 TO PETITION FOR REVIEW OF DOUGLAS MOTOR
SERVICE AND ITS PARTNERS

17
18 I, John Sturman, declare:

19
20 1. I am a professional civil engineer and state registered
21 geologist licensed to practice in the State of California and
22 employed by Levine-Fricke in Emeryville, California. I have
23 personal knowledge of the matters stated in this Declaration, and
24 if called as a witness, I could and would competently testify to
25 these matters.
26

1 2. Alvin H. Bacharach and Barbara Jean Borsuk, owners of
2 the parking garage at 1432 Harrison Street, Oakland, California,
3 ("Owners") have retained Levine-Fricke as engineers for several
4 projects in connection with this property. The first project was
5 completion of a health and safety plan addendum for removal of
6 the storage tanks. The second project was the completion of two
7 additional soil borings around the gasoline tanks to obtain
8 further data about soil characteristics in preparation for the
9 tank removal. Currently, we are engaged in a third project,
10 preparation of bid specifications for the tank removal, which
11 includes removal of the underground storage tanks, the waste oil
12 sump and hydraulic lifts at the site.

13
14 3. I have been the principal engineer in charge of each of
15 the above activities. In that capacity, I have personally
16 reviewed the previous consultant reports on this property. These
17 consultant reports included reports of soil borings by Subsurface
18 Consultants, Inc. ("SCI") in 1990 regarding soil borings around
19 the gasoline tanks and dispensers, midway between the dispensers
20 and the hydraulic lift and wash rack area, in the hydraulic lift
21 area, and around the basement waste oil tanks. I understand that
22 SCI was retained by a former tenant, Steve Davis. I have also
23 reviewed a series of letter reports by SCS engineers, who were
24 previously retained by the Owners for further site investigation
25 and preparation of a work plan for tank removal. I have also
26 reviewed the Preliminary Site Assessment Report and proposed

1 Health and Safety Plan prepared by RGA. RGA was retained by the
2 Owners to prepare the health and safety plan for tank removal,
3 and RGA performed a soil quality investigation, including shallow
4 soil borings in the areas around the gasoline tanks and
5 dispensers, hydraulic lift and wash rack, and basement oil tanks
6 and piping.

7
8 4. In order to summarize all of the data compiled on this
9 property, Levine-Fricke, under my direction, prepared a summary
10 of "Soil Quality Results" (Table 1) and a chart, "Figure 1,"
11 which summarizes all of the soil investigation data obtained to
12 date. This data includes the results from the May 22, 1993 soil
13 borings by Levine-Fricke adjacent to the underground gasoline
14 storage tanks beneath the Harrison Street entrance to the garage.
15 Levine-Fricke's Soil Quality Results and Figure 1 summarize the
16 data in the prior consultants' reports and Levine-Fricke's own
17 data from the May 22, 1993 soil borings. A true and correct copy
18 of the Soil Quality Results, Table 1, and of Figure 1, are
19 attached as Exhibits A and B respectively.

20
21 5. In my opinion, the soil data obtained to date indicates
22 that the underground gasoline storage tanks, piping and
23 dispensers are the most probable source of the soil contamination
24 found on-site. With respect to the underground gasoline storage
25 tanks in particular, releases could have occurred from leakage or
26 from the overfilling of the tanks. A previous consultant,

1 Subsurface Consultants, Inc. detected significant levels of
2 gasoline in soil borings in July, 1990. SCI detected levels of
3 6300 ppm (parts per million) of TPHg (total petroleum
4 hydrocarbons as gasoline) in soil samples collected at 20 feet
5 below ground surface adjacent to Tank # 1 and 9300 ppm of TPHg in
6 soil samples collected at 18.5 feet below ground surface adjacent
7 to Tank # 2. Results from Levine-Fricke's soil borings of May
8 22, 1993 are consistent with these results. Levine-Fricke
9 detected 8800 ppm of TPHg in soil samples collected at 24.5 feet
10 below ground surface adjacent to Tank # 1 and 6100 ppm of TPHg in
11 soils collected at 24.5 feet below ground surface adjacent to
12 Tank # 2. Detection of high levels of TPHg at these depths is
13 consistent with leakage from the storage tanks. Other studies,
14 by RGA, in February, 1992, have confirmed lower concentrations of
15 TPHg at shallower depths such as 5 and 15 feet. Based on the
16 sandy soil lithology at the site, we would expect hydrocarbons to
17 be transmitted from the tanks and associated piping to the
18 shallow ground water table with lower concentrations remaining in
19 the unsaturated soils.

20
21 6. There are no other sources of gasoline releases known
22 to me at this time which could account for the moderate to high
23 soil concentrations around these gasoline storage tanks.
24 Concentrations of TPHg were detected by SCI, RGA and Levine-
25 Fricke above the water table, and there are no other identified
26 "off-site" sources to explain the soil contamination at the 1432

1 Harrison Street garage. I understand that Douglas Motor Service
2 has expressed the view that there may be an "off-site" source,
3 but no such source has ever been confirmed, and to date, there is
4 no evidence of any migration from off-site sources.

5
6 7. I understand that Douglas Motor Service has also
7 expressed the view that no leakage could occur from the
8 underground gasoline storage tanks and piping at the Harrison
9 Street garage, because the pumps operate by vacuum pressure.
10 This assertion is technically incorrect. Based on my experience
11 and knowledge of older tank systems, the fact that a system
12 operated by vacuum pressure would not preclude the possibility of
13 substantial releases. Depending upon the location of the holes
14 in the tanks and piping, gasoline releases can and do occur, even
15 though the system remains functional and will pump gasoline.

16
17 I declare under penalty of perjury under the laws of the
18 State of California that the foregoing facts are true and
19 correct.

20
21 Executed at Oakland, California on July 12, 1933.


22
23 
24 _____
25 John Sturman
26

TABLE 1
SOIL QUALITY RESULTS
HARRISON STREET GARAGE
1432 - 1434 HARRISON STREET, OAKLAND, CALIFORNIA
(all results in parts per million [ppm])

Sample ID	Date Collected	Consultant/Laboratory	Depth (ft, bgs)	TPHg/TVHg	Benzene	Toluene	Ethyl-benzene	Xylenes	TPHd	Kerosene	O&G	PCBs	CL-HCs	VOCs	Soluble Pb	Pb	Metals Hg	Ni	Se
Waste Oil Tank Area																			
B6a9'	17-Sep-90	SCI/C&T	9	NA	<0.005	<0.005	<0.005	<0.005	<10	98	<50	0.009*	ND	NA	0.06	NA	NA	NA	NA
B6a9,5'	17-Sep-90	SCI/C&T	9.5	NA	NA	NA	NA	NA	<10	140	<50	NA	NA	NA	NA	NA	NA	NA	NA
B1-2'	16-Jan-92	RGA/CAL	2	27.3	<0.005	3	0.23	<0.005	55.7	NA	54.2	ND	ND	ND	NA	<2.2	50.7	21.9	15.3
B2-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.1	<0.005	<0.005	1.5	NA	<20	ND	ND	ND	NA	<2.2	49.7	16.9	<7.5
B3-2'	16-Jan-92	RGA/CAL	2	1.6	<0.005	1.1	<0.005	<0.005	1.6	NA	<20	ND	ND	ND	NA	<2.2	54.2	33.6	17
B4-2'	16-Jan-92	RGA/CAL	2	1.9	<0.005	0.8	<0.005	<0.005	24.1	NA	54.8	ND	ND	ND	NA	<2.2	66.5	45.6	19.2
B5-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.4	<0.005	<0.005	2.5	NA	50.9	ND	ND	ND	NA	<2.2	73	47.2	19.2
B6-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.4	<0.005	<0.005	24.3	NA	<20	ND	ND	ND	NA	<2.2	66.7	41.4	16.9
B7-2'	16-Jan-92	RGA/CAL	2	2.6	<0.005	1.6	<0.005	<0.005	6.3	NA	221	ND	ND	(1)	NA	<2.2	74.2	36.3	18.9
B8-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.04	<0.005	<0.005	2.9	NA	55.1	ND	ND	ND	NA	<2.2	52.9	30.8	15.3
B9-5'***	22-Jan-92	RGA/CAL	5	2.44	NA	<0.005	NA	NA	11.1	NA	NA	ND	NA	ND	NA	7.53	21.5	59.8	11.6
B10-8'***	22-Jan-92	RGA/CAL	8	<1	NA	<0.005	NA	NA	109	NA	NA	ND	NA	ND	NA	5.63	15.5	34.9	<7.5
Hydraulic Lift Area																			
B4a10'	17-Sep-90	SCI/C&T	10	NA	NA	NA	NA	NA	1700	<100	6300	NA	NA	NA	NA	NA	NA	NA	NA
B5a22.5'	17-Sep-90	SCI/C&T	22.5	110	0.024	0.21	0.069	1.3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-5'	21-Jan-92	RGA/CAL	5	83.2	<0.005	0.068	1.23	<0.005	1.63	NA	NA	0.245	NA	ND	NA	17.4	45.4	46.1	21.9
B13-15'	21-Jan-92	RGA/CAL	15	135	NA	0.71	NA	8.85	<1	NA	NA	ND	NA	ND	NA	13.8	35.5	128.4	15.5
B14-5'	21-Jan-92	RGA/CAL	5	<1	<0.005	NA	NA	NA	<1	NA	NA	ND	NA	ND	NA	11.2	28.1	39.4	12.3
B14-15'	21-Jan-92	RGA/CAL	15	2.5	NA	NA	<0.005	NA	17.3	NA	NA	ND	NA	ND	NA	13.2	32.8	376.2	15.3
B15-5'	30-Jan-92	RGA/CAL	5	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	26.6	29.4	56.6	9.02
B15-15'	30-Jan-92	RGA/CAL	15	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	16.7	33.2	72.3	15.5
B16-5'	30-Jan-92	RGA/CAL	5	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	14.3	44.9	60.3	15.2
B16-15'	30-Jan-92	RGA/CAL	15	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	10.2	34.7	48.4	8.81
Gasoline Tank Area																			
B7a0.0'	25-Jul-90	SCI/C&T	20	6300	99	490	110	610	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7a3.5'	25-Jul-90	SCI/C&T	18.5	9300	98	900	190	1100	NA	NA	NA	NA	NA	NA	0.21	NA	NA	NA	NA
B7a13'	21-Sep-90	SCI/C&T	13	<1	<0.005	<0.005	<0.005	<0.005	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7a20'	21-Sep-90	SCI/C&T	20	2500	3.5	34	33	130	NA	NA	NA	NA	NA	NA	0.07	NA	NA	NA	NA
B8a22 1/2'	21-Sep-90	SCI/C&T	22.5	1200	2.3	38	18	89	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B17-5'	03-Feb-92	REG/CAL	5	NA	NA	NA	NA	NA	NA	NA	39.1	ND	NA	ND	NA	10.4	3.56	329.2	6.24*
B19-5'	03-Feb-92	REG/CAL	5	2.5	<0.005	<0.005	<0.005	0.01	28	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B20-5'	03-Feb-92	REG/CAL	5	2.1	<0.005	0.03	<0.005	0.01	24	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B20-15'	03-Feb-92	REG/CAL	15	2.5	<0.005	0.034	<0.005	<0.005	<1	NA	35.2	ND	NA	NA	NA	10.4	2.48	224.8	<7.5
B21-5'	05-Feb-92	REG/CAL	5	2.1	<0.005	0.02	<0.005	0.01	16.7	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B21-10'	05-Feb-92	REG/CAL	10	1.9	<0.005	0.021	<0.005	0.026	15.7	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B21-15'	05-Feb-92	REG/CAL	15	2	<0.005	0.03	<0.005	<0.005	22.7	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B22-5'	05-Feb-92	REG/CAL	5	42.3	<0.005	0.113	<0.005	2.13	670	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B22-10'	05-Feb-92	REG/CAL	10	1540	0.987	11.7	1.67	2.88	175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B23-5'	05-Feb-92	REG/CAL	5	2.5	<0.005	0.027	<0.005	<0.005	26	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B23-10'	05-Feb-92	REG/CAL	10	3.3	<0.005	0.034	<0.005	<0.005	<1	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LFSB1-4.0	22-May-93	LF/AEN	4	0.5	<0.005	0.01	<0.005	<0.005	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

EX-111A

TABLE 1
SOIL QUALITY RESULTS
HARRISON STREET GARAGE
1432 - 1434 HARRISON STREET, OAKLAND, CALIFORNIA
(all results in parts per million [ppm])

Sample ID	Date Collected	Consultant/ Laboratory	Depth (ft, bgs)	TPHg/ TVHg	Benzene	Toluene	Ethyl-benzene	Xylenes	TPHd	Kerosene	O&G	PCBs	CL-HCs	VOCs	Soluble Pb	Pb	Metals Hg	Ni	Se
Waste Oil Tank Area																			
B6a9'	17-Sep-90	SCI/C&T	9	NA	<0.005	<0.005	<0.005	<0.005	<10	98	<50	0.009*	ND	NA	0.06	NA	NA	NA	NA
B6a9.5'	17-Sep-90	SCI/C&T	9.5	NA	NA	NA	NA	NA	<10	140	<50	NA	NA	NA	NA	NA	NA	NA	NA
B1-2'	16-Jan-92	RGA/CAL	2	27.3	<0.005	3	0.23	<0.005	55.7	NA	54.2	ND	ND	ND	NA	<2.2	50.7	21.9	15.3
B2-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.1	<0.005	<0.005	1.5	NA	<20	ND	ND	ND	NA	<2.2	49.7	16.9	<7.5
B3-2'	16-Jan-92	RGA/CAL	2	1.6	<0.005	1.1	<0.005	<0.005	1.6	NA	<20	ND	ND	ND	NA	<2.2	54.2	33.6	17
B4-2'	16-Jan-92	RGA/CAL	2	1.9	<0.005	0.8	<0.005	<0.005	24.1	NA	54.8	ND	ND	ND	NA	<2.2	66.5	45.6	19.2
B5-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.4	<0.005	<0.005	2.5	NA	50.9	ND	ND	ND	NA	<2.2	73	47.2	19.2
B7-2'	16-Jan-92	RGA/CAL	2	<1	<0.005	0.4	<0.005	<0.005	24.3	NA	<20	ND	ND	ND	NA	<2.2	66.7	41.4	16.9
B8-2'	16-Jan-92	RGA/CAL	2	2.6	<0.005	1.6	<0.005	<0.005	6.3	NA	221	ND	ND	(1)	NA	<2.2	74.2	36.3	18.9
B9-5'***	22-Jan-92	RGA/CAL	5	2.44	NA	<0.005	NA	NA	2.9	NA	55.1	ND	ND	ND	NA	<2.2	52.9	30.8	15.3
B10-8'***	22-Jan-92	RGA/CAL	8	<1	NA	<0.005	NA	NA	11.1	NA	NA	ND	NA	ND	NA	7.53	21.5	59.8	11.6
Hydraulic Lift Area																			
B4a10'	17-Sep-90	SCI/C&T	10	NA	NA	NA	NA	NA	1700	<100	6300	NA	NA	NA	NA	NA	NA	NA	NA
B5a22.5'	17-Sep-90	SCI/C&T	22.5	110	0.024	0.21	0.069	1.3	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B13-5'	21-Jan-92	RGA/CAL	5	83.2	<0.005	0.068	1.23	<0.005	1.63	NA	NA	0.245	NA	ND	NA	17.4	45.4	46.1	21.9
B13-15'	21-Jan-92	RGA/CAL	15	135	NA	0.71	NA	8.85	<1	NA	NA	ND	NA	ND	NA	13.8	35.5	128.4	15.5
B14-5'	21-Jan-92	RGA/CAL	5	<1	<0.005	NA	NA	NA	<1	NA	NA	ND	NA	ND	NA	11.2	28.1	39.4	12.3
B14-15'	21-Jan-92	RGA/CAL	15	2.5	NA	NA	<0.005	NA	17.3	NA	NA	ND	NA	ND	NA	13.2	32.8	376.2	15.3
B15-5'	30-Jan-92	RGA/CAL	5	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	26.6	29.4	56.6	9.02
B15-15'	30-Jan-92	RGA/CAL	15	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	16.7	33.2	72.3	15.5
B16-5'	30-Jan-92	RGA/CAL	5	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	14.3	44.9	60.3	15.2
B16-15'	30-Jan-92	RGA/CAL	15	NA	NA	NA	NA	NA	NA	NA	NA	ND	NA	ND	NA	10.2	34.7	48.4	8.81
Gasoline Tank Area																			
B180.0'	25-Jul-90	SCI/C&T	20	6300	99	490	110	610	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B180.5'	25-Jul-90	SCI/C&T	18.5	9300	98	900	190	1100	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B7a13'	21-Sep-90	SCI/C&T	13	<1	<0.005	<0.005	<0.005	<0.005	NA	NA	NA	NA	NA	NA	0.21	NA	NA	NA	NA
B7a20'	21-Sep-90	SCI/C&T	20	2500	3.5	34	33	130	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B8a22 1/2'	21-Sep-90	SCI/C&T	22.5	1200	2.3	38	18	89	NA	NA	NA	NA	NA	NA	0.07	NA	NA	NA	NA
B17-5'	03-Feb-92	REG/CAL	5	NA	NA	NA	NA	NA	NA	NA	39.1	ND	NA	ND	NA	10.4	3.56	329.2	6.24*
B19-5'	03-Feb-92	REG/CAL	5	2.5	<0.005	<0.005	<0.005	0.01	28	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B20-5'	03-Feb-92	REG/CAL	5	2.1	<0.005	0.03	<0.005	0.01	24	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B20-15'	03-Feb-92	REG/CAL	15	2.5	<0.005	0.034	<0.005	<0.005	<1	NA	35.2	ND	NA	NA	NA	10.4	2.48	224.8	<7.5
B21-5'	05-Feb-92	REG/CAL	5	2.1	<0.005	0.02	<0.005	0.01	16.7	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B21-10'	05-Feb-92	REG/CAL	10	1.9	<0.005	0.021	<0.005	0.026	15.7	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B21-15'	05-Feb-92	REG/CAL	15	2	<0.005	0.03	<0.005	<0.005	22.7	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B22-5'	05-Feb-92	REG/CAL	5	42.3	<0.005	0.113	<0.005	2.13	670	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B22-10'	05-Feb-92	REG/CAL	10	1540	0.987	11.7	1.67	2.88	175	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B23-5'	05-Feb-92	REG/CAL	5	2.5	<0.005	0.027	<0.005	<0.005	26	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
B23-10'	05-Feb-92	REG/CAL	10	3.3	<0.005	0.034	<0.005	<0.005	<1	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
LFSB1-4.0	22-May-93	LF/AEN	4	0.5	<0.005	0.01	<0.005	<0.005	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

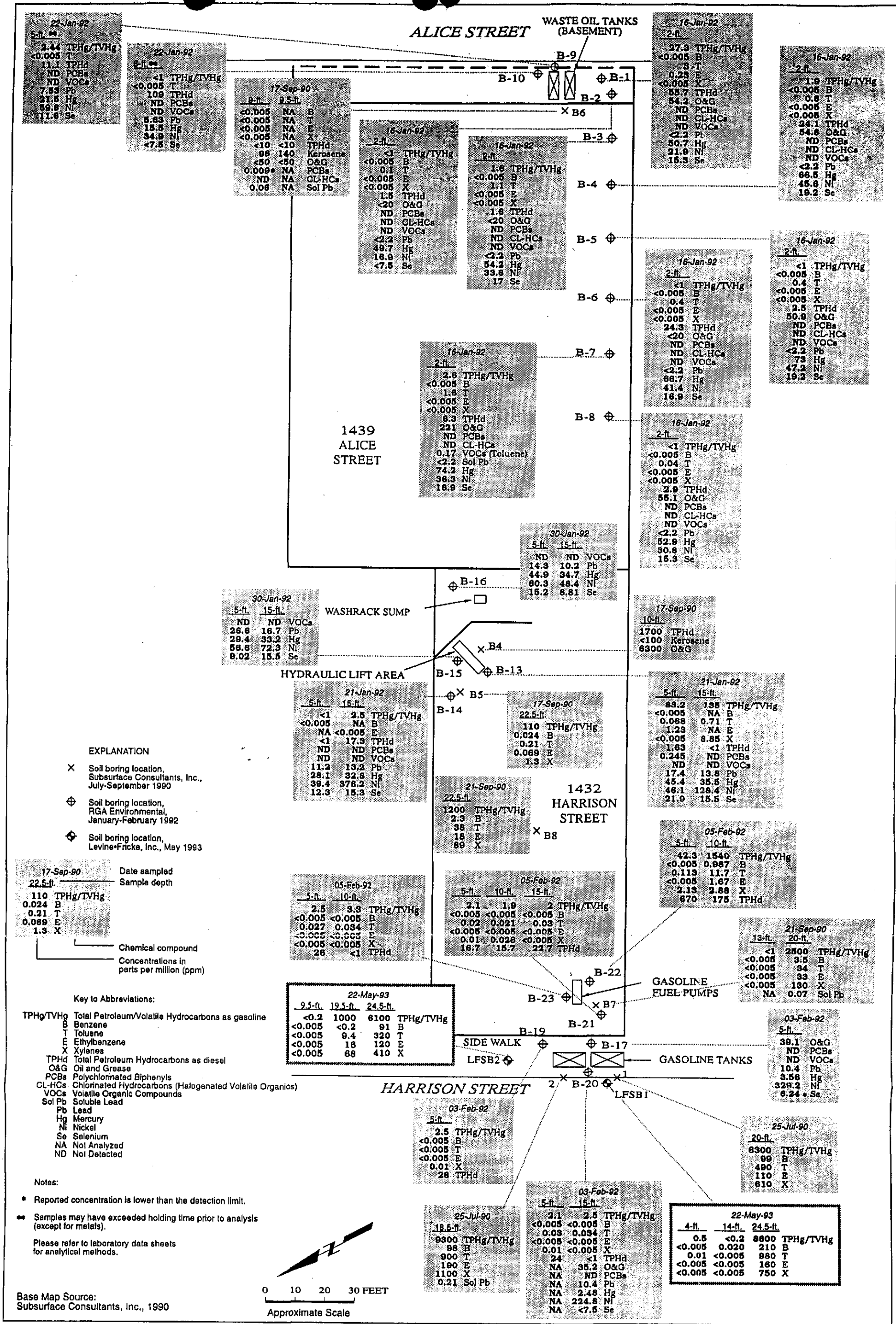


Figure 1: SITE PLAN SHOWING SOIL BORING LOCATIONS AND TPHg/TVHg, BTEX, TPHd, O&G, PCBs, CL-HCs, VOCs, Pb, Hg, Ni, Se ANALYTICAL RESULTS AT THE HARRISON STREET GARAGE IN OAKLAND, CALIFORNIA, MAY, 1993

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PROOF OF SERVICE BY MAIL
(1013,2015.5 C.C.P.)

I am a citizen of the United States and a resident of Alameda County. I am over the age of eighteen years and not a party to the within action; my business address is 1999 Harrison Street, Oakland, California 94612. On July 12, 1993, I served the within DECLARATION OF JOHN STURMAN IN SUPPORT OF RESPONSE OF OWNERS ALVIN H. BACHARACH AND BARBARA JEAN BORSUK TO PETITION FOR REVIEW OF DOUGLAS MOTOR SERVICE AND ITS PARTNERS in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, Alameda County, California, addressed as follows:

Messrs. Ron and Leland Douglas
c/o William J. Trinkle, Esq.
RANDICK & O'DEA
1800 Harrison St., Suite 1771
Oakland, CA 94612

Mr. Thomas Peacock
Supervising Hazardous Materials
Specialist
Alameda County Health Care
Services Agency
Hazardous Materials Program
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Gilbert A. Jensen, Esq.
Sr. Deputy District Attorney
Consumer and Environmental
Protection Division
7677 Oakport Street
Suite 400
Oakland, CA 94621

Regional Water Quality Control Board
San Francisco Bay Area Region
2101 Webster Street, Suite 500
Oakland, CA 94612

I declare under penalty of perjury that the above is true and correct.
Executed on July 12, 1993, at Oakland, California.



Mary Abbott