
STATE WATER RESOURCES CONTROL BOARD MEETING AGENDA

Thursday
June 20, 1991 - 9:00 a.m.
First-Floor Hearing Room
Paul R. Bonderson Building
901 P Street, Sacramento

Questions regarding this agenda - call Maureen Marché (916) 445-5240

Please note time limitations on presentations may be imposed. The State Board requests that oral testimony be summarized to the degree possible. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board.

Declaration of Quorum

MINUTES

1. Consideration of the Minutes of the May 1 and 16, 1991 Board Meetings.

PUBLIC FORUM

2. Public Forum. (Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction. This need not be related to any item on the agenda.)

UNCONTESTED ITEMS

3-14. The Board will be asked to approve items 3-14 at one time. (See below for description of items.)

WATER QUALITY PETITIONS

15. In the Matter of the Petitions of William Vander Woude and Pete Verboom for Review of Monitoring Requirements of the California Regional Water Quality Control Board, San Diego Region. Our Files Nos. A-656 and A-656(a). (The Board will be asked to consider adopting the proposed order which affirms the Regional Board orders.)

→ 16. In the Matter of the Petition of Alvin Bacharach and Barbara Borsuk for Review of Cleanup Order Issued January 14, 1991 by Alameda County. Our File No. A-728. (The Board will be asked to consider adoption of the proposed order regarding parties responsible for the cleanup of subsurface pollution.)

WATER QUALITY

17. Consideration of a Workplan for the Development of Sediment Quality Objectives for Enclosed Bays & Estuaries in California. (The Board will be asked whether to adopt the proposed resolution approving the workplan.)

18. Consideration of Approval of Federal Clean Water Act Section 314(b) Clean Lakes Program Grant. (The Board will be asked whether to adopt the proposed resolution authorizing the acceptance of the FFY 1991 Clean Lakes Program grant and negotiation of necessary agreements.)

WATER QUALITY

8. Consideration of a Resolution Directing the Executive Director to Negotiate a Cooperative Agreement with the U.S. Environmental Protection Agency (EPA), Region 9, to Apply for and Accept a Grant of Approximately \$1,500,000 and to Negotiate a Workplan to Accelerate Source Investigation Activities in the San Gabriel Valley. (The Board will be asked to direct the Executive Director to accept the grant and to negotiate the Cooperative Agreement and Workplan with EPA for the San Gabriel Valley Source Identification Activities.)
9. Consideration of the 1991 Agricultural Drainage Water Management Loan Program Priority List. (The Board will be asked whether to adopt the proposed priority list.)

CLEAN WATER PROGRAMS

10. Proposed Revision to the Policy for Implementation of the Small Communities Grant Program. (The Board will be asked whether to adopt the proposed resolution revising the Policy for Implementation of the Small Communities Grant Program.)
11. Consideration of An Increase in the Construction Management Assistance Grant (CMAG) for Federal Fiscal Years (FFY) 1991 and 1992 for Work on the Tijuana Border Sanitation Problem. (The Board will be asked whether to adopt the proposed resolution authorizing the Executive Director to Accept an Amendment to the Construction Management Assistance Grant for FFY 1991 and 1992 and Directing Placement of Funds Received Thereunder.)
12. Consideration of a Resolution Approving a State Revolving Fund (SRF) Loan for the City of Willows Wastewater Treatment Facility Improvements (C-06-4052-110). (The Board will be asked whether to adopt the proposed resolution approving the loan for the City of Willows.)
13. Consideration of an Authorization to Accept Federal Fiscal Year (FFY) 1991 Funds From the Federal Trust Fund for Leaking Petroleum Underground Storage Tanks (Petroleum Trust Fund) and the Re-Award of Unspent Funds from Previous Federal Fiscal Years. (The Board will be asked whether to adopt the proposed resolution authorizing the Executive Director to accept funds from the petroleum trust fund and the re-award of unspent funds from previous federal fiscal years.)

WATER QUALITY PETITION

14. In the Matter of the State Board's Own Motion to Review an Order Affirming Administrative Civil Liability Complaint No. 90-26 against George Arredondo by the California Regional Water Quality Control Board, Santa Ana Region. Our File No. A-724. (The Board will be asked whether to adopt the proposed order revising a Regional Board order assessing administrative civil liability.)

Following the meeting on June 20, 1991 the Board may meet to discuss budget matters. There will be no voting.

On June 20, 1991, the Board will be meeting in closed session to discuss the appointment, employment, or dismissal of a public employee. (Authorized under Government Code Section 11126(a).) Please note, closed sessions are not open to the public.

STATE WATER RESOURCES CONTROL BOARD WORKSHOP AGENDA

Wednesday and Thursday
June 5 and 6, 1991 - 9:00 a.m.
First-Floor Hearing Room
Paul R. Bonderson Building
901 P Street, Sacramento

Questions regarding this agenda - call Maureen MarchE (916) 445-5240

Workshop includes informal discussion of items to be presented for action at a future business meeting. People who are interested in items on the agenda are urged to attend workshops as they may miss valuable discussion that will not be repeated at the Board meeting. NOTE: There is no voting at workshops. Items requiring Board action must come to a Board meeting. Items will be discussed during their scheduled time period unless there is insufficient time to do so, in which case they will be carried over to the next period.

Please note time limitations on presentations may be imposed. The State Board requests that oral testimony be summarized to the degree possible. Submittal of written comments is encouraged to ensure that all comments will be included in the record before the Board.

ITEMS 1-20 WILL BE DISCUSSED STARTING AT 9:00 A.M. ON WEDNESDAY JUNE 5, 1991

PUBLIC FORUM

1. **Public Forum.** (Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction. This need not be related to any item on the agenda.)

WATER QUALITY (still working on what to use for side heading-mm)

2. **Consideration of Approval of an Amendment to the Comprehensive Water Quality Control Plan for the San Diego Region Revising Surface and Ground Water Quality Objectives for the Mission San Diego and a Portion of the Santee Hydrologic Subareas.** (The Board will be asked, at a Board meeting, whether to approve an amendment revising surface and ground water quality objectives for portions of the Mission San Diego and Santee Hydrologic Subareas.)

3. **Consideration of an Amendment to the Water Quality Control Plan for the Santa Clara River Basin (4A) Adding Beneficial Uses and Revising Surface and Ground Water Quality Objectives for Piru, Sespe, and Santa Paula Hydrologic Areas.** (The Board will be asked, at a Board meeting, whether to approve an amendment adding beneficial uses and revising surface and ground water quality objectives for Piru, Sespe, and Santa Paula Hydrologic Areas.)

4. **Consideration of Approval of a Resolution Authorizing the Executive Director or his Designee, to Accept the Federal Fiscal Year 1991 Clean Water Act Supplemental Section 106 Ground Water Grant and to Negotiate, Execute, Approve, and/or Amend the Grant, Workplan Activities, Contracts, and Agreements not Affecting the Total Grant Amount** (The Board will be asked, at a Board Meeting, whether to adopt the proposed resolution authorizing the Executive Director, or his designee, to accept the grant for an amount not to exceed \$735,000, and to negotiate, amend, and execute workplan activities, grant applications, and contracts not affecting the total grant amount.)

-over-

WATER QUALITY

14. Consideration of Acceptance of Dairy Waste Task Force Guidance Documents for Use by the California Regional Water Quality Control Boards in Regulating Dairies and Confined Animal Feed Lots. (The Board will be asked, at a Board meeting, whether to approve the standardized documents prepared by the Dairy Waste Task Force for use by the California Regional Water Quality Control Boards.)

15. Consideration of a Resolution Directing the Executive Director to Negotiate a Cooperative Agreement with the U.S. Environmental Protection Agency (EPA), Region 9, to Apply for and Accept a Grant of Approximately \$1,100,000 and to Negotiate a Workplan to Accelerate Source Investigation Activities in the San Fernando Valley. (The Board will be asked, at a Board meeting, to direct the Executive Director to accept the grant and to negotiate the Cooperative Agreement and Workplan with EPA for the San Fernando Valley Source Identification Activities.)

16. Consideration of a Resolution Directing the Executive Director to Negotiate a Cooperative Agreement with the U.S. Environmental Protection Agency (EPA), Region 9, to Apply for and Accept a Grant of Approximately \$1,500,000 and to Negotiate a Workplan to Accelerate Source Investigation Activities in the San Gabriel Valley. (The Board will be asked, at a Board Meeting, to direct the Executive Director to Accept the grant and to negotiate the Cooperative Agreement and Workplan with EPA for the San Gabriel Valley Source Identification Activities.)

17. Consideration of the 1991 Agricultural Drainage Water Management Loan Program Priority List. (The Board will be asked, at a Board Meeting, whether to adopt the proposed priority list.)

SWRCB DROUGHT ACTIVITIES UPDATE

18. Drought Information Item. (Staff will advise the Board regarding the substance of pending drought-related water right petitions or applications and any delegated action regarding such petitions or applications. Information item only.)

EXECUTIVE DIRECTOR'S REPORT

19. Summary of Major Board Activities. (Information Item)

CLOSED SESSION -- ITEM 20

(Please note Closed Sessions are not open to the public)

LITIGATION

20. Consideration of pending and potential litigation involving hydroelectric projects. (The Board will meet in closed session to consider cases involving hydroelectric projects, including the cases of Keating v. Federal Energy Regulatory Commission, United States Court of Appeals, District of Columbia Circuit, No. 90-1080; Nugget Hydroelectric, L.P. v. State Water Resources Control Board et al., United States District Court, Eastern District of California, No. CIVS-90-0203 EJG--EM; and Sayles Hydro Associates v. State Water Resources Control Board et al., United States District Court, Eastern District of California, No. CIVS-86-868 LKK.)

ITEMS 21-23 WILL BE DISCUSSED STARTING AT 9:00 A.M. ON THURSDAY JUNE 6, 1991

PUBLIC FORUM

21. Public Forum. (Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction. This need not be related to any item on the agenda.)

MAY 24 1991

STATE WATER RESOURCES CONTROL BOARD
WORKSHOP SESSION/OFFICE OF THE CHIEF COUNSEL
JUNE 5 AND 6, 1991

ITEM: 11

SUBJECT: IN THE MATTER OF THE PETITION OF ALVIN BACHARACH AND
BARBARA BORSUK FOR REVIEW OF ALAMEDA COUNTY CLEANUP ORDER
ISSUED JANUARY 14, 1991. OUR FILE NO. A-728.

DIS-
CUSSION: On January 14, 1991, the County of Alameda issued an
order pursuant to Health and Welfare Code,
Section 25299.37(c) for cleanup of an underground tank
leak. The statute authorizes the State Board to review
such orders. Using the approach the Board has developed
for dealing with cleanup and abatement orders, this order
considers the issue of adding the name of the lessee of
a parking garage to that of the owner in assessing
responsibility for the cleanup. The record is not
complete on the responsibility issue. The order
suggests that the County determine whether the site was
leaking during the time the tenant was in possession
and, if that is the case, directs the County to add his
name to the order.

POLICY
ISSUE: Does the State Board's approach to cleanup and abatement
orders apply to a County order?

FISCAL
IMPACT: This activity is budgeted within existing resources and
no additional fiscal demands will occur as a result of
approving this item.

REGIONAL
BOARD
IMPACT: No.

STAFF
RECOMMEN-
DATION: Adopt order as proposed

Policy Review Wagner
Legal Review Wagner
Fiscal Review Wagner

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of)
ALVIN BACHARACH AND BARBARA BORSUK)
For Review of Alameda County Cleanup)
Order Issued on January 14, 1991.)
Our File No. A-728.)

ORDER NO. WQ 91-

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BY THE BOARD:

The Alameda County Health Care Services Agency (County) has taken responsibility for supervising the cleanup of certain leaking underground tank sites within its jurisdiction. On July 31, 1990, the County issued a notice of violation to Alvin Bacharach and Barbara Borsuk (Petitioners) concerning a piece of property in Oakland which they have owned since about 1945. The site, located at 1432 Harrison Street, had served as a parking garage for several decades. It was leased to various operators over the years including Douglas Motor Services (Douglas) which occupied the site from 1972 through 1988. Petitioners asked the County to amend the notice of violation, as well as subsequent requirements for site assessment and cleanup, to include Douglas as a responsible party. On January 14, 1991, the County refused to do so. This petition followed on February 7, 1991.

I. STATE BOARD JURISDICTION

In 1989 the Legislature added several new sections to the underground tank law. Chapter 6.75--Petroleum Underground

II. CONTENTION AND FINDING

1. Contention: Petitioner raises only one point in its brief to the State Board. Petitioner contends that the County erred in refusing to add the name of Douglas Motor Services to the order to investigate subsurface contamination of the parking garage. Petitioner has dropped the argument it made to the County that only Douglas should be named in the order.

Finding: Petitioner's claim that Douglas ought to be added to the order has merit. While a landowner generally should be named whenever he or she knew of and allowed the activity which caused the problem, it would be unfair to place all of the responsibility on the landowner. The Water Code provides for the issuance of cleanup and abatement orders to "dischargers." Orders issued pursuant to the Health and Safety Code section under which the County is proceeding are equivalent to cleanup and abatement orders under Section 13304 of the Water Code. Thus, equating "dischargers" with "operators" or "other responsible parties" in this order is proper. Lessees have often been named as responsible parties under Section 13304. (See e.g. Order No. WQ 89-8, Arthur Spitzer et al., Order No. WQ 85-15, Stuart Petroleum.)

Several factors support a conclusion that Douglas ought to be named in this order. Douglas operated a parking garage on the site for about 16 years. During that time, he pumped gas from two underground tanks. His business benefited from his ability to provide gasoline to his customers. Over time, he

IV. ORDER

IT IS HEREBY ORDERED that this matter is remanded to the County for action consistent with this order.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 20, 1991.

AYE:

NO:

ABSENT:

ABSTAIN:

Maureen Marché
Administrative Assistant to the Board

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LAW OFFICES
RANDICK & O'DEA
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March 28, 1991

Theodore A. Cobb, Esq.
Senior Staff Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: In the Matter of the Petition of Alvin Bacharach
and Barbara Borsuk
File No: A-728

Dear Mr. Cobb:

On March 27, 1991, Mr. Leland Douglas presented me with a copy of the March 25, 1991, letter from Cynthia L. Webster to your regarding the above-referenced matter. Although I realize that, technically, my client's time to respond to Petitioners' allegations has passed, the "information" presented in Mrs. Webster's letter is misleading to the point of demanding clarification, which is the purpose of this letter.

Douglas Motor Services is not a "sophisticated commercial party familiar with the requirements of the state UST statute". The company's business is parking cars. At a couple of its parking garages, where USTs were already on site anyway, Douglas has offered gasoline as a service to parkers. In all cases, however, the amount pumped is very small, so small that Douglas, on affirmatively addressing the issues with the appropriate agencies, was told that they would not be required to comply with vapor recovery regulations nor would they have to perform with the yearly tank integrity testing. Product reconciliation and permitting was all that Douglas was required to do.

With regard to the 1881 Harrison Street tanks (address in the notice from the county is incorrect, it should be 1833 Harrison), the situation is, interestingly, somewhat similar to the one now before the Board. The tanks were installed long before Douglas leased the property and are owned by the property owner. The tanks were used first by Avis Rent-a-car and then by Thrifty Rent-a-car; Douglas has never used the tanks. When the UST statutes were enacted and Douglas, as the lessee of the property at that time, began receiving notices regarding the tanks, the company automatically forwarded all correspondence to

~~1-2011~~
2-2 file

Handwritten: 01

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Handwritten: Harrison Street Garage

Handwritten: Received 4/2/91
RCM

March 28, 1991

Page 2

the property (and tank) owner. Apparently, the property owner ignored the requirements of the agency resulting in the August 20, 1990, notification to Douglas. Since then, however, the property owner has acknowledged responsibility for the tanks and has indicated that they will be removed at the owner's expense.

As for the 1721 Webster Street site, when tank permitting went into effect, Douglas dutifully registered its tanks. Around 1987, use of one of the tanks was discontinued a circumstance which Douglas made known as part of its annual permitting. Since there had never been even a hint of release from the tank, Douglas considered it appropriate to simply remove all remaining product from the tank and seal it up, in effect, closing it in place. No additional closure work was suggested by any agency even though the abandonment of the tank known to them; Douglas therefore thought that it had complied with all requirements. This situation will now be reinvestigated.

Douglas's "behavior" throughout has been proper and consistent with its understanding of the law as gleaned from actual agency contact.

If you have additional questions or would like to discuss any of the above further, please do not hesitate to contact me at your convenience.

Your patience and consideration in this matter is appreciated.

Yours truly,

RANDICK & O'DEA



Bernard F. Rose

BFR:co'b

cc: Jonathan S. Leo, Esq.
Mr. Paul M. Smith
Mark Thomson, Esq.
Mr. Steven R. Ritchie
Mr. Leland Douglas
Michael Willcoxon, Esq.

HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS

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

March 25, 1991

Handwritten circled "01"

Stamp: MAR 27 1991

QUALITY CONTROL BOARD

17409-0001

Handwritten circled "Harrison Street Garage"

Handwritten "File" and "1432 Harrison St. Garage" in a large circle

WRITER'S DIRECT DIAL NUMBER
(415) 772-6724

Theodore A. Cobb, Esq.
Senior Staff Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

In the Matter of the Petition of
Alvin Bacharach and Barbara Borsuk,
File No. A-728: Supplemental Information

Dear Mr. Cobb:

The above-referenced Petition was received by the State Water Resources Control Board ("State Board") on February 7, 1991. Petitioners have conducted further investigations since that time, and have discovered additional relevant information. Therefore, Petitioners hereby submit this letter, and the attached Exhibits, as an Addendum to their original Petition.

Petitioners have asked the State Board to add Douglas Motor Services ("Douglas") to the Cleanup and Abatement Order issued to Petitioners by the County of Alameda. The Petition makes the point that Douglas runs a number of garage businesses in Alameda County which have underground storage tanks ("USTs") on the property. This indicates that Douglas is a sophisticated commercial party familiar with the requirements of the state UST statute. A review of the County's files reveals that Douglas has encountered problems with the USTs at some of these locations as well. Petitioners believe that this information has bearing on Douglas' behavior in this matter in abandoning the USTs on Petitioners' property and failing to comply with state law in their operation.

The County issued Douglas a Final Notice of Violation in August 1990 for failing to submit a tank closure plan or to

Theodore A. Cobb, Esq.
March 26, 1991

Page 2

obtain a permit for the tanks located at its 1881 Harrison Street property. A true and correct copy of the August 20, 1990 Final Notice of Violation is attached hereto as Exhibit 1. The County's records also indicate that Douglas abandoned an underground storage tank at another location in Alameda County. A true and correct copy of the UST Program Facility/Site Information and Permit Application for the 1721 Webster Street property is attached hereto as Exhibit 2.

Thank you for your consideration of this information. Please do not hesitate to call me if you have any questions.

Sincerely,


Cynthia L. Koehler

Enclosures

cc: Mark Borsuk
Alvin Bacharach
Paul Smith
Mark Thomson
Leland Douglas
Stephen Richie ✓
Michael Willcoxon



August 20, 1990

Douglas Parking
1881 Harrison St.
Oakland, CA 94612

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

RE: 1881 Harrison St.

FINAL NOTICE OF VIOLATION

Dear owner/operator:

Our records indicate that there are underground tank(s) at your site at the above facility. You have been notified of the below violations and you have not yet corrected them.

In accordance with the California Code of Regulations, 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, forms available from this office, or
2. Apply for a permit as required by Article 10, 2710. Permit applications Part A and B are available from this office.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

If you have any questions concerning this matter, please contact this office at 271-4320.

Sincerely,

Thomas F. Peacock, Senior HMS
Hazardous Materials Division

TFP:tfp

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

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD



FORM 'A':
SITE

UNDERGROUND STORAGE TANK PROGRAM
FACILITY/SITE, INFORMATION and/or PERMIT APPLICATION
COMPLETE THIS FORM FOR EACH FACILITY/SITE

NO. 35355

MARK ONLY ONE ITEM	<input checked="" type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY SITE CLOSURE	

I. FACILITY/SITE INFORMATION & ADDRESS — (MUST BE COMPLETED)

FACILITY/SITE NAME DOUGLAS PARKINS CO.		CARE OF ADDRESS INFORMATION		
ADDRESS 1721 WEBSTER ST.		NEAREST CROSS STREET 17th	<input checked="" type="checkbox"/> Box to indicate CORPORATION INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP LOCAL AGENCY COUNTY AGENCY
CITY NAME OAKLAND		STATE CA	ZIP CODE 94612	SITE PHONE #, WITH AREA CODE 415-444-7412
TYPE OF BUSINESS: <input type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input type="checkbox"/> 4 PROCESSOR <input checked="" type="checkbox"/> 5 OTHER		EPA ID # none		# of TANKS AT THIS SITE 2
EMERGENCY CONTACT PERSON (PRIMARY)		EMERGENCY CONTACT PERSON (SECONDARY)		
DAYS: NAME (LAST, FIRST) DOUGLAS, LELAND		PHONE # WITH AREA CODE 415 444-7412		DAYS: NAME (LAST, FIRST) DOUGLAS, DAVID
NIGHTS: NAME (LAST, FIRST) SAME		PHONE # WITH AREA CODE 415 284-5525		NIGHTS: NAME (LAST, FIRST) SAME
		PHONE # WITH AREA CODE 865-74822		

II. PROPERTY OWNER INFORMATION & ADDRESS — (MUST BE COMPLETED)

NAME SAME AS SITE		CARE OF ADDRESS INFORMATION		
MAILING or STREET ADDRESS SAME AS SITE		<input checked="" type="checkbox"/> Box to indicate CORPORATION INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP LOCAL AGENCY COUNTY AGENCY	<input type="checkbox"/> STATE AGENCY FEDERAL AGENCY
CITY NAME		STATE	ZIP CODE	PHONE #, WITH AREA CODE

III. TANK OWNER INFORMATION & ADDRESS — (MUST BE COMPLETED)

NAME SAME AS SITE		CARE OF ADDRESS INFORMATION		
MAILING or STREET ADDRESS SAME AS SITE		<input checked="" type="checkbox"/> Box to indicate CORPORATION INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP LOCAL AGENCY COUNTY AGENCY	<input type="checkbox"/> STATE AGENCY FEDERAL AGENCY
CITY NAME		STATE	ZIP CODE	PHONE #, WITH AREA CODE

IV. LEGAL NOTIFICATION AND BILLING ADDRESS

CHECK ONE (1) BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR BOTH LEGAL NOTIFICATION AND BILLING: I. II. III.

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

APPLICANT'S NAME (PRINTED & SIGNATURE) DOUGLAS PARKINS CO. [Signature]	DATE 12/11/85
--	-------------------------

LOCAL AGENCY USE ONLY

COUNTY #	JURISDICTION #	AGENCY #	FACILITY ID #	# of TANKS at SITE
CURRENT LOCAL AGENCY FACILITY ID #		APPROVED BY NAME		PHONE # WITH AREA CODE
PERMIT NUMBER	PERMIT APPROVAL DATE	PERMIT EXPIRATION DATE		
LOCATION CODE	CENSUS TRACT #	SUPERVISOR-DISTRICT CODE	BUSINESS PLAN FILED YES <input type="checkbox"/> NO <input type="checkbox"/>	DATE FILED
CHECK #	PERMIT AMOUNT	SURCHARGE AMOUNT	FEE CODE	RECEIPT # BY:

THIS FORM MUST BE ACCOMPANIED BY AT LEAST (1) OR MORE TANK PERMIT FORM 'B' APPLICATION(S), UNLESS THIS IS A CHANGE OF SITE INFORMATION ONLY.

STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD

FORM 'B': UNDERGROUND STORAGE TANK PROGRAM

TANK PERMIT APPLICATION INFORMATION



NO 23697

COMPLETE A SEPARATE FORM WITH THE FOLLOWING INFORMATION FOR EACH TANK.

MARK ONLY ONE ITEM

<input checked="" type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED TANK
<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input type="checkbox"/> 8 TANK REMOVED

FACILITY/SITE NAME WHERE TANK IS INSTALLED: _____ FARM TANK - YES NO

I. TANK DESCRIPTION COMPLETE ALL ITEMS - IF UNKNOWN -- SO SPECIFY

A. OWNER'S TANK ID # <u>Unknown</u>	B. MANUFACTURED BY: <u>Unknown</u>
C. YEAR INSTALLED <u>~1975</u>	D. TANK CAPACITY IN GALLONS: <u>1000</u>

II. TANK CONTENTS IF (A.1) IS MARKED, COMPLETE ITEM C. IF (A.1) IS NOT MARKED, COMPLETE ITEM D.

A. <input checked="" type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 2 PETROLEUM	B. <input checked="" type="checkbox"/> 1 PRODUCT	C. <input checked="" type="checkbox"/> 1 UNLEADED	<input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 3 DIESEL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 4 OIL	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 4 GASAHOL	<input type="checkbox"/> 5 JET FUEL	<input type="checkbox"/> 6 AVIATION GAS
<input type="checkbox"/> 5 HAZARDOUS	<input type="checkbox"/> 60 EMPTY	<input type="checkbox"/> 65 UNKNOWN	<input type="checkbox"/> 7 METHANOL	<input type="checkbox"/> 80 OTHER (DESCRIBE IN ITEM D. BELOW)	

D. IF NOT MOTOR VEHICLE FUEL, ENTER NAME OF HAZARDOUS SUBSTANCE STORED & C.A.S. # _____ C.A.S. # _____

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOX A, B, C, & D

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALLED	<input type="checkbox"/> 3 SINGLE WALLED WITH EXTERIOR LINER	<input checked="" type="checkbox"/> 65 UNKNOWN
	<input type="checkbox"/> 2 SINGLE WALLED	<input type="checkbox"/> 4 SECONDARY CONTAINMENT	<input type="checkbox"/> 80 OTHER _____
B. TANK MATERIAL	<input type="checkbox"/> 1 STEEL/IRON	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input checked="" type="checkbox"/> 80 UNKNOWN
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINING	<input type="checkbox"/> 2 ALLOY LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 6 GLASS LINING	<input type="checkbox"/> 8 UNLINED	<input checked="" type="checkbox"/> 65 UNKNOWN
	<input type="checkbox"/> 15 LINING MATERIAL COMPATIBLE WITH 100% METHANOL		<input type="checkbox"/> YES <input type="checkbox"/> NO
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 TAR OR ASPHALT	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 91 NONE	<input checked="" type="checkbox"/> 80 UNKNOWN

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND, U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A <u>(U)</u> 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	A U 91 NONE	A U 95 UNKNOWN	A U 99 OTHER
B. CONSTRUCTION	A U 1 SINGLE WALLED	A U 2 DOUBLE WALLED	A U 3 LINED TRENCH	A U 91 NONE	A <u>(U)</u> 95 UNKNOWN	A U 99 OTHER
C. MATERIAL	A U 1 STEEL/IRON	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PFP	A U 91 NONE	
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL CLAD W/PFP	A U 8 100% METHANOL COMPATIBLE PFP		
	A U 9 GALVANIZED STEEL	A <u>(U)</u> 95 UNKNOWN	A U 99 OTHER			

V. LEAK DETECTION SYSTEM CIRCLE P FOR PRIMARY, OR S FOR SECONDARY. A PRIMARY LEAK DETECTION SYSTEM MUST BE CIRCLED.

P <input type="checkbox"/> S <input checked="" type="checkbox"/> 1 VISUAL CHECK	P <input type="checkbox"/> S <input checked="" type="checkbox"/> 2 INVENTORY RECONCILIATION	P <input type="checkbox"/> S <input type="checkbox"/> 3 VADOSE WELLS	P <input type="checkbox"/> S <input type="checkbox"/> 4 ELECTRONIC MONITOR	P <input type="checkbox"/> S <input checked="" type="checkbox"/> 5 GROUND WATER MONITORING WELLS
P <input type="checkbox"/> S <input type="checkbox"/> 6 PRECISION TESTING	P <input type="checkbox"/> S <input type="checkbox"/> 7 PRESSURE TESTING	P <input type="checkbox"/> S <input type="checkbox"/> 91 NONE	P <input type="checkbox"/> S <input type="checkbox"/> 95 UNKNOWN	P <input type="checkbox"/> S <input type="checkbox"/> 99 OTHER

VI. INFORMATION ON TANK PERMANENTLY CLOSED IN PLACE

1. ESTIMATED DATE LAST USED (MO/YR) <u>N/A</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING IN _____ GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? <input type="checkbox"/> YES <input type="checkbox"/> NO
--	---	--

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

APPLICANT'S NAME (PRINTED & SIGNATURE) DOUGLAS PARKINS Co. Jeff. [Signature] DATE 12/10/89

LOCAL AGENCY USE ONLY

COUNTY #	JURISDICTION #	AGENCY #	FACILITY ID #	TANK ID #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
CURRENT LOCAL AGENCY FACILITY ID #	APPROVED BY NAME	PHONE # WITH AREA CODE		
PERMIT NUMBER	PERMIT APPROVAL DATE	PERMIT EXPIRATION DATE		
CHECK #	PERMIT AMOUNT	SURCHARGE AMT.	FEE CODE	RECEIPT #

STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD

FORM 'B': UNDERGROUND STORAGE TANK PROGRAM

TANK PERMIT APPLICATION INFORMATION

COMPLETE A SEPARATE FORM WITH THE FOLLOWING INFORMATION FOR EACH TANK.



NO 23698

MARK ONLY ONE ITEM

<input checked="" type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED TANK
<input type="checkbox"/> 2 INTERM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input type="checkbox"/> 8 TANK REMOVED

FACILITY/SITE NAME WHERE TANK IS INSTALLED: _____ FARM TANK - YES NO

II. TANK DESCRIPTION COMPLETE ALL ITEMS - IF UNKNOWN - SO SPECIFY

A. OWNER'S TANK ID #	Unknown	B. MANUFACTURED BY:	Unknown
C. YEAR INSTALLED	Unknown	D. TANK CAPACITY IN GALLONS:	550

III. TANK CONTENTS IF (A.1) IS MARKED, COMPLETE ITEM C. IF (A.1) IS NOT MARKED, COMPLETE ITEM B.

A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 2 PETROLEUM	B. <input type="checkbox"/> 1 PRODUCT	C. <input type="checkbox"/> 1 UNLEADED	<input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 3 DIESEL
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 4 OIL	<input type="checkbox"/> 2 WASTE	<input type="checkbox"/> 4 GASAHOL	<input type="checkbox"/> 5 JET FUEL	<input type="checkbox"/> 6 AVIATION GAS
<input type="checkbox"/> 5 HAZARDOUS	<input checked="" type="checkbox"/> 99 EMPTY		<input type="checkbox"/> 7 METHANOL	<input type="checkbox"/> 99 OTHER (DESCRIBE IN ITEM D, BELOW)	

D. IF NOT MOTOR VEHICLE FUEL ENTER NAME OF HAZARDOUS SUBSTANCE STORED & C.A.S. # _____ C.A.S. # _____

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOX A, B, C, & D

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALLED	<input type="checkbox"/> 3 SINGLE WALLED WITH EXTERIOR LINER	<input checked="" type="checkbox"/> 99 UNKNOWN
	<input type="checkbox"/> 2 SINGLE WALLED	<input type="checkbox"/> 4 SECONDARY CONTAINMENT	<input type="checkbox"/> 98 OTHER _____
B. TANK MATERIAL	<input type="checkbox"/> 1 STEEL/IRON	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input checked="" type="checkbox"/> 99 UNKNOWN
			<input type="checkbox"/> 98 OTHER _____
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINING	<input type="checkbox"/> 2 ALKYL LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 5 GLASS LINING	<input type="checkbox"/> 6 UNLINED	<input checked="" type="checkbox"/> 99 UNKNOWN
	<input type="checkbox"/> 98 LINING MATERIAL COMPATIBLE WITH 100% METHANOL? YES <input type="checkbox"/> NO <input type="checkbox"/>		<input type="checkbox"/> 98 OTHER _____
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 TAR OR ASPHALT	<input type="checkbox"/> 3 WWL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 91 NONE	<input checked="" type="checkbox"/> 99 UNKNOWN
			<input type="checkbox"/> 98 OTHER _____

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND, U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A U 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	A U 91 NONE	A U 99 UNKNOWN	A U 98 OTHER
B. CONSTRUCTION	A U 1 SINGLE WALLED	A U 2 DOUBLE WALLED	A U 3 UNED TRENCH	A U 91 NONE	A U 99 UNKNOWN	A U 98 OTHER
C. MATERIAL	A U 1 STEEL/IRON	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PIPE	A U 91 NONE	
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL CLAD W/FRP	A U 8 100% METHANOL COMPATIBLE FRP		
	A U 9 GALVANIZED STEEL	<input checked="" type="checkbox"/> 99 UNKNOWN	A U 98 OTHER _____			

V. LEAK DETECTION SYSTEM CIRCLE P FOR PRIMARY, OR S FOR SECONDARY, A PRIMARY LEAK DETECTION SYSTEM MUST BE CIRCLED.

P S 1 VISUAL CHECK	P S 2 INVENTORY RECONCILIATION	P S 3 VADOSE WELLS	P S 4 ELECTRONIC MONITOR	P S 5 GROUND WATER MONITORING WELLS
P S 6 PRECISION TESTING	P S 7 PRESSURE TESTING	P S 91 NONE	P S 99 UNKNOWN	P S 98 OTHER _____

VI. INFORMATION ON TANK PERMANENTLY CLOSED IN PLACE

1. ESTIMATED DATE LAST USED (MO/YR) JUNE 1987	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING IN _____ GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
--	---	---

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

APPLICANT'S NAME (PRINTED & SIGNATURE) Douglas Parkins DATE 12-11-89

LOCAL AGENCY USE ONLY

COUNTY #	JURISDICTION #	AGENCY #	FACILITY ID #	TANK ID #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
CURRENT LOCAL AGENCY FACILITY ID #	APPROVED BY NAME	PHONE # WITH AREA CODE		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
PERMIT NUMBER	PERMIT APPROVAL DATE	PERMIT EXPIRATION DATE		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
CHECK #	PERMIT AMOUNT	DISCHARGE AMT.	FEE CODE	RECEIPT #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

APPLICATION FOR PERMIT TO OPERATE UNDERGROUND STORAGE TANK

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

OWNER

(CORPORATION, INDIVIDUAL OR PUBLIC AGENCY) GLAS PARKING CO.		PUBLIC AGENCY ONLY <input type="checkbox"/> 01 FED <input type="checkbox"/> 02 STATE <input type="checkbox"/> 03 LOCAL	
KEY ADDRESS 1 WEBSTER ST.	CITY OAKLAND	STATE CA	ZIP 94612

FACILITY

FACILITY NAME GLAS MOTOR SERVICE	DEALER/FOREMAN/SUPERVISOR LELAND DOUGLAS		
KEY ADDRESS 1 WEBSTER ST.	NEAREST CROSS STREET 17TH ST.		
COUNTY ALAMEDA	ZIP 94612		
LONG ADDRESS 1 WEBSTER ST.	CITY OAKLAND	STATE CA	ZIP 94612
PHONE NUMBER 444-7412	TYPE OF BUSINESS <input checked="" type="checkbox"/> 01 GASOLINE STATION <input type="checkbox"/> 02 OTHER		
NO. OF CONTAINERS 2	RURAL AREAS ONLY:	TOWNSHIP	RANGE

24 HOUR EMERGENCY CONTACT PERSON:

1: NAME (LAST NAME FIRST) AND PHONE NUMBER
 GLAS, LELAND 415-444-7412

2: NAME (LAST NAME FIRST) AND PHONE NUMBER
 DOUGLAS, LELAND 415-284-5529

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

DESCRIPTION

<input checked="" type="checkbox"/> 01 TANK <input type="checkbox"/> 04 OTHER:	CONTAINER NUMBER 002		
MANUFACTURER (IF APPROPRIATE):	YEAR MFG:	C. YEAR INSTALLED	<input type="checkbox"/> UNKNOWN
CONTAINER CAPACITY: 1000 GALLONS	<input type="checkbox"/> UNKNOWN	2. DOES THE CONTAINER STORE: <input type="checkbox"/> 01 WASTE <input checked="" type="checkbox"/> 02 PRODUCT	
DOES THE CONTAINER STORE MOTOR VEHICLE FUEL OR WASTE OIL? <input checked="" type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO IF YES CHECK APPROPRIATE BOX(ES): <input type="checkbox"/> 01 UNLEADED <input checked="" type="checkbox"/> 02 REGULAR <input type="checkbox"/> 03 PREMIUM <input type="checkbox"/> 04 DIESEL <input type="checkbox"/> 05 WASTE OIL <input type="checkbox"/> 06 OTHER			

CONTAINER CONSTRUCTION

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

HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

525 UNIVERSITY AVENUE
PALO ALTO, CALIFORNIA 94301-1908
FACSIMILE (415) 324-0838
TELEPHONE (415) 328-7800

333 BUSH STREET · SAN FRANCISCO, CALIFORNIA 94104-2878

CABLE HELPOW · TELEX 184-986 · FACSIMILE (415) 772-6268
TELEPHONE (415) 772-6000

91 MAR 27

1201 FIFTH AVENUE
SEATTLE, WASHINGTON 98104-7098
FACSIMILE (206) 447-0848
TELEPHONE (206) 447-0900

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

1201 PACIFIC AVENUE
TACOMA, WASHINGTON 98402-4308
FACSIMILE (206) 572-6743
TELEPHONE (206) 572-8866

March 25, 1991

1300 S.W. FIFTH AVENUE
PORTLAND, OREGON 97201-5698
FACSIMILE (503) 241-0850
TELEPHONE (503) 227-7400

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

WRITER'S DIRECT DIAL NUMBER
(415) 772-6724

17409-0001

Theodore A. Cobb, Esq.
Senior Staff Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

In the Matter of the Petition of
Alvin Bacharach and Barbara Borsuk,
File No. A-728: Supplemental Information

Dear Mr. Cobb:

The above-referenced Petition was received by the State Water Resources Control Board ("State Board") on February 7, 1991. Petitioners have conducted further investigations since that time, and have discovered additional relevant information. Therefore, Petitioners hereby submit this letter, and the attached Exhibits, as an Addendum to their original Petition.

Petitioners have asked the State Board to add Douglas Motor Services ("Douglas") to the Cleanup and Abatement Order issued to Petitioners by the County of Alameda. The Petition makes the point that Douglas runs a number of garage businesses in Alameda County which have underground storage tanks ("USTs") on the property. This indicates that Douglas is a sophisticated commercial party familiar with the requirements of the state UST statute. A review of the County's files reveals that Douglas has encountered problems with the USTs at some of these locations as well. Petitioners believe that this information has bearing on Douglas' behavior in this matter in abandoning the USTs on Petitioners' property and failing to comply with state law in their operation.

The County issued Douglas a Final Notice of Violation in August 1990 for failing to submit a tank closure plan or to

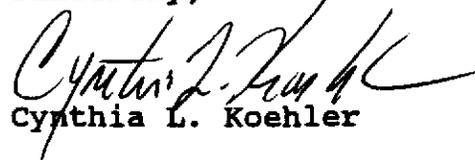
Theodore A. Cobb, Esq.
March 26, 1991

Page 2

obtain a permit for the tanks located at its 1881 Harrison Street property. A true and correct copy of the August 20, 1990 Final Notice of Violation is attached hereto as Exhibit 1. The County's records also indicate that Douglas abandoned an underground storage tank at another location in Alameda County. A true and correct copy of the UST Program Facility/Site Information and Permit Application for the 1721 Webster Street property is attached hereto as Exhibit 2.

Thank you for your consideration of this information. Please do not hesitate to call me if you have any questions.

Sincerely,


Cynthia L. Koehler

Enclosures

cc: Mark Borsuk
Alvin Bacharach
Paul Smith ✓
Mark Thomson
Leland Douglas
Stephen Richie
Michael Willcoxon



August 20, 1990

Douglas Parking
1881 Harrison St.
Oakland, CA 94612

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

RE: 1881 Harrison St.

FINAL NOTICE OF VIOLATION

Dear owner/operator:

Our records indicate that there are underground tank(s) at your site at the above facility. You have been notified of the below violations and you have not yet corrected them.

In accordance with the California Code of Regulations, 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, forms available from this office, or
2. Apply for a permit as required by Article 10, 2710. Permit applications Part A and B are available from this office.

Please note that section 25299 of the California Health and Safety Code states that any operator or owner of an underground storage tank is liable for a civil penalty of not less than five hundred dollars or more than five thousand dollars per day for failure to obtain a permit, or failing to properly close an underground storage tank, as required by section 25298.

If you have any questions concerning this matter, please contact this office at 271-4320.

Sincerely,

Thomas F. Peacock, Senior HMS
Hazardous Materials Division

TFP:tfp

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

STATE OF CALIFORNIA

WATER RESOURCES CONTROL BOARD



FORM 'A':
SITE

UNDERGROUND STORAGE TANK PROGRAM
FACILITY/SITE, INFORMATION and/or PERMIT APPLICATION
COMPLETE THIS FORM FOR EACH FACILITY/SITE

No. 35355

MARK ONLY ONE ITEM	<input checked="" type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED SITE
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY SITE CLOSURE	

I. FACILITY/SITE INFORMATION & ADDRESS — (MUST BE COMPLETED)

FACILITY/SITE NAME DOUGLAS PARKING CO.		CARE OF ADDRESS INFORMATION		
ADDRESS 1721 WEBSTER ST.		NEAREST CROSS STREET 17th	<input checked="" type="checkbox"/> Box to indicate CORPORATION INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP LOCAL AGENCY COUNTY AGENCY
CITY NAME OAKLAND		STATE CA	ZIP CODE 94612	SITE PHONE # WITH AREA CODE 415-444-7412
TYPE OF BUSINESS: <input type="checkbox"/> 1 GAS STATION <input type="checkbox"/> 2 DISTRIBUTOR <input type="checkbox"/> 3 FARM <input type="checkbox"/> 4 PROCESSOR <input checked="" type="checkbox"/> 5 OTHER		<input checked="" type="checkbox"/> Box if INDIAN RESERVATION or TRUST LANDS <input type="checkbox"/>		EPA ID # none
EMERGENCY CONTACT PERSON (PRIMARY)		EMERGENCY CONTACT PERSON (SECONDARY)		
DAY: NAME (LAST, FIRST) DOUGLAS, LELAND		PHONE # WITH AREA CODE 415 444-7412		DAY: NAME (LAST, FIRST) DOUGLAS, DAVID
NIGHT: NAME (LAST, FIRST) SAME		PHONE # WITH AREA CODE 415 284-5525		NIGHT: NAME (LAST, FIRST) SAME
				PHONE # WITH AREA CODE 865-7482

II. PROPERTY OWNER INFORMATION & ADDRESS — (MUST BE COMPLETED)

NAME SAME AS SITE		CARE OF ADDRESS INFORMATION		
MAILING or STREET ADDRESS SAME AS SITE		<input checked="" type="checkbox"/> Box to indicate CORPORATION INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP LOCAL AGENCY COUNTY AGENCY	<input type="checkbox"/> STATE AGENCY FEDERAL AGENCY
CITY NAME		STATE	ZIP CODE	PHONE # WITH AREA CODE

III. TANK OWNER INFORMATION & ADDRESS — (MUST BE COMPLETED)

NAME		CARE OF ADDRESS INFORMATION		
MAILING or STREET ADDRESS SAME AS SITE		<input checked="" type="checkbox"/> Box to indicate CORPORATION INDIVIDUAL	<input type="checkbox"/> PARTNERSHIP LOCAL AGENCY COUNTY AGENCY	<input type="checkbox"/> STATE AGENCY FEDERAL AGENCY
CITY NAME		STATE	ZIP CODE	PHONE # WITH AREA CODE

IV. LEGAL NOTIFICATION AND BILLING ADDRESS

CHECK ONE (1) BOX INDICATING WHICH ABOVE ADDRESS SHOULD BE USED FOR BOTH LEGAL NOTIFICATION AND BILLING: I. II. III.

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

APPLICANT'S NAME (PRINTED & SIGNATURE) DOUGLAS PARKING CO. [Signature]	DATE 12/11/85
--	-------------------------

LOCAL AGENCY USE ONLY

COUNTY #	JURISDICTION #	AGENCY #	FACILITY ID #	# of TANKS at SITE
CURRENT LOCAL AGENCY FACILITY ID #		APPROVED BY NAME		PHONE # WITH AREA CODE
PERMIT NUMBER	PERMIT APPROVAL DATE	PERMIT EXPIRATION DATE		
LOCATION CODE	CENSUS TRACT #	SUPERVISOR-DISTRICT CODE	BUSINESS PLAN FILED YES <input type="checkbox"/> NO <input type="checkbox"/>	DATE FILED
CHECK #	PERMIT AMOUNT	SURCHARGE AMOUNT	FEE CODE	RECEIPT # BY:

THIS FORM MUST BE ACCOMPANIED BY AT LEAST (1) OR MORE TANK PERMIT FORM 'B' APPLICATION(S), UNLESS THIS IS A CHANGE OF SITE INFORMATION ONLY.

STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD

FORM 'B': UNDERGROUND STORAGE TANK PROGRAM

TANK PERMIT APPLICATION INFORMATION

COMPLETE A SEPARATE FORM WITH THE FOLLOWING INFORMATION FOR EACH TANK.



No. 23697

MARK ONLY ONE ITEM

<input checked="" type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED TANK
<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input type="checkbox"/> 8 TANK REMOVED

FACILITY/SITE NAME WHERE TANK IS INSTALLED: _____ FARM TANK - YES NO

I. TANK DESCRIPTION COMPLETE ALL ITEMS - IF UNKNOWN - SO SPECIFY

A. OWNER'S TANK ID # <u>Unknown</u>	B. MANUFACTURED BY: <u>Unknown</u>
C. YEAR INSTALLED <u>~1975</u>	D. TANK CAPACITY IN GALLONS: <u>1600</u>

II. TANK CONTENTS IF (A.1.) IS MARKED, COMPLETE ITEM C. IF (A.1.) IS NOT MARKED, COMPLETE ITEM D.

A. <input checked="" type="checkbox"/> 1 MOTOR VEHICLE FUEL	<input type="checkbox"/> 2 PETROLEUM	B. <input checked="" type="checkbox"/> 1 PRODUCT	<input type="checkbox"/> 2 WASTE
<input type="checkbox"/> 3 CHEMICAL PRODUCT	<input type="checkbox"/> 4 OIL	<input type="checkbox"/> 2 LEADED	<input type="checkbox"/> 3 DIESEL
<input type="checkbox"/> 5 HAZARDOUS	<input type="checkbox"/> 60 EMPTY	<input type="checkbox"/> 6 UNLEADED	<input type="checkbox"/> 7 METHANOL
<input type="checkbox"/> 65 UNKNOWN		<input type="checkbox"/> 8 GASAHOL	<input type="checkbox"/> 9 JET FUEL
		<input type="checkbox"/> 10 100% METHANOL COMPATIBLE FRP	<input type="checkbox"/> 11 OTHER (DESCRIBE IN ITEM D. BELOW)

D. IF NOT MOTOR VEHICLE FUEL, ENTER NAME OF HAZARDOUS SUBSTANCE STORED & C.A.S. # _____ C.A.S. # _____

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOX A, B, C, & D

A. TYPE OF SYSTEM	<input type="checkbox"/> 1 DOUBLE WALLED	<input type="checkbox"/> 3 SINGLE WALLED WITH EXTERIOR LINER	<input checked="" type="checkbox"/> 5 UNKNOWN
	<input type="checkbox"/> 2 SINGLE WALLED	<input type="checkbox"/> 4 SECONDARY CONTAINMENT	<input type="checkbox"/> 60 OTHER _____
B. TANK MATERIAL	<input type="checkbox"/> 1 STEEL/IRON	<input type="checkbox"/> 2 STAINLESS STEEL	<input type="checkbox"/> 3 FIBERGLASS
	<input type="checkbox"/> 5 CONCRETE	<input type="checkbox"/> 6 POLYVINYL CHLORIDE	<input type="checkbox"/> 7 ALUMINUM
	<input type="checkbox"/> 9 BRONZE	<input type="checkbox"/> 10 GALVANIZED STEEL	<input checked="" type="checkbox"/> 11 UNKNOWN
C. INTERIOR LINING	<input type="checkbox"/> 1 RUBBER LINING	<input type="checkbox"/> 2 ALKYL LINING	<input type="checkbox"/> 3 EPOXY LINING
	<input type="checkbox"/> 6 GLASS LINING	<input type="checkbox"/> 8 UNLINED	<input checked="" type="checkbox"/> 9 PHENOLIC LINING
	<input type="checkbox"/> 15 LINING MATERIAL COMPATIBLE WITH 100% METHANOL?	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> 16 UNKNOWN
D. CORROSION PROTECTION	<input type="checkbox"/> 1 POLYETHYLENE WRAP	<input type="checkbox"/> 2 TAR OR ASPHALT	<input type="checkbox"/> 3 VINYL WRAP
	<input type="checkbox"/> 5 CATHODIC PROTECTION	<input type="checkbox"/> 11 NONE	<input checked="" type="checkbox"/> 12 UNKNOWN
			<input type="checkbox"/> 13 FIBERGLASS REINFORCED PLASTIC
			<input type="checkbox"/> 14 OTHER _____

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND, U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A (U) 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	A U 91 NONE	A U 95 UNKNOWN	A U 99 OTHER
B. CONSTRUCTION	A U 1 SINGLE WALLED	A U 2 DOUBLE WALLED	A U 3 LINED TRENCH	A U 91 NONE	A (U) 95 UNKNOWN	A U 99 OTHER
C. MATERIAL	A U 1 STEEL/IRON	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PIPE	A U 91 NONE	
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL CLAD W/FRP	A U 8 100% METHANOL COMPATIBLE FRP		
	A U 9 GALVANIZED STEEL	A (U) 95 UNKNOWN	A U 99 OTHER			

V. LEAK DETECTION SYSTEM CIRCLE P FOR PRIMARY, OR S FOR SECONDARY, A PRIMARY LEAK DETECTION SYSTEM MUST BE CIRCLED.

P S 1 VISUAL CHECK	<input checked="" type="checkbox"/> P S 2 INVENTORY RECONCILIATION	P S 3 VADOSE WELLS	P S 4 ELECTRONIC MONITOR	<input checked="" type="checkbox"/> P S 5 GROUND WATER MONITORING WELLS
P S 6 PRECISION TESTING	P S 7 PRESSURE TESTING	P S 91 NONE	P S 95 UNKNOWN	P S 99 OTHER

VI. INFORMATION ON TANK PERMANENTLY CLOSED IN PLACE

1. ESTIMATED DATE LAST USED (MO/YR) <u>N/A</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING IN GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? <input type="checkbox"/> YES <input type="checkbox"/> NO
---	---	--

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

APPLICANT'S NAME (PRINTED & SIGNATURE) DOUGLAS PARKINS Co. Jeff. [Signature] DATE 12/10/89

LOCAL AGENCY USE ONLY

COUNTY #	JURISDICTION #	AGENCY #	FACILITY ID #	TANK ID #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
CURRENT LOCAL AGENCY FACILITY ID #	APPROVED BY NAME	PHONE # WITH AREA CODE		
PERMIT NUMBER	PERMIT APPROVAL DATE	PERMIT EXPIRATION DATE		
CHECK #	PERMIT AMOUNT	SURCHARGE AMT.	FEE CODE	RECEIPT #

STATE OF CALIFORNIA WATER RESOURCES CONTROL BOARD

FORM 'B': UNDERGROUND STORAGE TANK PROGRAM

TANK PERMIT APPLICATION INFORMATION



NO 23698

COMPLETE A SEPARATE FORM WITH THE FOLLOWING INFORMATION FOR EACH TANK.

MARK ONLY ONE ITEM	<input checked="" type="checkbox"/> 1 NEW PERMIT	<input type="checkbox"/> 3 RENEWAL PERMIT	<input type="checkbox"/> 5 CHANGE OF INFORMATION	<input type="checkbox"/> 7 PERMANENTLY CLOSED TANK
	<input type="checkbox"/> 2 INTERIM PERMIT	<input type="checkbox"/> 4 AMENDED PERMIT	<input type="checkbox"/> 6 TEMPORARY TANK CLOSURE	<input type="checkbox"/> 8 TANK REMOVED

FACILITY/SITE NAME WHERE TANK IS INSTALLED: _____ FARM TANK - YES NO

I. TANK DESCRIPTION COMPLETE ALL ITEMS - IF UNKNOWN - SO SPECIFY

A. OWNER'S TANK ID # <u>Unknown</u>	B. MANUFACTURED BY: <u>Unknown</u>
C. YEAR INSTALLED <u>Unknown</u>	D. TANK CAPACITY IN GALLONS: <u>550</u>

II. TANK CONTENTS IF (A.1), IS MARKED, COMPLETE ITEM C. IF (A.1), IS NOT MARKED, COMPLETE ITEM B.

A. <input type="checkbox"/> 1 MOTOR VEHICLE FUEL <input type="checkbox"/> 2 PETROLEUM <input type="checkbox"/> 3 CHEMICAL PRODUCT <input type="checkbox"/> 4 OIL <input type="checkbox"/> 5 HAZARDOUS <input checked="" type="checkbox"/> 6 EMPTY <input type="checkbox"/> 7 UNKNOWN	B. <input type="checkbox"/> 1 PRODUCT <input type="checkbox"/> 2 WASTE	C. <input type="checkbox"/> 1 UNLEADED <input type="checkbox"/> 2 LEADED <input type="checkbox"/> 3 DIESEL <input type="checkbox"/> 4 GASAHOL <input type="checkbox"/> 5 JET FUEL <input type="checkbox"/> 6 AVIATION GAS <input type="checkbox"/> 7 METHANOL <input type="checkbox"/> 8 OTHER (DESCRIBE IN ITEM D, BELOW)
D. IF NOT MOTOR VEHICLE FUEL ENTER NAME OF HAZARDOUS SUBSTANCE STORED & C.A.S. # _____ C.A.S. # _____		

III. TANK CONSTRUCTION MARK ONE ITEM ONLY IN BOX A, B, C, & D

A. TYPE OF SYSTEM <input type="checkbox"/> 1 DOUBLE WALLED <input type="checkbox"/> 2 SINGLE WALLED <input type="checkbox"/> 3 SINGLE WALLED WITH EXTERIOR LINER <input type="checkbox"/> 4 SECONDARY CONTAINMENT <input checked="" type="checkbox"/> 5 UNKNOWN <input type="checkbox"/> 6 OTHER _____	B. TANK MATERIAL <input type="checkbox"/> 1 STEEL/W/ON <input type="checkbox"/> 2 STAINLESS STEEL <input type="checkbox"/> 3 FIBERGLASS <input type="checkbox"/> 4 STEEL CLAD W/FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 5 CONCRETE <input type="checkbox"/> 6 POLYVINYL CHLORIDE <input type="checkbox"/> 7 ALUMINUM <input type="checkbox"/> 8 100% METHANOL COMPATIBLE FRP <input type="checkbox"/> 9 BRONZE <input type="checkbox"/> 10 GALVANIZED STEEL <input checked="" type="checkbox"/> 11 UNKNOWN <input type="checkbox"/> 12 OTHER _____	C. INTERIOR LINING <input type="checkbox"/> 1 RUBBER LINED <input type="checkbox"/> 2 ALKYD LAMING <input type="checkbox"/> 3 EPOXY LAMING <input type="checkbox"/> 4 PHENOLIC LAMING <input type="checkbox"/> 5 GLASS LAMING <input type="checkbox"/> 6 UNLINED <input checked="" type="checkbox"/> 7 UNKNOWN <input type="checkbox"/> 8 IS LINING MATERIAL COMPATIBLE WITH 100% METHANOL? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> 9 OTHER _____
D. CORROSION PROTECTION <input type="checkbox"/> 1 POLYETHYLENE WRAP <input type="checkbox"/> 2 TAR OR ASPHALT <input type="checkbox"/> 3 VINYL WRAP <input type="checkbox"/> 4 FIBERGLASS REINFORCED PLASTIC <input type="checkbox"/> 5 CATHODIC PROTECTION <input type="checkbox"/> 6 NONE <input checked="" type="checkbox"/> 7 UNKNOWN <input type="checkbox"/> 8 OTHER _____		

IV. PIPING INFORMATION CIRCLE A IF ABOVE GROUND, U IF UNDERGROUND, BOTH IF APPLICABLE

A. SYSTEM TYPE	A U 1 SUCTION	A U 2 PRESSURE	A U 3 GRAVITY	A U 91 NONE	A U 92 UNKNOWN	A U 99 OTHER
B. CONSTRUCTION	A U 1 SINGLE WALLED	A U 2 DOUBLE WALLED	A U 3 LINED TRENCH	A U 91 NONE	A U 92 UNKNOWN	A U 99 OTHER
C. MATERIAL	A U 1 STEEL/W/ON	A U 2 STAINLESS STEEL	A U 3 POLYVINYL CHLORIDE (PVC)	A U 4 FIBERGLASS PIPE	A U 91 NONE	
	A U 5 ALUMINUM	A U 6 CONCRETE	A U 7 STEEL CLAD W/FRP	A U 8 100% METHANOL COMPATIBLE FRP		
	A U 9 GALVANIZED STEEL	A U 10 UNKNOWN	A U 20 OTHER			

V. LEAK DETECTION SYSTEM CIRCLE P FOR PRIMARY, OR S FOR SECONDARY, A PRIMARY LEAK DETECTION SYSTEM MUST BE CIRCLED.

P S 1 VISUAL CHECK	P S 2 INVENTORY RECONCILIATION	P S 3 VADGE WELLS	P S 4 ELECTRONIC MONITOR	P S 5 GROUND WATER MONITORING WELLS
P S 6 PRECISION TESTING	P S 7 PRESSURE TESTING	P S 91 NONE	P S 92 UNKNOWN	P S 99 OTHER

VI. INFORMATION ON TANK PERMANENTLY CLOSED IN PLACE

1. ESTIMATED DATE LAST USED (MO/YR) <u>June 1987</u>	2. ESTIMATED QUANTITY OF SUBSTANCE REMAINING IN _____ GALLONS	3. WAS TANK FILLED WITH INERT MATERIAL? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
---	---	---

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

APPLICANT'S NAME (PRINTED & SIGNATURE) DUGLAS PARKING & Maintenance DATE 12-11-85

LOCAL AGENCY USE ONLY

COUNTY #	JURISDICTION #	AGENCY #	FACILITY ID #	TANK ID #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
CURRENT LOCAL AGENCY FACILITY ID #			APPROVED BY NAME	PHONE # WITH AREA CODE
PERMIT NUMBER		PERMIT APPROVAL DATE	PERMIT EXPIRATION DATE	
CHECK #	PERMIT AMOUNT	DUPLICATE AMT.	FEE CODE	RECEIPT #
				BY

HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

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CABLE HELPOW · TELEX 184-996 · FACSIMILE (415) 772-6268
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TELEPHONE (213) 689-0200

1201 PACIFIC AVENUE
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FACSIMILE (206) 572-6743
TELEPHONE (206) 572-6666

March 13, 1991

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

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

WRITER'S DIRECT DIAL NUMBER

17409-0001

(415) 772-6724

Theodore A. Cobb, Esq.
Senior Staff Counsel
State Water Resources Control Board
901 P. Street
P.O. Box 100
Sacramento, CA 95812-0100

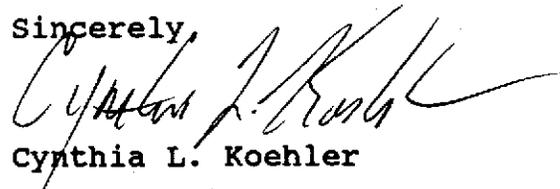
In the Matter of the Petition of
Alvin Bacharach and Barbara Borsuk
for Review of Alameda County
Cleanup Order, No. A-728

Dear Mr. Cobb:

I write to confirm our telephone conversation of this afternoon regarding your letter of March 6, 1991. You informed me that this letter should have read: "The State Board will now begin review of the issues raised in the Petition," instead of "The State Board will not begin review of the issues raised in the Petition."

I appreciate your clarifying this typographic error.

Sincerely,


Cynthia L. Koehler

cc: Alvin Bacharach
Mark Borsuk
Mark Thomson

Theodore A. Cobb, Esq.
March 13, 1991

Page 2

Paul Smith
Leland Douglas
Stephen R. Richie
Michael Willcoxon

Theodore A. Cobb, Esq.
March 13, 1991

Page 3

bcc: Jon Leo
Barbara Borsuk

HELLER, EHRMAN, WHITE & MCAULIFFE
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February 6, 1991

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WRITER'S DIRECT DIAL NUMBER

(415) 772-6724

17409-0001

BY FEDERAL EXPRESS

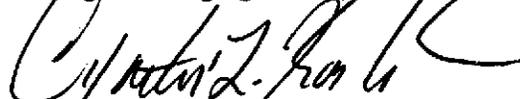
Craig M. Wilson, Esq.
Office of Chief Counsel
State Water Resources Control Board
901 P. Street, 4th Floor
Sacramento, CA 95814

Dear Mr. Wilson:

Enclosed for filing is a Petition for Review by the State Board in accordance with 23 C.C.R. §2050 appealing a decision by Alameda County regarding an underground storage tank corrective action.

Please call me if you have any questions.

Very truly yours,


Cynthia L. Koehler

cc: Mark Thomson, Esq.
Mark Borsuk, Esq.
Mr. Alvin Bacharach
Mr. Paul Smith ✓

HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

FILED 14 AM 10:56

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February 6, 1991

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JONATHAN SEBASTIAN LEO
DIRECT DIAL (415) 772-6068

17409-0001

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

Harrison Street Garage: Appeal of
County Decision to State Water Resources Control Board

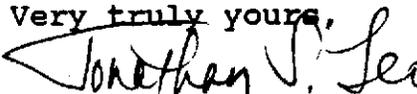
Dear Mr. Thomson:

This letter serves as formal notice that Alvin Bacharach and Barbara Borsuk (collectively, "Petitioner") have decided to appeal the County of Alameda's ("County") final decision not to add Douglas Motor Services to the corrective action order issued against them by the County with regard to the Harrison Street Garage. A copy of the Petition and related documents filed with the State Board is enclosed pursuant to 23 C.C.R. §2050(a)(9).

Petitioner hereby requests pursuant to 23 C.C.R. §2050(a)(8), that the County provide the State Board with a list of all persons other than those listed in Section 8 of the Petition, if any, known by the County to have an interest in the subject matter of the Petition, which is the addition of Douglas Motor Services as a responsible party on the aforementioned Cleanup Order.

Petitioner also hereby requests the County to prepare the County's record of its decision in this action pursuant to 23 C.C.R. §2050(a)(10).

Thank you very much for your cooperation in this matter.

Very truly yours,

Jonathan S. Leo

Enclosure
cc: Paul Smith ✓

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 2350
OAKLAND, CALIFORNIA 94612

ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
BERNARD F. ROSE, PH.D.
REBECCA T. DIXON
JULIE M. ROSE
WILLIAM J. TRINKLE

TELEPHONE
(510) 836-3555

TELECOPIER
(510) 834-4748

May 4, 1993

Theodore A. Cobb, Esq.
Senior Staff Counsel
State Water Resources Control Board
Paul R. Bonderson Bldg.
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Re: Responses to Petitions
A-843
A-843(A)

Dear Mr. Cobb:

This letter is simply to confirm the telephone message which I left for you on the morning of May 4, 1993. The attorneys representing Alvin Bacharach and Barbara Borsuk had requested a 30-day extension of time to June 11, 1993 in which to prepare a response to the Petition of Douglas Motor Service (file number A-843). A subsequent suggestion was made by the same counsel that the response due to the Bacharach and Borsuk Petition also be due on June 11, 1993.

Our office, on behalf of Douglas Motor Service, is in agreement with this extension of time. And, in fact, we were separately intending on contacting your office to request a similar extension of time.

If you have any questions or concerns related to this request for extension, please feel free to contact me.

Thank you for your time and consideration.

Very truly yours,

RANDICK & O'DEA



William J. Trinkle

2978.1

WJT:mj

cc: Interested Persons Mailing List

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1999 HARRISON STREET

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FAX (213) 896-8080

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

April 30, 1993

ST 10 498

VIA FACSIMILE AND U.S. MAIL

Theodore A. Cobb, Esq.
Senior Staff Counsel
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
P. O. Box 100
Sacramento, CA 95812-0100

Re: **Response to Petition of Douglas Motor Service
File No A-843**

Dear Mr. Cobb:

This letter is a follow up to a letter of April 28, 1993 sent by my colleague, Janet Absher. In that letter, copy enclosed, Ms. Absher requested a 30-day extension of time, up to and including June 11, 1993, to file with the State Board our Response to the Petition of Douglas Motor Service. Douglas' Petition is in your File No. A-843.

By this letter, we request that the 30-day extension to June 11 also apply to Douglas' time to respond to our Petition on behalf of Alvin H. Bacharach and Barbara Jean Borsuk. I believe our Petition is in your file No. A-843(a). It makes sense for the Board to extend the time on both Petitions, because both Petitions involve the same property and closely related matters. In addition, extending the time on both Petitions will give all parties the same opportunity to respond and will allow the County to simultaneously file comments or responses regarding both Petitions, if the County wishes to do so.

CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

Theodore A. Cobb, Esq.
April 30, 1993
Page 2

In short, a mutual extension of time on both Petitions will benefit everyone. We appreciate your consideration of this request.

Very truly yours,



Randall D. Morrison

RDM:ma

cc: Interested Persons Mailing List

William J. Trinkle
RANDICK & O'DEA
1800 Harrison St., Suite 1771
Oakland, CA 94612

Mr. Paul M. Smith
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Mr. Thomas Peacock
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Steven Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco
Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

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

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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SAN FRANCISCO, CALIFORNIA 94104-2899
(415) 543-8700
FAX (415) 391-8269

April 28, 1993

VIA FACSIMILE AND U.S. MAIL

Theodore A. Cobb
Senior Staff Counsel
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
P. O. Box 100
Sacramento, CA 95812-0100

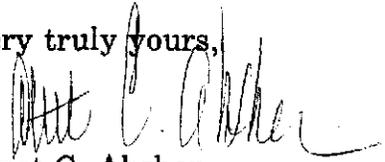
Re: **Response to Petition of Douglas Motor Service
File No A-843**

Dear Mr. Cobb:

This will confirm that Alvin H. Bacharach and Barbara Jean Borsuk hereby request a thirty day extension of time up to and including June 11, 1993 within which to file with the State Water Board a Response to the Petition of Douglas Motor Service, File No. A-843. We are hoping that we will soon have a response regarding the most recent evidence we have submitted to the County, and we expect that the requested extension will allow sufficient time within which to conduct further dialogue with the County, if necessary.

Thank you for your consideration.

Very truly yours,


Janet C. Absher

JCA/tss

cc: Gil Jensen
Thomas Peacock
William J. Trinkle, Esq.

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1999 HARRISON STREET

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

March 8, 1993

State Water Resources
Control Board
901 "P" Street
Sacramento, CA 95814
Attn: Legal Department

Re: Petition for Review of Failure to Act by the County of Alameda
Health Care Services Agency re: Corrective Action Order for
Harrison Street Garage, 1432 Harrison Street, Oakland, California
94612 and Request to Hold Petition in Abeyance

Dear Ladies and Gentlemen:

We have enclosed the Petition for Review of property owners Alvin H. Bacharach and Barbara Jean Borsuk. The Petition requests that the State Board require Alameda County's Order of February 5, 1993, to be amended, to name Douglas Motor Service and its partners as responsible parties for additional areas of contamination at this property. The County's present Order names Douglas and its partners as responsible parties, but only with regard to gasoline tank releases. The owners request that Douglas also be named as a responsible party with regard to the hydraulic lift and tank and waste oil piping and tanks in the basement.

Since issuance of the County's Order, the owners' counsel and consultants have met with Mr. Paul Smith of the County to review the evidence regarding Douglas' responsibility for contamination in these areas. By agreement with Mr. Smith, the owners will submit a further letter and review of the evidence to the County on these issues, and we expect that the County will invite further evidence from the Douglas parties as well. It may therefore be possible for the property owners to resolve their disagreements with the County as to Douglas' responsibility for the hydraulic lift area and basement contamination.

For this reason, the owners request that their Petition be held in abeyance for a period of thirty days to allow further discussions between the property owners and the County on these issues. The Douglas parties have,



CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

State Water Resources
Control Board
March 8, 1993
Page 2

meanwhile, filed their own Petition on March 5, 1993, requesting review of the County's Order insofar as it names Douglas as a responsible party with regard to the gasoline tank releases.

To promote economy and efficiency for all parties concerned -- including the State Board and County -- the owners respectfully request that both the owners' and Douglas' Petitions be held in abeyance for thirty days, with all times for response extended accordingly. By holding the Petitions in abeyance for this brief period, the State Board and the parties may avoid a debate on at least two of the three issues now pending. This brief delay will not prejudice Douglas or anyone else.

Very truly yours,

RANDALL D. MORRISON

Randall D. Morrison

RDM:lahc

Enclosure

cc: Messrs. Ron and Leland Douglas c/o
William J. Trinkle, Esq. (via messenger)

Mr. Paul M. Smith (via regular mail)

Gilbert A. Jensen, Esq. (via regular mail)

Regional Water Quality Control Board (via regular mail)

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

700 SOUTH FLOWER STREET, SUITE 2200
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(415) 986-3400
FAX (510) 273-8832

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

March 4, 1993

HAND DELIVERY

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

Re: 1428-1434 Harrison Street and
1435-1443 Alice Street, Oakland, CA:
Appeal of County Decision to State Water
Resources Control Board

Dear Mr. Smith:

This letter serves as formal notice that, pending further discussions with you and Mr. Gil Jensen, the owners of the subject property, in order to preserve all rights of review with the State Water Resources Control Board, have decided to file an appeal of the County of Alameda's ("County") decision not to name Douglas Motor Service and its partners as responsible parties with respect to the hydraulic lift and tank and the underground piping and waste oil system in the Harrison Street garage.

Enclosed is a list of persons who have an interest in the subject matter of the Petition. Pursuant to 23 C.C.R. § 2050(a)(8), Petitioners request that the County provide them with a list, with a copy to the State Board, of any additional persons known by the County to have an interest in the subject matter of the Petition.

CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

Mr. Paul M. Smith.
March 4, 1993
Page 2

Petitioners also hereby request the County to prepare the County's record of its decision in this action pursuant to 23 C.C.R. § 2050(a)(10).

Thank you for your cooperation.

Very truly yours,



Randall D. Morrison

RDM/mzc

cc: Gilbert A. Jensen, Esq.

Mr. Leland Douglas
Douglas Parking Services
1721 Webster Street
Oakland, CA 94612

Mr. Ron Douglas
Douglas Parking Service
1721 Webster Street
Oakland, CA 94612

Mr. Paul M. Smith
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 Div.
7677 Oakport Street, Suite 400
Oakland, CA 94621

LAW OFFICES
CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION
1999 HARRISON STREET
OAKLAND, CALIFORNIA 94612

MR PAUL M SMITH
HAZARDOUS MATERIALS SPECIALIST
ALAMEDA COUNTY HEALTH CARE
SERVICES AGENCY
HAZARDOUS MATERIALS PROGRAM
DEPARTMENT OF ENVIRONMENTAL HEALTH
80 SWAN WAY ROOM 200
OAKLAND CA 94621

HAND DELIVERY
VIA MESSENGER

LAW OFFICES

RANDICK & O'DEA

1800 HARRISON, SUITE 2350
OAKLAND, CALIFORNIA 94612

TELEPHONE
(510) 836-3555

TELECOPIER
(510) 834-4748

ROBERT A. RANDICK, JR.
BRIAN M. O'DEA
SUSAN M. TEEL
BERNARD F. ROSE, PH.D.
JULIE M. ROSE
WILLIAM J. TRINKLE

July 12, 1993

Theodore A. Cobb
Senior Staff Counsel
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Re: Petition of Douglas Motor Service/File No. A-843
Petition of Alvin A. Bacharach/File No. A-843(a)

Dear Mr. Cobb:

This letter is to confirm our conversation on the morning of July 9, 1993 regarding the above-referenced Petitions. Initially, you informed me that Mark Borsuk had requested and received an extension to July 30, 1993 in which to respond to Douglas Motor Service Petition due to a death in his family.

On behalf of Douglas Motor Service, I requested an extension of time to August 12, 1993 in which to respond to the Bacharach Petition (843(a)) due to a scheduled vacation and also the pendency of the review process in Alameda County. You agreed to this extension of time.

Very truly yours,

RANDICK & O'DEA



William J. Trinkle

WJT:co'b

cc: Randall Morrison, Esq.
Mr. Paul M. Smith
Mr. Thomas Peacock
Mr. Steven Ritchie
Gilbert A. Jensen, Esq.

CROSBY, HEAFEY, ROACH & MAY

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1999 HARRISON STREET

OAKLAND, CALIFORNIA 94612-3573

(510) 763-2000

(415) 986-3400

FAX (510) 273-8832

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

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

June 9, 1993

VIA FACSIMILE AND U.S. MAIL

Theodore A. Cobb
Senior Staff Counsel
State Water Resources Control Board
Paul R. Bonderson Building
901 P Street
P. O. Box 100
Sacramento, CA 95812-0100

Re: **Petition of Douglas Motor Service/File No A-843**
Petition of Alvin A. Bacharach/File No A-843(a)

Dear Mr. Cobb:

This will confirm that I have spoken to counsel for Douglas Motor Service regarding the above-captioned Petitions, and we have mutually agreed to extend the deadline for the filing of our Responses to same ~~to July 12, 1993~~ in order to allow further negotiations at the County level. Per my telephone conversation with you on June 7, 1993, this will also confirm that you have agreed to the requested extensions.

Thank you for your cooperation.

Very truly yours,


Janet C. Absher

JCA/tss

cc: Interested Persons Mailing List
Via Regular Mail

60 JUN 11 1993

CROSBY, HEAFEY, ROACH & MAY
PROFESSIONAL CORPORATION

Theodore A. Cobb
June 9, 1993
Page 2

Bernard F. Rose
RANDICK & O'DEA
1800 Harrison St., Suite 1771
Oakland, CA 94612

Mr. Paul M. Smith
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

✓ Mr. Thomas Peacock
Dept. of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Steven Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

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

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CA 95812-0100
(916) 322-3580



91 JUN 11 AM 11:40

June 10, 1991

Ms. Cynthia L. Koehler
Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104-2878

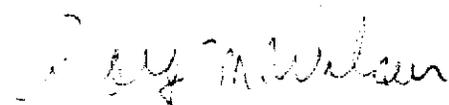
Dear Ms. Koehler:

IN THE MATTER OF THE PETITION OF ALVIN BACHARACH AND
BARBARA BORSUK FOR REVIEW OF ALAMEDA COUNTY CLEANUP ORDER ISSUED
ON JANUARY 14, 1991. OUR FILE NO. A-728.

Enclosed is a copy of the proposed order of the State Water
Resources Control Board relating to the above-entitled matter.

Adoption of the proposed order will be considered by the
State Board at its business meeting on June 20, 1991, commencing
at 9:00 a.m. The meeting will be held in the First Floor Hearing
Room of the Bonderson Building, 901 P Street, Sacramento.
Evidence relating to this matter will not be heard. Brief
comments on the proposed order may be made. As a result of
the meeting, the order may be adopted as proposed or may be
modified as determined by the State Board.

Sincerely,


Craig M. Wilson
Assistant Chief Counsel

Enclosure

CERTIFIED MAIL

cc: Interested Persons

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CA 95812-0100
(916) 322-3580



May 24, 1991

Ms. Cynthia L. Koehler
Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104-2878

Dear Ms. Koehler:

IN THE MATTER OF THE PETITION OF ALVIN BACHARACH AND
BARBARA BORSUK FOR REVIEW OF ALAMEDA COUNTY CLEANUP ORDER ISSUED
ON JANUARY 14, 1991. OUR FILE NO. A-728.

Enclosed is a copy of the proposed order in the above-entitled
matter. The State Water Resources Control Board will consider
this order at its workshop which will be held on Wednesday,
June 5, 1991, commencing at 9:00 a.m. in the First Floor
Hearing Room of the Bonderson Building, 901 P Street, Sacramento.

Formal action will not be taken on this matter at the workshop
session. At its workshop meetings, the State Board restricts
itself to a discussion of the petition which has been filed.
Interested parties may comment on the proposed order. Submittal
of additional evidence will not ordinarily be allowed.

Sincerely,

A handwritten signature in cursive script that reads "Craig M. Wilson".

Craig M. Wilson
Assistant Chief Counsel

Enclosure

CERTIFIED MAIL

cc: Interested Persons

91 MAY 28 PM 2:16

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100

(916) 324-1259

91 MAR -7 AM 11:36



MAR 6 1991

Ms. Cynthia L. Koehler
Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104-2878

Dear Ms. Koehler:

IN THE MATTER OF THE PETITION OF ALVIN BACHARACH AND BARBARA BORSUK FOR REVIEW OF ALAMEDA COUNTY CLEANUP ORDER ISSUED ON JANUARY 14, 1991. OUR FILE NO. A-728.

The petition you have filed with the State Board is complete. The State Board will not begin review of the issues raised in the petition.

All interested parties are hereby notified that they may file a response to the petition within 20 days of the date of this letter. Petitioner may also supplement its petition within the same time period. Copies of the petition may be obtained by contacting the petitioner at the address above. The County of Alameda is hereby notified that it must prepare and file with the State Board, within the same 20 days, a complete copy of the record as it pertains to this petition.

Sincerely,

A handwritten signature in cursive script that reads "Theodore A. Cobb".

Theodore A. Cobb
Senior Staff Counsel

cc: Steven R. Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco Bay Region
1800 Harrison Street, No. 700
Oakland, CA 94612

See page 2.

Ms. Cynthia L. Koehler

2.

MAR 6 1991

cc: continued

Leland Douglas
Douglas Parking Services
1721 Webster Street
Oakland, CA 94612

Paul M. Smith ✓
Alameda County Health Care
Services Agency
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

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

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P.O. BOX 100
SACRAMENTO, CA 95812-0100
(916) 322-3580



JUN 27 1991

Ms. Cynthia L. Koehler
Heller, Ehrman, White & McAuliffe
333 Bush Street
San Francisco, CA 94104-2878

Dear Ms. Koehler:

IN THE MATTER OF THE PETITION OF ALVIN BACHARACH AND
BARBARA BORSUK FOR REVIEW OF ALAMEDA COUNTY CLEANUP ORDER ISSUED
ON JANUARY 14, 1991. OUR FILE NO. A-728.

Enclosed is a copy of Order No. WQ 91-07 which was adopted by the
State Water Resources Control Board at its regular business
meeting on June 20, 1991.

Sincerely,

A handwritten signature in cursive script that reads "Craig M. Wilson".

Craig M. Wilson
Assistant Chief Counsel

Enclosure

CERTIFIED MAIL

cc: Interested Persons

91 JUN 28 PM 4:05

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P. O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100



(916) 657-0406

FAX: (916) 653-0428

Stid # 498

MAR 16 1993

Mr. William J. Trinkle
RANDICK & O'DEA
1800 Harrison, Suite 2350
Oakland, CA 94612

Dear Mr. Trinkle:

ACKNOWLEDGEMENT OF PETITION FOR REVIEW

This will acknowledge receipt on March 5, 1993, of the petition to review Alameda County Department of Environmental Health's Corrective Action Order issued on February 5, 1993 for Douglas Motor Service and its Partners, petitioners.

On all future correspondence regarding this petition, please use File No. A-843.

Sincerely,

A handwritten signature in cursive script that reads "Craig M. Wilson".

Craig M. Wilson
Assistant Chief Counsel

cc: Mr. Paul Smith ✓
Sr. Hazardous Material Specialist
Alameda County Department of Environmental Health
Hazardous Materials Division
80 Swan Way, Room 200
Oakland, CA 94621

Mr. Steven Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

STATE WATER RESOURCES CONTROL BOARD

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901 P STREET
P. O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100



(916) 657-0406

0077128 10 1987

FAX: (916) 653-0428

APR 22 1993

William J. Trinkle, Esq.
Randick & O'Dea
1800 Harrison, Suite 2350
Oakland, CA 94612

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

Dear Messrs. Trinkle and Morrison:

IN THE MATTER OF THE PETITIONS OF DOUGLAS MOTOR SERVICE, ALVIN BACHARACH AND JEAN BORSUK, FOR REVIEW OF CORRECTIVE ACTION ORDER ISSUED ON FEBRUARY 5, 1993 BY ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH. OUR FILE NOS. A-843 AND A-843(a).

The petitions you have filed on behalf of Douglas Motor Service and Alvin Bacharach and Jean Borsuk are complete. The State Water Resources Control Board will now begin review of the petitions and the issues they raise.

All interested parties are hereby notified that they have 20 days from the date of this letter within which to file with the State Water Board any comments or responses to these petitions. Copies of the petitions should be obtained from the petitioners listed above. Alameda County shall file with the State Water Board, within 20 days of this letter, the administrative record pertaining to these petitions.

If any interested person has questions about this process, please call me at the number listed above.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Cobb".

Theodore A. Cobb
Senior Staff Counsel

cc: See Enclosed Interested Persons
Mailing List

INTERESTED PERSONS MAILING LIST

PETITIONS OF DOUGLAS MOTOR SERVICE AND
ALVIN BACHARACH AND JEAN BORSUK
CORRECTIVE ACTION ORDER BY THE ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH
OUR FILE NOS. A-843 AND A-843(a)

William J. Trinkle, Esq.
Randick & O'Dea
Suite 2350
1800 Harrison Street
Oakland, CA 94612

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

Paul Smith, Sr. Hazardous Material Specialist
Hazardous Materials Division
Alameda County Department of Environmental Health
80 Swan Hay, Room 200
Oakland, CA 94621

Steven Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco Bay Region
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Gilbert A. Jensen, Esq.
Senior Deputy District Attorney
Consumer and Environmental Protection Division
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Oakland, CA 94621

STATE WATER RESOURCES CONTROL BOARD

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SACRAMENTO, CALIFORNIA 95812-0100



(916) 657-0406
FAX: 653-0428

JUL 28 1993

William J. Trinkle, Esq.
Randick & O'Dea
1800 Harrison, Suite 2350
Oakland, CA 94612

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

Dear Messrs. Trinkle and Morrison:

IN THE MATTER OF THE PETITIONS OF DOUGLAS MOTOR SERVICE AND ALVIN BACARACH AND JEAN BORSUK FOR REVIEW OF CORRECTIVE ACTION ORDER ISSUED ON FEBRUARY 5, 1993 BY ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH. OUR FILE NOS. A-843 AND A-843(a).

In view of the **August 31, 1993 Review Panel** meeting which Alameda County and the San Francisco Bay Regional Water Quality Control Board "will convene for the purpose of determining responsible parties as well as appropriate closure, site assessment, clean-up and mitigation of contamination" at the Harrison Street location, it would make no sense for the State Water Resources Control Board (State Water Board) to proceed with its consideration of the **two petitions**. The matter will be placed on hold until after the Review Panel has met. No one need file any further papers before the Review Panel meets, irrespective of prior commitments to do so.

After the Review Panel has met and new or revised orders, if any, have been issued, any party interested in pursuing a petition with the State Water Board should notify me in writing with copies to other interested parties. Such notice must be sent within 30 days of the date of the order. If the existing petition adequately addresses all concerns, the notice should say that. If additional argument is necessary, it should be enclosed.

At the end of the 30-day period after rendition of any orders resulting from the Review Panel meeting, the State Water Board will begin its review of the petitions still pending before it.

William J. Trinkle, Esq.
Randall D. Morrison, Esq.

2.

JUL 28 1993

If you have any questions about this procedure, please call me at the number above.

Sincerely,

A handwritten signature in cursive script that reads "JA Cobb".

Theodore A. Cobb
Senior Staff Counsel

cc: See Enclosed Interested Persons
Mailing List

INTERESTED PERSONS MAILING LIST

PETITIONS OF DOUGLAS MOTOR SERVICE AND
ALVIN BACHARACH AND JEAN BORSUK
CORRECTIVE ACTION ORDER BY THE ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH
OUR FILE NOS. A-843 AND A-843(a)

William J. Trinkle, Esq.
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1800 Harrison Street
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Randall D. Morrison, Esq.
Crosby, Heafey, Roach & May
1999 Harrison Street
Oakland, CA 94612-3573

Mark Borsuk
1626 Vallejo Street
San Francisco, CA 94123-5116

Thomas Peacock
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Paul Smith, Sr. Hazardous Material Specialist
Hazardous Materials Division
Alameda County Department of Environmental Health
80 Swan Hay, Room 200
Oakland, CA 94621

Steven Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

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

Compliance Summary for 1432 Harrison St., STID 498

Aug 31, 93 Review Panel Held

Sep 22, 1993 - Order from Regional Water Quality Control Board directing the RP's to:

- 1) remove tanks, hydraulic lift, piping
- 2) workplan for investigation
- 3) tanks to be removed by Dec. 1, 1993

RWQCB order required:

1. removal of UST's by Dec. 1, 1993
2. workplan to define vericle and lateral extent of pollution in soil and groundwater. Furthermore, required to conduct both soil and groundwater investigation

October, 93 workplan stated that well drilling would occur within 1 month, report would be submitted within 3 weeks of sample receipt
Oct 14, 1993 - workplan received

Oct 18, 1993 - workplan reviewed and accepted

Nov 8, 1993 - 1 copy of tank removal plan received, need 2 others. Notice of Violation sent out to RP's concerning failure to submit a plan to remove the tanks within 45 days of the Regional Board's letter. 45 days expired on Nov 6, 1993.

Nov 10, 1993 - Tank removal plan reviewed and accepted

Nov 16, 1993 - Gary Collins of Oakland F.D. reported complaints of tank removals, had no knowledge of any permits being applied for with O.F.D.

Nov 17, 1993 - John Sturman reports a delay in the removal schedule. Faxed schedule received.

Nov. 19, 93 Plan submitted to remove the UST's

Nov 23, 1993 - Waste oil tank removal scheduled for today, canceled after arrival. Removal schedule received from Levine-Fricke.

Nov 24, 1993 - waste oil tank removal accomplished. 2 - 750 gal. tanks wrapped and stored on site.

Nov 29, 1993 - 3 hydraulic lifts and one storage tank removed. No schedule for removal of the gasoline tanks. Still need to apply for an excavation permit from the City. Do not anticipate removing tanks until after Dec. 1, 1993. Removal of the gasoline tanks is yet to be accomplished.

Dec 12, 93 Tanks removed, clean up letter signed for the fund

Feb 22, 94 Tank closure report

Feb 25, 94 Notice of non-compliance for not submitting a tank closure report (written but not yet submitted) and no monitoring wells installed

Apr 14, 94 Report on workplan implementation delayed, will be submitted by July 94

June 28, 94 additional delay

June 30, 94 new timeline submitted: report to Alameda Co. by Aug 31, 94, received Sep 1, 94

July 19, 94 request to submit report to Alameda Co. by Sep 7, 94

July 30, 94 monitoring wells finally drilled, 1 week later than last extension

Aug 16, 94 request to submit monitoring schedule by 1 Oct 94, never delivered

Sep 1, 1994 Soil and Groundwater Investigation Report by Levine Fricke

Sep 6, 1994 letter to RP's concerning soil & gw report

Sep 26, 94 requested extension to Nov 1, 94 for submittal of 2nd monitoring report. Never granted and no report has been submitted. Now in the 4th quarter since the tanks were removed and there has only been 1 quarterly report submitted

Oct 3, 1994 Spoke with Dave Deaner concerning case charge filing

Oct 22, 1994 letter from Mark Borsuk re: site search cost

Christmas Card from Mark Borsuk

Dec 21, 1994 GW sampling report from Blaine Tech Services

Jan 9 1995 Fax from Levine Fricke, letter on proposed implementation of workplan

Jan 23, 1995 letter from Mark Borsuk on sampling

Jan 26, 1995 NOV sent out for not submitted four quarterly reports and monitoring according to their workplan

Feb 1, 1995 letter from Mark Borsuk on sampling

Feb 10, 1995 letter to RP's concerning sampling report

Feb 15, 1995 letter from Mark Borsuk re: MW sampling

Feb 22, 1995 letter from Mark Borsuk re: Paul Smith's letter

Mar 13, 1995 in field report looking at adjacent site, as referenced by Mark Borsuk

Apr 12, 1995 GW sampling report from Blaine Tech Svcs
Apr 14, 1995 letter from Mark Borsuk re: discontinue sampling

Apr 26, 1995 letter to RP's concerning reports and progress

May 15, 1995 letter from Cambria

May 16, 1995 Appeal of LOP charges

May 22, 1995 letter from Mark Borsuk re: site access for soil borings

June 22, 1995 response to Mark's letter questioning charges

July 11, 1995 letter from Mark Borsuk re: project update and questioning charges

August 3, 1995 Cover for Blaine Tech report dated August 4, 1994 (should be 1995) covering 2 quarters. Individual quarterly

4

reports were not sent.

August 10, 1995 Results of Subsurface investigation by Cambria with August 16, 1995 cover

August 14, 1995 County response to July letter

September 13, 1995 County letter concerning Subsurface investigation by Cambria

September 19, 1995 Mark Borsuk appeal of LOP charges

September 20, 1995 Mark Borsuk project update

November 15, 1995 Mark Borsuk cover to Blaine Tech November 14, 1995 GW sampling report

November 23, 1995 Mark Borsuk LOP charges detail

December 19, 1995 Mark Borsuk White Paper submission "Abolish the UST Program"

December 22, 1995 County letter concerning lop charges

January 2, 1996 Mark Borsuk Fax re: site status

January 22, 1996 Mark Borsuk appeal of LOP charges

January 28, 1996 Blaine Tech GW Sampling report with February 12, 1996 cover by Mark Borsuk

February 9, 1996 County letter Re: Mark Borsuk appeal of LOP charges

February 20, 1996 ACC Environmental Phase I request

March 1996 Environmental Law Reporter - "The Leaking Tank Scam" by Mark Borsuk (8 pages)

April 8, 1996 County review letter of last GW sampling report. Directive within 30 days to submit a proposal for further investigation with field work to begin in 60 days.

April 16, 1996 Cambria letter saying they will submit a workplan by May 8, 1996

April 17, 1996 another letter - Cambria letter saying they will submit a workplan by May 8, 1996

April 21, 1996 Mark Borsuk letter questioning District Attorney charges

April 26, 1996 Mark Borsuk letter questioning District Attorney charges

May 6, 1996 county letter to Dave Deaner concerning unrequested site search, file review, phase I work

May 7, 1996 fax from Cambria concerning workplan - in final stages

May 12, 1996 Mark Borsuk cover to Blaine Tech GW sampling report dated May 10, 1996 for sampling done 3-26-96.

May 16, 1996 Cambria Investigative Workplan

Post-it® Fax Note	7671	Date	5-1-95	# of pages	5
To	Lori Casias	From	Scott Spray		
Co./Dept.	SWRCB	Co.	ALDEN		
Phone #		Phone #	50/567-6783		
Fax #	916-227-4349	Fax #			

Pom Peacock

STATE WATER RESOURCES CONTROL BOARD

PAUL R. BONDERSON BUILDING
901 P STREET
P. O. BOX 100
SACRAMENTO, CALIFORNIA 95812-0100

93 OCT 29 AM 11:50



(916) 657-2091
FAX: 653-0428

OCT 28 1993

CERTIFIED MAIL

William J. Trinkle, Esq.
Randick & O'Dea
1800 Harrison, Suite 2350
Oakland, CA 94612

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

Gentlemen:

IN THE MATTER OF THE PETITIONS OF DOUGLAS MOTOR SERVICE, ALVIN BACHARACH AND JEAN BORSUK FOR REVIEW OF CORRECTIVE ACTION ORDER ISSUED BY ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH ON FEBRUARY 5, 1993. OUR FILE NOS. A-843 AND A-843(a).

The petitions you have filed on behalf of Douglas Motor Service and Alvin Bacharach and Jean Borsuk are hereby dismissed. It has been more than 30 days since the September 22, 1993 letter from the Executive Officer of the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) designating the responsible parties and requesting a supplemental technical report pursuant to Water Code Section 13267. The July 28, 1993 letter from this office made clear that any further consideration of this matter by the State Water Resources Control Board would be predicated on a supplemental filing within 30 days of the date of the Regional Water Board notice. As no one has filed a supplemental petition or a notice that the original petition still raises all relevant issues, dismissal of the petitions is appropriate.

If you have any questions about this matter, please call Ted Cobb at (916) 657-0406.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. R. Attwater", is written over a horizontal line.

William R. Attwater
Chief Counsel

cc: See Enclosed Interested Persons
Mailing List

INTERESTED PERSONS MAILING LIST

PETITIONS OF DOUGLAS MOTOR SERVICE AND
ALVIN BACHARACH AND JEAN BORSUK
CORRECTIVE ACTION ORDER BY THE ALAMEDA COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH
OUR FILE NOS. A-843 AND A-843(a)

William J. Trinkle, Esq.
Randick & O'Dea
Suite 2350
1800 Harrison Street
Oakland, CA 94612

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

Mark Borsuk
1626 Vallejo Street
San Francisco, CA 94123-5116

Thomas Peacock
Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Paul Smith, Sr. Hazardous Material Specialist
Hazardous Materials Division
Alameda County Department of Environmental Health
80 Swan Way, Room 200
Oakland, CA 94621

Steven Ritchie, Executive Officer
California Regional Water Quality
Control Board, San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, CA 94612

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



CaVEPA



Pete Wilson
Governor

JUL 09 1997

State Water
Resources
Control Board

Division of
Clean Water
Programs

Mailing Address:
PO Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814

(916) 227-4325
FAX (916) 227-4349

www.swrcb.ca.gov

Tom Peacock
Alameda County
Environmental Health Services
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502-6577

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

Dear Mr. Peacock and Mr. Kaiser:

PETITION, UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT PROGRAM, SITE NO. 498, 1432 HARRISON STREET, OAKLAND, ALAMEDA COUNTY, FILE NO. P96-175

We have received a petition from Mark Borsuk on behalf of Alvin H. Bacharach and Barbara Jean Borsuk, a copy of which was sent to both of you. Please provide this office with a response to the petition within the next 20 days. A copy of each response shall be forwarded to Mr. Borsuk. In addition to responding to the issues raised in the petition, the County's response shall also include a brief history of the site including historic and current land use and status of cleanup. A copy of the entire site file shall be provided to this office and to Mr. Borsuk.

If you have any questions, please telephone me at (916) 227-4325.

Sincerely,

Lori Casias
Local Oversight Program

cc: Mark Borsuk
Attorney at Law
1626 Vallejo Street
San Francisco, CA 94123-5116

Post-it* Fax Note	7671	Date	7/9	# of pages	1
To	Tom Peacock	From	Lori Casias		
Co./Dept	Alameda Co.	Co.	SWRCB/LOP		
Phone #		Phone #			
Fax #		Fax #			



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.



Ca/EPA

DEC 9 1996



Pete Wilson
Governor

State Water
Resources
Control Board

Division of
Clean Water
Programs

Mailing Address:
P.O. Box 944212
Sacramento, CA
94244-2120

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4325
FAX (916) 227-4349

Bob Chambers
Deputy District Attorney
Alameda County
7677 Oakport, Suite 400
Oakland, CA 94621

Dear Mr. Chambers:

PETITION, UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT
PROGRAM, SITE NO. 498, 1432 HARRISON STREET, OAKLAND, FILE NO. P96-
175

I have enclosed a copy of a petition submitted by Mark Borsuk on behalf of Alvin H. Bacharach and Barbara Jean Borsuk (Petitioners). Over the last two years, there has been an ongoing dispute regarding the issues of noncompliance and inappropriate oversight costs incurred by the County associated with site remediation.

Some time ago, Gil Jenson offered to prepare a response to a letter submitted by Mr. Borsuk regarding these issues because of the long history of the District Attorney's involvement with this site. In an effort to resolve the issues informally, we never requested that response from Mr. Jenson. To aide this office in responding to the petition, we now ask for your assistance. It would be helpful if you could prepare a response describing your office's historic and current involvement with the County in connection with this site.

We appreciate your assistance and if you require additional information, please telephone me at (916) 227-4325.

Sincerely,

Lori Casias
Local Oversight Program

Enclosure

cc: ✓ Tom Peacock
Alameda County
Hazardous Materials Division
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502

Mark Borsuk
Attorney at Law
1626 Vallejo Street
San Francisco, CA 94123-5116



MARK BORSUK
Attorney at Law
1626 Vallejo Street
San Francisco, CA 94123-5116
(415) 922-4740
FAX 922-1485
Internet: mborsuk@ix.netcom.com

ENVIRONMENTAL
PROTECTION

96 DEC -3 PM 1:20

November 25, 1996

Mr. Thomas Peacock
Supervising HMS, LOP
ACHCSA
1131 Harbor Bay Parkway
Alameda, CA 94501
(510) 567-6700 / FAX 337-9335
76325.3440@compuserve.com

SUBJECT: Preparation of Local Agency Record
State Board Appeal Requirement

Dear Mr. Peacock:

Please forward a copy of the local agency record to the State Board and to this office. Appeal and State Board notice attached.

Sincerely yours,



Mark Borsuk

cc: Ms. Lori Casias, State LOP Administrator.



Cal/EPA

**State Water
Resources
Control Board**

**Division of
Clean Water
Programs**

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Sacramento, CA
94244-2120

2014 T Street,
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95814
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Pete Wilson
Governor

OCT 18 1996

Mark Borsuk
Attorney at Law
1626 Vallejo Street
San Francisco, CA 94123-5116

Dear Mr. Borsuk:

PETITION, UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT PROGRAM, SITE NO. 498, 1432 HARRISON STREET, OAKLAND, ALAMEDA COUNTY, FILE NO. P96-175

This is in response to your letter dated August 25, 1996 challenging two oversight charges. We are treating your letter as a petition; however, the petition is defective in that it does not contain all of the information outlined in the enclosed petition procedures. Specifically, the information needed to complete the petition follows:

1. The name and address of the petitioner;
2. The specific action by the State Board or the local agency which the petitioner requests;
3. A statement of points and authorities in support of legal issues raised in the petition;
4. A list of persons, if any, other than the petitioner, known by the local agency to have an interest in the subject matter of the petition. Such list shall be obtained from the local agency;
5. A statement that the petition has been sent to the local agency, the appropriate Regional Board, and to any responsible parties other than the petitioner, known to the petitioner or the local agency;
6. A copy of the request to the local agency for preparation of the local agency record.

An amended petition must be submitted within 30 days from the date of this letter.

If you have any questions, please telephone me at (916) 227-4325.

Sincerely,

Lori Casias
Local Oversight Program

Enclosure



ALAMEDA COUNTY - ENVIRONMENTAL HEALTH - ENVIRONMENTAL PROTECTION DIVISION

MEMORANDUM

DATE: July 24, 1997

TO: Gordon

FROM: Tom

SUBJ: petition, Mark Borsuk

Attached is a copy of my response. The original has been sent to Mee Ling Tung, who requested, separately, my response. This is ready to be sent out, and may be sent out by Mee Ling as is. If you would like anything changed, please get those changes to her before the response is sent.

July 24, 1997

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

Dear Lori Casias:

The following is the response of the Alameda County Health Services to the Petition, dated December 11, 1996, for STID 498, 1432 Harrison St., Oakland, CA 94612, submitted by Mark Borsuk on behalf of the responsible parties: Alvin H. Bacharach and Barbara Jean Borsuk.

I. Introduction to Petition

This is a statement of opinions which requests no action. No response is necessary.

II. Institutional Corruption

This is a statement of opinions which requests no action. No response is necessary.

III. Excessive, False and Unnecessary UST Program Billing

This is a statement of opinions which requests no action. No response is necessary.

IV. LOP Incompetence

This is a statement of opinions which requests no action. No response is necessary.

V. Appeal of the Alameda County LOP Oversight Charges

A. The \$62.44 charge dated October 3, 1994 for P. Smith's time. Paul Smith charged time under activity code 212 when it should have been under activity code 204. This is a simple key stroke error, especially for a person not assigned daily casework. Paul Smith was asked to participate because he had been the past caseworker, prior to the case being in the LOP. The inquiry was initiated by the cleanup fund manager and this telephone conversation did occur, as "odd" as this may seem. A copy of the subsequent NOV dated January 26, 1995 is attached.

B. A charge of \$121.20 dated November 15 & 16, 1994.



AGENCY

DAVID J. KEARS, Agency Director

A pattern of non-compliance was looked at, which is an enforcement type activity. A copy of the subsequent NOV dated January 26, 1995 is attached. The demolition of the building did not effect any of the monitoring wells of concern. The NOV elaborates the specifics of a lack of required work which was the reason for the NOV. The charges should not be deleted.

VI. **Request for Water Board Intervention and Investigation. Request for State Board to initiate an investigation of Alameda County's UST Program.** The Alameda County LOP has already received a complete audit by the State Board of its program. This audit, which covered a four year period of time, included the time frames that are particulars of this petition.

Request for Transfer of Lead Agency to RWQCB. The Alameda County LOP has already asked the RWQCB staff to accept this case and they have declined. However, the petitioner has the option, independently, to request any lead agency he chooses under AB2061 (Site Designation Committee).

Request for suspension of future payment obligations on the part of the petitioner until an investigation prior payments in completed. This issue should be considered moot as the direct billing of LOP charges, (known as cost recovery) has ceased as of January 1, 1997, as provided for in SB562.

VII. **Conclusion.** This section has no requests and requires no response.

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

Sincerely,

Mee Ling Tung, Director
Division of Environmental Protection

c: Thomas Peacock, Manager, LOP
Gordon Coleman, Chief
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



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.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



July 24, 1997

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

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

Dear Lori Casias:

The following is the response of the Alameda County Health Services to the Petition, dated December 11, 1996, for STID 498, 1432 Harrison St., Oakland, CA 94612, submitted by Mark Borsuk on behalf of the responsible parties: Alvin H. Bacharach and Barbara Jean Borsuk.

I. Introduction to Petition

This is a statement of opinions which requests no action. No response is necessary.

II. Institutional Corruption

This is a statement of opinions which requests no action. No response is necessary.

III. Excessive, False and Unnecessary UST Program Billing

This is a statement of opinions which requests no action. No response is necessary.

IV. LOP Incompetence

This is a statement of opinions which requests no action. No response is necessary.

V. Appeal of the Alameda County LOP Oversight Charges

A. The \$62.44 charge dated October 3, 1994 for P. Smith's time. Paul Smith charged time under activity code 212 when it should have been under activity code 204. This is a simple key stroke error, especially for a person not assigned daily casework. Paul Smith was asked to participate because he had been the past caseworker, prior to the case being in the LOP. The inquiry was initiated by the cleanup fund manager and this telephone conversation did occur, as "odd" as this may seem. A copy of the subsequent NOV dated January 26, 1995 is attached.

B. A charge of \$121.20 dated November 15 & 16, 1994.

A pattern of non-compliance was looked at, which is an enforcement type activity. A copy of the subsequent NOV dated January 26, 1995 is attached. The demolition of the building did not effect any of the monitoring wells of concern. The NOV elaborates the specifics of a lack of required work which was the reason for the NOV. The charges should not be deleted.

VI. **Request for Water Board Intervention and Investigation. Request for State Board to initiate an investigation of Alameda County's UST Program.** The Alameda County LOP has already received a complete audit by the State Board of its program. This audit, which covered a four year period of time, included the time frames that are particulars of this petition.

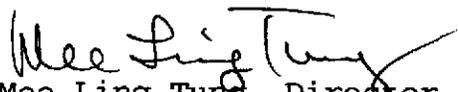
Request for Transfer of Lead Agency to RWQCB. The Alameda County LOP has already asked the RWQCB staff to accept this case and they have declined. However, the petitioner has the option, independently, to request any lead agency he chooses under AB2061 (Site Designation Committee).

Request for suspension of future payment obligations on the part of the petitioner until an investigation prior payments in completed. This issue should be considered moot as the direct billing of LOP charges, (known as cost recovery) has ceased as of January 1, 1997, as provided for in SB562.

VII. **Conclusion.** This section has no requests and requires no response.

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

Sincerely,



Mee Ling Tung, Director

Division of Environmental Protection

c: Thomas Peacock, Manager, LOP
Gordon Coleman, Chief
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



July 28, 1997

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

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

Dear Lori Casias:

The following is the response of the Alameda County Health Services to the Petition, dated December 11, 1996, for STID 498, 1432 Harrison St., Oakland, CA 94612, submitted by Mark Borsuk on behalf of the responsible parties: Alvin H. Bacharach and Barbara Jean Borsuk. This office concurs with the findings of the San Francisco Bay Regional Water Quality Control Board on this issue, letter dated July 18, 1997. See attachment. Our comments are as follows:

I. Introduction to Petition

This is a statement of opinions which requests no action.

II. Institutional Corruption

This is a statement of opinions which requests no action.

III. Excessive, False and Unnecessary UST Program Billing

This is a statement of opinions which requests no action.

IV. LOP Incompetence

This is a statement of opinions which requests no action.

V. Appeal of the Alameda County LOP Oversight Charges

A. The \$62.44 charge dated October 3, 1994 for P. Smith's time. Paul Smith charged time under activity code 212 when it should have been under activity code 204. This is a simple key stroke error, especially for a person not assigned daily casework. Paul Smith was asked to participate because he had been the past caseworker, prior to the case being in the LOP. The inquiry was initiated by the cleanup fund manager and this telephone conversation did occur, as "odd" as this may seem. A copy of the subsequent NOV dated January 26, 1995 is attached.

B. A charge of \$121.20 dated November 15 & 16, 1994.

Response to Petition

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

page 2 of 2

A pattern of non-compliance was looked at, which is an enforcement type activity. A copy of the subsequent NOV dated January 26, 1995 is attached. The demolition of the building did not effect any of the monitoring wells of concern. The NOV elaborates the specifics of a lack of required work which was the reason for the NOV. The charges should not be deleted.

VI. **Request for Water Board Intervention and Investigation. Request for State Board to initiate an investigation of Alameda County's UST Program.** The Alameda County LOP has already received a complete audit by the State Board of its program. This audit, which covered a four year period of time, included the time frames that are particulars of this petition.

Request for Transfer of Lead Agency to RWQCB. The Alameda County LOP has already asked the RWQCB staff to accept this case and they have declined. However, the petitioner has the option, independently, to request any lead agency he chooses under AB2061 (Site Designation Committee).

Request for suspension of future payment obligations on the part of the petitioner until an investigation prior payments in completed. This issue is of an academic nature since cost recovery from the responsible party has ceased as of January 1, 1997, as provided for in SB562.

VII. **Conclusion.** The petitioner fails to realize that risk based assessments were not standard practice during 1994 and 1995. The Lawrence Livermore Study and conclusions concerning hydrocarbon contamination was released in late 1996. If this information had been known earlier the outcome would have been markedly different.

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

Sincerely,

Mee Ling Tung, Director
Division of Environmental Protection

c: Thomas Peacock, Manager, LOP ✓
Gordon Coleman, Chief
Mark Borsuk, 1626 Vallejo St., San Francisco, CA 94123-5116



Cal/EPA

San Francisco
Bay Regional
Water Quality
Control Board

2101 Webster St. #500
Oakland, CA
94612
(510) 286-1255
FAX (510) 286-1380

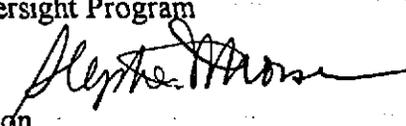
ENVIRONMENTAL
MEMORANDUM

97 JUL 22 PM 3:59



Pete Wilson
Governor

TO: Lori Casias
SWRCB, Local Oversight Program

FROM: Stephen I. Morse 
Chief, Toxics Division

DATE: July 18, 1997
File No. 2198.11

SUBJECT: RESPONSE TO PETITION, DATED DECEMBER 11, 1996,
ALAMEDA COUNTY SITE #498, 1432 HARRISON STREET,
OAKLAND, CA

Listed below is the response of Regional Board staff to the issues raised in the petition for the above site, submitted by Mark Borsuk. Comments are listed by section as submitted in the original petition.

I. Introduction to Petition

Statement of opinions and facts. No action is requested. No response necessary.

II. Institutional Corruption

Statement of opinions and facts. No action is requested. No response necessary.

III. Excessive, False and Unnecessary UST Program Billing

Statement of opinions and facts. No action is requested. No response necessary.

IV. LOP Incompetence

Statement of opinions and facts. No action is requested. No response necessary.

V. Appeal of the Alameda County LOP Oversight Charges

A) Request for deletion of a \$62.44 charge dated October 3, 1994

The text of the appeal states that the county's reason for the charge was a call initiated by the UST fund manager to discuss compliance issues at the site. The petitioner states that this explanation is "rather odd" and inconsistent with actual events. The fund manager was in contact with Regional Board staff during that timeframe discussing the same issues, so the rationale for the charge does not appear, from the perspective of Board staff, to be "odd" or inconsistent with actual events. We recommend the charge not be deleted.



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

cc: Mark Borsuk
1626 Vallejo Street
San Francisco, CA 94123-5116

Tom Peacock
Alameda County Environmental Health Dept.
1131 Harbor Bay Parkway
2nd Floor
Alameda, CA 94502



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.



Cal/EPA

ENVIRONMENTAL
PROTECTION
97 AUG -6 PM 3: 24



Pete Wilson
Governor

**State Water
Resources
Control Board**

AUG 4 1997

**Division of
Clean Water
Programs**

Mailing Address:
PO Box 944212
Sacramento, CA
94244-2120

Tom Peacock
Alameda County
Environmental Health Services
1131 Harbor Bay Parkway, 2nd Floor
Alameda, CA 94502-6577

2014 T Street,
Suite 130
Sacramento, CA
95814
(916) 227-4325
FAX (916) 227-4349

Dear Mr. Peacock:

www.swrcb.ca.gov

PETITION, UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT
PROGRAM, SITE NO. 498, 1432 HARRISON STREET, OAKLAND, ALAMEDA
COUNTY, FILE NO. P96-175

This will confirm our telephone conversation wherein you requested a time extension to submit your agency's response to the subject petition. As agreed, your response shall be submitted by August 11, 1997.

If you have any questions, please telephone me at (916) 227-4325.

Sincerely,

Lori Casias
Local Oversight Program

cc: Mark Borsuk
Attorney at Law
1626 Vallejo Street
San Francisco, CA 94123-5116



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

501 D 498

Mark Borsuk
Attorney at Law
mborsuk@ix.netcom.com
(415) 922-4740 / Fax 922-1485
1626 Vallejo Street
San Francisco, CA 94123-5116

VIA FAX & MAIL
FOUR PAGES

June 22, 1999

Chairman James M. Stubschaer & Board Members
State Water Resources Control Board
901 P Street
Sacramento, CA 95814
(916) 657-2399 / FAX 657-0932

SUBJECT: False Billing Investigation
Water Board Reconsideration Request
23 CCR 768
SWRCB/CWP File P96-175 (LOP Site 498)
UST FUND Claimant #2219
Barbara Jean Borsuk and Estate of Alvin H. Bacharach

Dear Chairman Stubschaer and Board Members:

The Claimant asks the Board to overrule the Executive Director's dismissal on May 24, 1999 of a false billing petition filed against Alameda County. The Claimant requests the Board to independently consider the matter as provided in 23 CCR 768. All correspondence and documentation referred to in this appeal are already in the possession of the Board and are hereby incorporated by reference and made part of the record.

Procedural History.

On November 25, 1995, the Claimant initiated the false billing petition. The Water Board's Local Oversight Program ("LOP") granted petition status on August 25, 1996. The LPO requested the UST FUND and the Alameda County District Attorney ("DA") to provide responses to the petition. On March 4, 1997, Water Board's counsel promised Claimant to provide the UST FUND and DA responses. On March 25, 1997, Water Board counsel again promised Claimant to provide the local agency response.

On July 7, 1997, the Claimant expressed concern to the Water Board's counsel that, through a bureaucratic subterfuge, the public would be denied knowledge of the false, excessive and unnecessary billings. The subterfuge allows dismissal of the petition, if the Board does not hear the petition within 270 days. Obviously, this regulatory provision permits much mischief to occur without the Board's knowledge. See 23 CCR 2814.3(d).

On July 9, 1997, the LOP again requested the local agency to provide a response along with a response from the Regional Board. On July 18, 1997, San Francisco Bay Regional Board filed a response. Claimant never received a response from the UST FUND or DA.

On December 13, 1998, Claimant expressed outrage at the attempt to "bury" the false billing petition. On May 24, 1999, the Executive Director dismissed the petition due to the Water Board not acting within 270 days. This ploy sought to prevent the Board from learning about the abuses in Alameda County.

ENVIRONMENTAL PROTECTION
MAY 24 1999

First Issue — False Billing.

The Claimant believes Alameda County falsely billed for oversight time. The basis for the belief surrounds a \$62.44 charge made in October 4, 1994. Every time the Claimant challenges the false billing, the bureaucracy creates a new justification for the charge. This includes the Executive Director's latest tale. The outline below chronicles these prevarications.

Story #1. On October 3, 1994, Mr. Paul Smith charged his time to the LOP for work on the Claimant's site. The time charge was for consultant or responsible party meetings. The activity code designation is 212. Smith's time was \$52.03 plus another 20% for overhead.

Story #2. The Claimant challenged the LOP's explanation on September 19, 1995. Alameda County replied on December 22. The reply stated the former case officer used the wrong activity code. The corrected code designation was 204 meaning a meeting with Regional Board or other affected agencies regarding the site.

The Claimant sought justification for the charge on January 22, 1996. Why had a former case officer who had not been associated with the site since April 1993 suddenly begun charging for his time in October 1994? On July 26, 1996, the State LOP attempted to justify the 204 charge.

Story #3. The State LOP office stated Mr. Deaner, head of the UST FUND, initiated a call to Mr. Smith. They said Mr. Deaner had a concern over the tanks not being removed and the site being out of compliance. Unfortunately, the reasoning attributed to Mr. Deaner is implausible. The tanks came out on December 7, 1993 and Mr. Deaner wrote to the Claimant on December 17, 1993 to notify them of their eligibility for UST FUND reimbursements. The Claimant received the first reimbursement in June 1994.

Story #4. The San Francisco Bay Regional Board on July 18, 1997 responded to the Claimant's appeal by stating "the fund manager was in contact with Regional Board staff during that timeframe discussing the same issues, ..." The Regional Board's reply is curious since it had no direct oversight involvement during the period in question.

Story #5. The Water Board's Executive Director stated on May 24, 1999 the reason for Mr. Deaner's call to Mr. Smith on October 3, 1994 was to determine whether the tanks were permitted prior to removal. There is no reimbursement for unpermitted tanks unless otherwise excused. See 23 CCR 2811 (a) (2) (A). The Executive Director also stated Mr. Deaner was concerned over the eligibility of the Claimant for UST FUND reimbursements.

This last story scrapes the bottom of the barrel to justify the County's phony billing. The UST FUND would not approve a reimbursement claim if the claimant could not provide proof of holding a UST permit on January 1, 1990 or explain the circumstances why a permit was not obtained. The UST FUND's application form specifically asked the question. The Claimant did not have a permit on January 1, 1990 and provided the explanation with the application.

On January 16, 1992, the Claimant stated in Section IX-C of the application the following:

"Claimants Alvin H. Bacharach and Barbara Jean Borsuk have never operated the garage or the underground storage tanks. They were informed by the previous tenant, Douglas Motor Services, that Douglas had obtained the necessary permits for the underground tanks. Claimant received a Statement from Alameda County for funds due October 26, 1990, and were subsequently advised by Paul Smith of the Alameda County Health Services Agency that these funds were permit fees for the tanks. Claimants paid the fees but never received a permit.

In these circumstances, it was beyond claimants' reasonable control for them to obtain a permit, or to apply for a permit, by January 1, 1990. It would be

unreasonable and inequitable to require claimant to have obtained a permit, or to have applied for a permit by January 1, 1990, when they had no knowledge until October, 1990, that a permit was necessary for tanks no longer in use. When claimants learned that a permit was necessary, they paid the fee for it."

On December 17, 1993, almost two years later, after carefully vetting the Claimant's application, the UST FUND issued a "Letter of Commitment" to begin reimbursing the claim. During that time, the UST FUND never contacted the Claimant over the permit issue. Furthermore, in June 1994, the UST FUND paid the first reimbursement to the Claimant. Thus, the UST FUND had two and one half years to resolve any permit question, but never did. The reason for the silence was the UST FUND's acceptance of the Claimant's explanation for not having a permit on January 1, 1990. Many other claimants were in the same position.

The Executive Officer's story does not hold water. Is the Board to believe Mr. Deaner still had questions in October 1994 after the Claimant had made it through UST FUND's exacting review process to weed out false claims? Even if Mr. Deaner had a concern, why with thousands of claims to manage would he personally become involved with this claim? Furthermore, if there was a permit question, why was it not raised in the application review or before the first payment? The Claimant's petition challenges the bureaucracy's veracity and the cover-up of false billings. The Claimant raises a substantial issue for the Board to review.

First Issue — Relief Requested.

The Claimant requests the Board to reverse the Executive Officer's decision and deduct the \$62.44 charge from the Alameda County LOP bill.

Second Issue — Unwarranted Billing.

The Claimant challenges the appropriateness of the Alameda County LOP in issuing a "Notice of Violation" in January 1995 and charging the Claimant \$121.20. The Claimant believes the County acted recklessly in issuing the notice.

The record shows the Claimant sought to install two additional monitoring wells in March 1994 and the County gave its approval in April. The Claimant began sampling the three wells in the third quarter of 1994 (August 1) and on September 1, the Third Quarter Report was submitted to the County. On December 21, the fourth quarter sampling took place. The Fourth Quarter Report was sent to the County on January 23, 1995.

The Executive Director's attempt to insinuate a pattern of non-compliance leading to a "Notice of Violation" is totally misleading and is not supported by the record. Instead, there is a clear pattern of compliance to ensure the County would receive complete information from the site's characterization. The only monitoring schedule slippage, if any, occurred early in 1994 as the Claimant's consultant and the County delineated the site's characterization. The Claimant raises a substantial issue for the Board to review.

Second Issue — Relief Requested.

The Claimant requests the Board to reverse the Executive Officer's decision and deduct the \$121.20 charge from the Alameda County LOP bill.

Third Issue — No Investigation of Alameda County's False, Excessive and Unnecessary Billing Practices.

The Executive Director attempts to sabotage the Claimant's request to investigate Alameda County by stating the State Controller found no "serious" audit problems with the program or billing practices. That

may be true between the LOP and the State because the audit's focus was on tracking the "...allowability of cost claimed for reimbursement..." from the Water Board. See second page of the Auditor's report.

What the auditors did not examine was the underlying transactions between County agencies like the LOP and DA or between the County and responsible parties, like the Claimant. The audit stated, "...it would have been inefficient to evaluate the effectiveness of the internal control structure." See page two of the Auditor's report. The false, excessive and unnecessary billings are the result of an inefficient internal control structure.

Instead of exonerating Alameda County, the audit raises a red flag over the underlying practices and what was swept under the rug. Lest the Board forget, it had ample warning about corruption and gross incompetence at Los Angeles Regional Board but failed to stop the rot. The Claimant raises a substantial issue for the Board to review.

Third Issue — Relief Requested.

The Claimant requests the Board to have an independent audit of the Alameda County LOP program from FY 1990 to 1996. The purpose of the audit is to test for excessive, fraudulent and unnecessary billing of responsible parties by County regulators, and false, excessive and unnecessary billing regarding UST matters between the DA's office and the County Health Services Agency operating the LOP.

Fourth Issue — Suspension of Further Oversight Payments.

The Claimant requests the Board to continue suspension of the oversight payments. Although the UST FUND reimburses claimants for LOP oversight costs, the Board's continuing suspension of payment serves notice on Alameda County that their billing practices are under scrutiny. The Claimant raises a substantial issue for the Board to review.

Fourth Issue — Relief Requested.

The Claimant requests the continued suspension of LOP payments.

Finally, the Board should know the UST FUND will now pay all the costs of complying with the County's excessive, unnecessary and extra work done at the site. It has taken four years to vindicate the Claimant. The UST FUND's decision to reimburse for past wrongs supports the Claimant's contentions on appeal.

If the Board requires additional documentation or information, please contact me.

Sincerely yours,



Mark Borsuk

cc: Winston H. Hickox-Secretary for Environmental Protection
Mary Jane Forster-Vice Chair
John W. Brown-Board Member
Arthur G. Baggett, Jr.-Board Member
Walt Pettit-Executive Director
Dorothy Jones-Staff Counsel
Stephen Morse-San Francisco Bay Regional Board
Tom Peacock-ACHCSA
Hans Herb, Esq.

Peacock, Tom, Public Health, EH

From: Lori Casias[SMTP:casiasl@gwgate.swrcb.ca.gov]
Sent: Tuesday, May 25, 1999 2:53 PM
To: SPARADA@gwgate.swrcb.ca.gov
Cc: dpantage@co.alameda.ca.us; jtrolan@co.alameda.ca.us
Subject: Bacharach/Borsuk

I thought you might be interested to know that Pettit signed the dismissal letter dismissing the LOP petition submitted by Mark Borsuk on 8/25/96 on behalf of his mother. The charges petitioned totalled a whopping \$183.44. Another example of taxpayer dollars being used wisely!

Lori



State Water Resources Control Board



Executive Office

901 P Street • Sacramento, California 95814 • (916) 657-0941
Mailing Address: P.O. Box 100 • Sacramento, California 95812-0100
FAX (916) 657-0932 • Internet Address: <http://www.swrcb.ca.gov>

Winston H. Hickox
Secretary for
Environmental
Protection

Gray Davis
Governor

CERTIFIED MAIL

MAY 24 1999

Mr. Mark Borsuk
Attorney at Law
1626 Vallejo Street
San Francisco, CA 94123-5116

Dear Mr. Borsuk:

**PETITION OF ALVIN H. BACHARACH AND BARBARA J. BORSUK TRUST:
DISMISSAL
SWRCB/CWP FILE P96-175 (LOP SITE 498)**

The above-entitled petition has been forwarded to me for further action. The petition asks the State Water Resources Control Board (State Water Board) to (1) reverse Alameda County (County) Underground Storage Tank Local Agency Oversight (USTLOP) charges in the amount of \$183.44, (2) investigate the County USTLOP, (3) transfer site 498 to the San Francisco Bay Regional Water Quality Control Board (Regional Water Board), and (4) suspend any further USTLOP payments by petitioners until the allegations in the petition have been investigated.

Review of the petition is complete. This review indicates that the petition fails to raise substantial issues that are appropriate for review by the State Water Board. Accordingly, the petition is dismissed as of this date. (See State Water Board Resolution 88-23, Attachment 2 section (2)(E); *People v. Barry* (1987) 194 Cal.App.3d 158 [239 Cal.Rptr. 349].)

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ENVIRONMENTAL
PROTECTION

OVERSIGHT CHARGES

As you have previously been informed, the State Water Board's USTLOP staff has investigated the charges in question and concluded that they were reasonable, necessary, and properly billed. The \$62.44 charge billed to petitioners which was dated October 3, 1994, was associated with a telephone conversation between Mr. Dave Deaner, manager of the State Water Board's Underground Storage Tank Cleanup Fund (Cleanup Fund) and Tom Peacock and Paul Smith of the County USTLOP. Mr. Deaner initiated the call because his records indicated that prior to tank removal, the tanks had not been permitted, and he was concerned about eligibility requirements that provide that a responsible party must be in compliance with the applicable

California Environmental Protection Agency



MAY 24 1999

provisions of Chapters 6.7 and 6.75 of the Health and Safety Code before that party can receive funds from the Cleanup Fund.

The \$121.20 charge dated November 15 and 16, 1994, was associated with two conversations between Gil Jensen, formerly with the Alameda County District Attorney's Office and County USTLOP staff. The County required petitioners to submit quarterly monitoring reports for this site and only one monitoring report had been submitted in the four quarters following tank removal. The County USTLOP staff was seeking advice from Mr. Jensen about options to ensure that the monitoring reports would be submitted in accordance with the required schedule. As you know, a notice of violation to petitioners for failure to submit the required reports was issued by the County on January 26, 1995.

INVESTIGATION OF ALAMEDA COUNTY USTLOP

As part of normal USTLOP administration, the County USTLOP was audited by the State Controller. The audit found no serious problems with the County USTLOP or its billing practices. A copy of that audit has previously been provided to you.

TRANSFER OVERSIGHT RESPONSIBILITY TO SAN FRANCISCO BAY REGIONAL WATER BOARD

California Health and Safety Code section 25262 provides a method for responsible parties at a release site to request designation of an agency to oversee cleanup at the site. It is my understanding that State Water Board USTLOP staff have previously informed you of this process.

SUSPENSION OF FURTHER OVERSIGHT PAYMENTS

As noted above, the State Water Board will not take any further action on your petition. Therefore there is no need to suspend further oversight payments. Our records show that \$5,225.75 is due and payable to the State Water Board for local agency oversight charges for this site through October 31, 1996. As you are no doubt aware, the USTLOP is not billing responsible parties for local agency oversight costs incurred after December 31, 1996.

The State Water Board's petition procedures provide that if the State Water Board does not act on a petition within 270 days after receipt, the petition shall be deemed denied. The State Water Board did not take action on this petition within this time period. Although the State Water Board could consider this petition on its own motion, extending the date for review in this manner is unnecessary because the petition does not raise issues which are appropriate or which require review by the State Water Board.

Mr. Mark Borsuk

- 3 -

MAY 24 1999

If you have any questions about this letter, please contact Ms. Dorothy Jones, Staff Counsel, in the Office of Chief Counsel, at (916) 227-4421.

Sincerely,


Walt Pettit
Executive Director

cc: Mr. Stephen Morse
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

✓ Mr. Tom Peacock
Alameda County Environmental
Health Department
1131 Harbor Bay Parkway
Alameda, CA 94502

California Environmental Protection Agency