

ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

February 22, 1994  
STID# 4251

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

Ms. Kimberly Brandt  
Catellus Development Corp.  
201 Mission Street, 30th Floor  
San Francisco, California 94105

**RE: Status of the Soil and Groundwater Investigation at the  
Former Bashland Property - 4015 Hollis Street, Emeryville,  
California 94608**

Dear Ms. Brandt:

The Alameda County, Department of Environmental Health, Hazardous Materials Division has recently reviewed the case file concerning the removal of three underground storage tanks ( one 1,200 gallon oil and two 12,000 gallon diesel fuel ) in April 7, 1992 at the referenced site. This office is also in receipt and has completed review of the recent "Quarterly Monitoring Report" dated January 31, 1994 and prepared by Levine Fricke.

Based upon this review process, the proposed monitoring program (annual sampling schedule for monitoring well LF-31) is not acceptable at this time. LF-31 detected concentrations of the following contaminants during the last sampling event (12/9/93): 200 ppb TPH diesel, 100 ppb TPH motor oil and 6.3 ppb PCE.

Sampling of groundwater monitoring well LF-31 at the site **must occur every quarter** which is the maximum sampling interval typically allowed when groundwater contamination is present. The monitoring well LF-31 must be sampled and analyzed for the following target compounds: TPH diesel, TPH motor oil and volatile organic compounds (TCE, 1,2-DCE, PCE). Any modification to the monitoring program must have prior approval from this office. In addition, groundwater elevation readings must be incorporated in the monitoring program and groundwater gradient flow direction must be established at the site.

Until cleanup is complete, you will need to submit reports to this office **every three months** ( or at a more frequent interval, if specified at any time by this office). In addition, the following items must be incorporated in your future reports or workplans :

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan

Ms. Kimberly Brandt  
RE: 4015 Hollis Street, Emeryville, CA 94608  
February 22, 1994  
Page 2 of 2

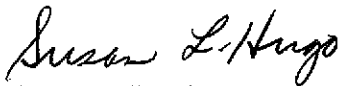
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports ( including quality control/quality assurance) and chain of custody documentation

All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professional involved with the project.

Please be aware that this is a formal request for technical reports pursuant to California Water Code Section 13267 (b). Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency.

If you have any questions concerning this letter, please contact me at (510) 271-4530.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

cc: Rafat A. Shahid, Asst. Agency Director, Environmental Health  
~~Richard A. Howell~~, Chief, Hazardous Materials Division / file  
Richard Hiett, RWQCB, San Francisco Bay Region  
Jenifer Beatty, Levine Fricke - 1900 Powell St., 12th Floor  
Emeryville, California 94608

## STATE WATER RESOURCES CONTROL BOARD

DIVISION OF CLEAN WATER PROGRAMS

2014 T STREET, SUITE 130

P.O. BOX 944212

SACRAMENTO, CA 94244-2120

916/227-4325

Facsimile 916/227-4349



JUN 11 1993

Mr. R. Stevens Condie  
Attorney and Counselor at Law  
11 Embarcadero West, Suite 140  
Oakland, CA 94607-4543

Dear Mr. Condie:

UNDERGROUND STORAGE TANK (UST) LOCAL OVERSIGHT PROGRAM, SITE NO. 4251, 4015  
HOLLIS STREET, EMERYVILLE

This is in response to your letter dated May 17, 1993 in which you state that your client, Bashland, Inc., is not a responsible party for this site. You further state that this fact was confirmed by Susan Hugo of Alameda County. Our records indicate you are correct. Ms. Hugo did remove Bashland, Inc. from the responsible party list; however, our office failed to make this correction. This is the reason why your client received the invoice. Our records have now been corrected. You may disregard the invoice and we apologize for any inconvenience this has caused.

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

Sincerely,

*Donna Schmeck*

for Sandra L. Malos, Chief  
Local Oversight Program

cc: Susan Hugo, Alameda County

**R. STEVENS CONDIE**

*Attorney and Counselor at Law*  
11 EMBARCADERO WEST, SUITE 140  
OAKLAND, CALIFORNIA 94607-4543  
TELEPHONE NUMBER (510) 272-0200  
FACSIMILE NUMBER (510) 451-3931

May 17, 1993

State Water Resources Control Board  
Division of Clean Water Programs - UGT  
P.O. Box 944212  
Sacramento, CA 94244-2120

Susan L. Hugo  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, CA 94621

**Re: Site No. 4251**

Dear People:

I have received a billing form from the State Water Resources Control Board with regard to the underground storage tank activities at 4015 Hollis Street, Emeryville, CA 94608. I note from that document that Bashland, Inc. (my client) is listed as an additional responsible party (RP) along with Catellus Development Corporation.

Bashland, Inc. has no connection with these tanks whatsoever. The tanks were installed by the Santa Fe Railway many years ago, and were supposedly closed off in accordance with law by a Santa Fe subsidiary in 1984. Subsequent to that time, Bashland, Inc. became a tenant of the property. Bashland, Inc. has never used these tanks, did not install them, and has had no connection or contact with these tanks whatsoever.

Catellus Development Corporation, a spunoff former corporate subsidiary of Santa Fe Pacific Corporation, presumably has undertaken the responsibility for this site which has been impacted by the activities by its former corporate brethren. I spoke with Susan Hugo in October of 1992 and was assured that Bashland, Inc. was no longer considered the responsible party for this site. Please confirm that the sole RP for this site is Catellus Development Corporation (and/or its corporate affiliates associated with Santa Fe Pacific Corporation).

Very truly yours,

  
R. Stevens Condie

RSC:kmb  
cc:client



SPD-4051  
4015 Hall's St Emeryville 4/1/83  
Backland - retaining wall  
removal.



SPD-4051  
4015 Hall's St Emeryville 4/1/83  
Backland - retaining wall  
removal.

C A T E L L U S



000 000 0000

STID 4251

November 30, 1992

Ms. Susan Hugo  
Hazardous Materials Specialist  
UST Local Oversight Program  
80 Swan Way, Room 200  
Oakland, CA 94621

Dear Ms. Hugo:

We recently received a Notice of Requirement to Reimburse from your office. As the individual named in our address is no longer employed as a full-time employee we would like to change our notification address to the following:

Director of Environmental Services  
Catellus Development Corporation  
201 Mission Street, 30th Floor  
San Francisco, CA 94105

If you have any questions or comments, please contact my assistant, Jim Adams, at (415) 974-4507.

Sincerely,

Ric Notini  
Director, Environmental Services

alameda.ltr

CATELLUS DEVELOPMENT CORPORATION

201 MISSION STREET, 30TH FLOOR • SAN FRANCISCO, CALIFORNIA 94105 • TEL 415 974-4500 FAX 415 974-4613

## **R. STEVENS CONDIE**

*Attorney and Counselor at Law*

11 EMBARCADERO WEST, SUITE 140  
OAKLAND, CALIFORNIA 94607-4543  
TELEPHONE NUMBER (510) 272-0200  
FACSIMILE NUMBER (510) 451-3931

October 22, 1992

Susan L. Hugo  
Alameda County Health Care Services Agency  
80 Swan Way, Room 200  
Oakland, CA 94621

**Re: STID# 4251; Bashland, Inc.; 4015 Hollis Street, Emeryville, CA**

Dear Ms. Hugo:

I am in receipt of your letter dated October 20, 1992, with regard to the ground water and soil contamination found at 4015 Hollis Street in Emeryville, California. This letter appears to be addressed to Bashland, Incorporated, care of me.

It is not clear to me why this letter is addressed to Bashland, Incorporated. Bashland, Incorporated has never owned the referenced property, did not install or use the underground storage tanks at that location, or in any other way have any connection whatsoever with the release of contaminants at that site.

The tanks in questions were installed on this property by the Atchison, Topeka & Santa Fe Railway Company which owned this property for decades. Santa Fe transferred title to this parcel and the tanks thereon to a wholly owned subsidiary, Santa Fe Trail Transportation, Incorporated in 1974. Santa Fe then spunoff that subsidiary in 1985. Santa Fe Trail Transportation is currently in a Chapter 7 bankruptcy in Chicago, Illinois. Prior to filing bankruptcy, Santa Fe Trail Transportation sold this property (apparently without observing mandated procedure for closing the referenced tanks) to a California Partnership, called Bashland. I would note, however, that that partnership is not the same legal entity as Bashland, Incorporated. Bashland, the partnership, never utilized the tanks at any time, and operated under the belief that Santa Fe's subsidiary had properly closed those tanks in 1985.

92 OCT 23 11:09:17

Susan L. Hugo,  
Alameda County Health Care Services Agency;  
October 22, 1992;  
Page 2

Earlier this year, the Emeryville Redevelopment Agency seized possession of this property pursuant to a court order on behalf of Catellus Development Corporation (which is also a former subsidiary of Santa Fe Pacific Corporation). Catellus Development Corporation has proceeded to hire Levine Fricke Company to remove the tanks.

Your letter of October 20, 1992, is my first notice from your agency with regard to this matter. Please note: Bashland, Incorporated is not a Responsible Party. Bashland, Incorporated has never had any ownership, use, or control over the tanks which are the source of contamination. I believe that the responsible party is the Atchison, Topeka & Santa Fe Railway Company and its corporate affiliates, including Catellus Development Corporation.

I attempted to contact you at the telephone number listed in your letter, but was unable to get through. Please contact me and let me know if any additional verification is required by you with regard to Bashland, Inc.'s lack of interest, control, and/or responsibility for the subsurface contamination on this site.

Very truly yours,



R. Stevens Condie

RSC:kmb



ALAMEDA COUNTY  
HEALTH CARE SERVICES  
AGENCY



DAVID J. KEARS, Agency Director

RAFAT A. SHAHID, ASST. AGENCY DIRECTOR

October 20, 1992  
STID# 4251

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

R. Stevens Condie, Esq.  
Bashland Incorporated  
11 Embarcadero West # 140  
Oakland, California 94607

RE: **Bashland, Incorporated**  
**4015 Hollis Street, Emeryville, California 94608**

Dear Mr. Condie:

The Alameda County Department of Environmental Health, Hazardous Materials Division is in receipt and has completed review of the "Tank Removal Report - Bashland Property" (June 24, 1992), submitted by Levine Fricke concerning the removal of three underground storage tanks at the referenced site.

Total oil and grease (TOG) as high as 1,500 [REDACTED] (ppm), was detected in the soil samples collected during the removal of the tanks. Groundwater collected from the excavation pit exhibited elevated concentrations of dissolved -phase hydrocarbon constituents, with total petroleum hydrocarbon as diesel (TPH) [REDACTED]. In addition, elevated concentrations of [REDACTED] (3.2 ug/l) and 1,2-dichlorobenzene (8 ug/l) were detected in the groundwater. The referenced site has experienced a confirmed release pursuant to the San Francisco Bay Regional Water Quality Control Board (RWQCB) fuel leak criteria. As such, further investigation and/or cleanup must be initiated.

A preliminary assessment must be conducted to determine the extent of soil and/or groundwater contamination that has resulted from the former leaking tanks. The information gathered by this investigation will be used to assess the need for additional actions at the site. The preliminary assessment should be designed to provide all of the information in the format shown in the attachment at the end of this letter which is based on the RWQCB's guidelines.

As recommended in the report by Levine Fricke, soil samples must be collected from beneath the retaining wall and one monitoring well must be installed within 10 feet of the former tank location in the verified downgradient direction. Three wells are needed to established gradient direction of the groundwater at the site using a triangular fashion. Groundwater monitoring wells must be sampled on a quarterly basis and analyzed for the following target compounds: TPH as gasoline; TPH as diesel; oil & grease; benzene, toluene, ethyl benzene and xylene (BTEX); chlorinated hydrocarbons; semi-volatile organics (8270); lead; nickel; cadmium; zinc; and chromium.

R. Stevens Condie, Eqs.  
RE: 4015 Hollis Street, Emeryville CA 94608  
October 20, 1992  
Page 2 of 3

Until cleanup is complete, you will need to submit reports to this office and to RWQCB every three months (or at a more frequent interval, if specified at any time by either agency). In addition, the following items must be incorporated in your future reports or workplans:

- a cover letter from the responsible party or tank owner stating the accuracy of the report and whether he/she concurs with the conclusions and recommendations in the report or workplan
- site map delineating contamination contours for soil and groundwater based on recent data should be included and the status of the investigation and cleanup must be identified
- proposed continuing or next phase of investigation / cleanup activities must be included to inform this department or the RWQCB of the responsible party or tank owner's intention
- any changes in the groundwater flow direction and gradient based on the measured data since the last sampling event must be explained
- historical records of groundwater level in each well must be tabulated to indicate the fluctuation in water levels
- tabulate analytical results from all previous sampling events; provide laboratory reports (including quality control/quality assurance) and chain of custody documentation

Please submit a time schedule for all the phases of the investigation and remediation activities and the anticipated time when cleanup will be completed at the site.

Your workplan must be submitted no later than **December 15, 1992**. All reports and proposals must be submitted under seal of a California Registered Geologist or Registered Civil Engineer with a statement of qualifications for each lead professionals involved with the project. Copies of reports must also be submitted to :

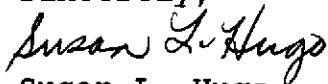
Rich Hiett  
RWQCB, San Francisco Bay Region  
2101 Webster Street, Fourth Floor  
Oakland, California 94612

R. Stevens Condie, Eqs.  
RE: 4015 Hollis Street, Emeryville CA 94608  
October 20, 1992  
Page 3 of 3

Because we are overseeing this site under the designated authority of the Regional Water Quality Control Board, this letter constitutes a formal requests for technical reports pursuant to California Water Code Section 13267 (b). Any extensions of stated deadlines or changes in the workplan must be confirmed in writing and approved by this agency or RWQCB.

Please contact me at (510) 271-4530 if you have any questions concerning this letter.

Sincerely,



Susan L. Hugo  
Senior Hazardous Materials Specialist

Enclosure

cc: Rich Hiett, San Francisco Bay RWQCB  
Gil Jensen, Alameda County District Attorney's Office  
Edgar B. Howell, Chief, Hazardous Materials Division - files  
Don Marini, Catellus Development - 201 Mission St. Suite 202  
San Francisco, California 94105  
Jenifer Beatty, Levine Fricke - 1900 Powell St., 12th Floor  
Emeryville, California 94608

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM. <i>Susan Hugo</i> <span style="float: right;">7/15/92</span>	
REPORT DATE 7/15/92		CASE #			
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Amanda Spencer, Levine-Fricke, Inc		PHONE 510 652-4500		SIGNATURE <i>Amanda Spencer</i>
	REPRESENTING <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OTHER <u>See comments below</u>		COMPANY OR AGENCY NAME		
	ADDRESS				
RESPONSIBLE PARTY	NAME Bashland, Inc.		CONTACT PERSON R. Stevens Condie, Esq.		PHONE 510 272-0200
	ADDRESS 11 Embarcadero West, Suite 140, Oakland, CA				
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Bashland		OPERATOR Bashland, Inc.		PHONE ( ) N/A
	ADDRESS Emeryville, Alameda				
IMPLEMENTING AGENCIES	LOCAL AGENCY Alameda County Health Agency		CONTACT PERSON Ms. Susan Hugo		PHONE 510 271-4320
	REGIONAL BOARD San Francisco Bay Region		CONTACT PERSON Mr. Lester Feldman		PHONE 510 464-1332
SUBSTANCES INVOLVED	(1) NAME Oil detected in soil samples				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2) NAME Diesel detected in soil samples				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
DISCOVERY/ABATEMENT	DATE DISCOVERED 07/04/92		HOW DISCOVERED <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER <u>Analytical results of soil samples</u>		
	DATE DISCHARGE BEGAN UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING		
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 07/07/92		<input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> OTHER <u>Excavated affected soil</u>		
SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input checked="" type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER		
	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY				
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input checked="" type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT)				
COMMENTS	Levine-Fricke is working on behalf of Catellus Development Company. Catellus received permission from the City of Emeryville, the current operators of the Site, to enter the Site and remove the underground tanks. Bashland, Inc., is, to our knowledge, the current owner of the Site. Catellus has never operated the tanks at the Site but is interested in redeveloping the property.				

## INSTRUCTIONS

### EMERGENCY

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

### LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25180.5, a government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

### REPORTED BY

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

### RESPONSIBLE PARTY

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

### SITE LOCATION

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

### IMPLEMENTING AGENCIES

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

### SUBSTANCES INVOLVED

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

### DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

### SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

### CASE TYPE

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

### CURRENT STATUS

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

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at site, but has not been confirmed.  
Preliminary Site Assessment Workplan Submitted - workplan/proposal requested of/submitted by responsible party to determine whether ground water has been, or will be, impacted as a result of the release.  
Preliminary Site Assessment Underway - implementation of workplan.  
Pollution Characterization - responsible party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.  
Remediation Plan - remediation plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.  
Cleanup Underway - implementation of remediation plan.  
Post Cleanup Monitoring in Progress - periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate effectiveness of remedial activities.  
Case Closed - regional board and local agency in concurrence that no further work is necessary at the site.

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

### REMEDIAL ACTION

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

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

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

SIGNATURE - Sign the form in the space provided.

### DISTRIBUTION

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

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Clean Water Programs, Underground Storage Tank Program, P.O. Box 944212, Sacramento, CA 94244-2120
3. Regional Water Quality Control Board
4. Local Health Officer and County Board of Supervisors or their designee to receive Proposition 65 notifications.
5. Owner/responsible party.

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

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM.		
REPORT DATE M / M / D / D / Y / Y		CASE #		SIGNED: <i>Susan L. Hugo</i> DATE: 7/15/92		
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT Amanda Spencer, Levine-Fricke, Inc		PHONE (510) 652-4500		SIGNATURE <i>[Signature]</i>	
	REPRESENTING <input type="checkbox"/> LOCAL AGENCY <input checked="" type="checkbox"/> OTHER <u>see comments below</u>		<input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD		COMPANY OR AGENCY NAME	
	ADDRESS					
STREET CITY STATE ZIP						
RESPONSIBLE PARTY	NAME Bashland, Inc. <input type="checkbox"/> UNKNOWN		CONTACT PERSON R. Stevens Condie, Esq.		PHONE (510) 272-0200	
	ADDRESS 11 Embarcadero West, Suite 140 CITY Oakland STATE CA ZIP 94607					
SITE LOCATION	FACILITY NAME (IF APPLICABLE) Bashland		OPERATOR Bashland, Inc.		PHONE ( ) N/A	
	ADDRESS 4015 Hollis Street STREET CITY Emeryville COUNTY Alameda ZIP 94608					
	CROSS STREET Yerba Buena Avenue					
IMPLEMENTING AGENCIES	LOCAL AGENCY AGENCY NAME Alameda County Health Agency		CONTACT PERSON Ms. Susan Hugo		PHONE (510) 271-4320	
	REGIONAL BOARD San Francisco Bay Region		CONTACT PERSON Mr. Lester Feldman XXXXXXXXXXXXXXXXXXXX		PHONE (510) 464-1332	
SUBSTANCES INVOLVED	(1) NAME QUANTITY LOST (GALLONS) Oil detected in soil samples <input checked="" type="checkbox"/> UNKNOWN					
	(2) NAME QUANTITY LOST (GALLONS) Diesel detected in soil samples <input checked="" type="checkbox"/> UNKNOWN					
DISCOVERY/ABATEMENT	DATE DISCOVERED 0 / 4 / 2 0 / 9 / 2 Y		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input checked="" type="checkbox"/> OTHER <u>Analytical results of soil sample</u>			
	DATE DISCHARGE BEGAN M / M / D / D / Y / Y <input type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input checked="" type="checkbox"/> REMOVE CONTENTS <input checked="" type="checkbox"/> CLOSE TANK & REMOVE <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> OTHER <u>Excavated affected soil</u>			
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE 0 / 4 / 0 / 7 / 9 / 2 Y					
SOURCE/ CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input checked="" type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER			
	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)					
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input checked="" type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY					
	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input checked="" type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT)					
COMMENTS	Levine-Fricke is working on behalf of Catellus Development Company. Catellus received permission from the City of Emeryville, the current operators of the Site, to enter the Site and remove the underground tanks. Bashland, Inc., is, to our knowledge, the current owner of the Site. Catellus has never operated the tanks at the Site but is interested in redeveloping the property.					
	HSC 05 (8/90)					

RP. Santa Fe Pacific  
Realty Corp.  
201 Mission Blvd.  
#250 SF CA 94105  
Oakland Inc.  
c/o R. Stevens Condie, Esq.  
11 Embarcadero West  
Suite 140 Oakland 94607

DATE: 7/14/92  
TO : Local Oversight Program  
FROM: SUSAN  
SUBJ: Transfer of Eligible Oversight Case

Site name: Bashland Inc.  
Address: 4015 Hollis Street city Emeryville zip 94608  
Closure plan attached?  Y  N DepRef remaining \$ \_\_\_\_\_  
DepRef Project # \_\_\_\_\_ STID #(if any) 6051  
Number of Tanks: 3 removed?  Y  N Date of removal 4/7/92  
Leak Report filed? Y  N  Date of Discovery \_\_\_\_\_  
Samples received? Y  N  Contamination: \_\_\_\_\_  
Petroleum Y  N  Types: Avgas Jet leaded unleaded Diesel  
fuel oil waste oil kerosene solvents  
Monitoring wells on site \_\_\_\_\_ Monitoring schedule? Y  N   
LUFT category 1 2 3 \* H S C A R W G O  
Briefly describe the following:  
Preliminary Assessment \_\_\_\_\_  
Remedial Action \_\_\_\_\_  
Post Remedial Action Monitoring \_\_\_\_\_  
Enforcement Action \_\_\_\_\_

c) Tank and Piping Transporter

Name N/A EPA I.D. No. \_\_\_\_\_  
Hauler License No. \_\_\_\_\_ License Exp. Date \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

d) Tank and Piping Disposal Site

Name N/A EPA I.D. No. \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

11. Experienced Sample Collector

Name Golden West Environmental  
Company \_\_\_\_\_  
Address P.O. Box 1236  
City Brentwood State CA Zip 94513 Phone 510-634-1998

12. Laboratory

Name Superior Analytical  
Address 825 Arnold Ste 114  
City Martinez State CA Zip 94553  
State Certification No. \_\_\_\_\_

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

If yes, describe. We will isolate tanks from line and test tank and line to find where leak occurs, and repair as necessary.





June 5, 1992

LF 1649.08

Ms. Susan Hugo  
Senior Hazardous Materials Specialist  
Division of Hazardous Materials  
Department of Environmental Health  
Alameda County Health Care Services Agency  
80 Swan Way, Room 350  
Oakland, California 94621

Subject: Request For Time Extension for Submittal of  
Underground Storage Tank Removal Report  
Bashland Site, 4015 Hollis Street  
Emeryville, California

92 JUN 8 PM 1:24

Dear Susan:

As discussed in our telephone conversation on June 3, 1992, this letter is written to request a time extension for submittal of the report documenting removal of three underground storage tanks (USTs) at the Bashland Site, 4015 Hollis Street, Emeryville, California ("the Site"). The USTs were removed during your visit to the Site on April 7, 1992. The soil and ground-water chemical analysis laboratory data sheets were faxed to you on April 20, 1992, and the excavation was backfilled, with your approval, on May 6-7, 1992.

We are requesting a time extension for submittal of the report due to the lengthy process of attorney and client reviews of the report. We anticipate that the 15-day extension you mentioned on the telephone would provide us with sufficient time to submit the document to the Alameda County Health Care Services Agency Department of Environmental Health and the Regional Water Quality Control Board - San Francisco Bay Region.

If you have any questions, please do not hesitate to call.

Sincerely,

Michael Stoll  
Senior Staff Engineer

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



May 21, 1992

LF 1649.08

Ms. Susan Hugo  
Senior Hazardous Materials Specialist  
Division of Hazardous Materials  
Department of Environmental Health  
Alameda County Health Care Services Agency  
80 Swan Way, Room 350  
Oakland, California 94621

Subject: Underground Storage Tank Sampling Plan  
Bashland Site, 4015 Hollis Street  
Emeryville, California

921517 02 11:11:18

Dear Susan:

This letter is written to confirm our discussions during your April 7, 1992 inspection at the Bashland Site, 4015 Hollis Street, Emeryville, California ("the Site"). Our discussions concerned procedures that the Alameda County Health Care Services Agency (ACHA) requires for removal of the underground storage tanks at the Site and verification sampling and analysis for the tank excavations. As you know, locations of verification soil samples were selected under your observation and according to guidelines of the Regional Water Quality Control Board.

Based on our discussions on April 7, 1992, it is our understanding that the ACHA will require the following chemical analysis for verification samples before considering possible closure for the Site.

- Each 12,000-gallon-capacity fuel tank excavation requires the following:
  - Three soil samples are to be collected from the excavation sidewalls at a depth above the ground-water table; samples are to be analyzed for total petroleum hydrocarbons (TPH) as gasoline (TPHg) and diesel (TPHd) using EPA Method 8015, for benzene, toluene, ethylbenzene, and xylenes (BTEX) using EPA Method 8020, and for total lead using EPA Method 7420.

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

## LEVINE·FRICKE

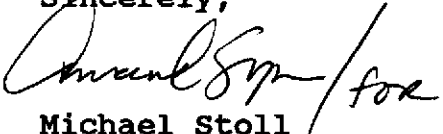
- One water sample is to be collected from the excavation after the excavation has been purged and water has been allowed to recharge into the excavation; the water sample is to be analyzed for TPHg and TPHd using EPA Method 8015, for chlorinated hydrocarbons and BTEX using EPA Method 624, and for oil and grease using EPA Method 5520DF.
- The 1,000-gallon-capacity oil tank excavation requires the following:
  - Two soil samples are to be collected from the excavation bottom and analyzed for TPHg and TPHd using EPA Method 8015, for BTEX using EPA Method 8020, for chlorinated hydrocarbons using EPA Method 8010, for oil and grease using EPA Method 5520D,F, and for lead, zinc, cadmium, and total chromium.
  - Samples are to be analyzed for polynuclear aromatics and polychlorinated biphenyls (PCBs) using EPA Method 8270 if elevated concentrations of oil and grease are detected.
- The product piping between the pump island and the dispenser island require the following:
  - One soil sample is to be collected from the area between the pump island and the dispenser island; the sample is to be analyzed for TPHg and TPHd using EPA Method 8015, for BTEX using EPA Method 8020, for chlorinated hydrocarbons using EPA Method 8010, for oil and grease using EPA Method 5520D,F, and for lead, zinc, cadmium, and total chromium.
  - The sample is to be analyzed for polynuclear aromatics and polychlorinated biphenyls (PCBs) using EPA Method 8270 if elevated concentrations of oil and grease are detected.

In accordance with your request, chemical analysis results for the samples will be sent to you when they have been finalized and reviewed by Levine·Fricke for quality assurance.

LEVINE·FRICKE

Please contact me or Amanda Spencer at (510) 652-4500 if you have any questions or comments.

Sincerely,

  
Michael Stoll  
Senior Staff Engineer

cc: Mr. R. Stevens Condie, Esq.  
Mr. Don Marini, Catellus Development Corporation

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

Project Specialist (print) Susan L. Hugo

ACCEPTED

DEPARTMENT OF ENVIRONMENTAL HEALTH  
470 - 27th Street Third Floor  
Oakland, CA 94612  
Telephone (415) 271-7237

These plans have been reviewed and found to be acceptable and comply with the requirements of State and local laws. Changes to your plans initiated by this Department are to remain in compliance with State and local laws. The project proposed herein is now allowed for issuance of any and all permits necessary for construction.

One copy of the completed plans must be on hand and available for review at all construction sites which are involved with this project.

A violation of any of the above provisions shall constitute a violation of the Health Care Services Agency and the Department of Environmental Health. The Department shall have the authority to enforce the provisions of this order by the issuance of a citation and a fine. The Department shall have the authority to suspend or revoke any and all permits issued for this project if the provisions of this order are not followed.

Removal of Tank and Piping

Sampling

Final Inspection

Permit to operate is dependent on compliance with applicable laws and all applicable laws and regulations.

FINANCIAL PENALTY FOR NOT COMPLYING WITH THESE INSTRUCTIONS.

*Plan table changes made on page 415  
Susan L. Hugo  
4/1/92*

**UNDERGROUND TANK CLOSURE PLAN**

\* \* \* Complete according to attached instructions \* \* \*

1. Business Name Bashland, Inc.  
Business Owner Roger Bash
2. Site Address 4015 Hollis Street  
city Emeryville zip 94608 Phone —
3. Mailing Address Bashland, Inc. c/o R. Stevens Cordie, 11 Embarcadero West,  
city Oakland zip 94607 Phone (510) 272-0200  
Suite 140
4. Land Owner Bashland Inc.  
Address (see above) City, State CA. zip 94608
5. Generator name under which tank will be manifested Catellus Development Corporation (in its capacity as site operator)  
EPA I.D. No. under which tank will be manifested CAD 983585746

6. Contractor Trumpp Bros., Inc.  
Address 1540 Industrial Ave  
City San Jose, CA 95112 Phone (408) 292-1201  
License Type A, B, C21, H ID# 77-0121947

7. Consultant Levine-Fricke, Inc  
Address 1900 Powell St.  
City Emeryville Phone (510) 652-4500

8. Contact Person for Investigation  
Name AMANDA Spencer Title Senior Hydrogeologist  
Phone (510) 652-4500

9. Number of tanks being closed under this plan 3  
Length of piping being removed under this plan unknown  
Total number of tanks at facility 3

10. State Registered Hazardous Waste Transporters/Facilities (see instructions).

**\*\* Underground tanks are hazardous waste and must be handled \*\*  
as hazardous waste**

a) Product/Residual Sludge/Rinsate Transporter

Name Evergreen Environmental Services EPA I.D. No. CAD 980695761  
Hauler License No. 0242 License Exp. Date 7-31-92  
Address 6880 Smith Ave.,  
City Newark State CA Zip 94560

b) Product/Residual Sludge/Rinsate Disposal Site

Name Evergreen Oil, Inc. EPA I.D. No. CAD 980887418  
Address 6880 Smith Ave.  
City Newark State CA Zip 94560

c) Tank and Piping Transporter

Name H & H Ship Service EPA I.D. No. CAD 004771168 ✓  
Hauler License No. 0334 License Exp. Date 1-31-93  
Address 220 China Basin  
City San Francisco State CA Zip 94107

d) Tank and Piping Disposal Site

Name H & H Ship Service EPA I.D. No. CAD 004771168 ✓  
Address 220 China Basin  
City San Francisco State CA Zip 94107

11. Experienced Sample Collector

Name Michael Stoll  
Company Levine Fricke  
Address 1900 Powell St. ✓  
City Emeryville State CA Zip 94608 Phone (510) 652-4500

12. Laboratory

Name QUANTEC ✓  
Address 3440 Vincent Road  
City Pleasant Hill State CA Zip 94523  
State Certification No. E772

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

If yes, describe. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Describe methods to be used for rendering tank inert

Residual liquids in the tanks will be pumped out prior to excavation and dry ice will be added to purge aromatic hydrocarbons. A gas meter will be maintained on-site throughout the excavation to insure that the tank is inert.

Before tanks are pumped out and inerted, all associated piping must be flushed out into the tanks. All accessible associated piping must then be removed. Inaccessible piping must be plugged.

The Bay Area Air Quality Management District (771-6000), along with local Fire and Building Departments, must also be contacted for tank removal permits. Fire departments typically require the use of explosion proof combustible gas meters to verify tank inertness. It is the contractor's responsibility to bring a working combustible gas meter on site to verify tank inertness.

15. Tank History and Sampling Information

Tank		Material to be sampled (tank contents, soil, ground-water, etc.)	Location and Depth of Samples
Capacity	Use History (see instructions)		
Tank 1 2 3 12,000-gal 12,000-gal 1,200-gal	gasoline } All tanks were diesel } installed in lube oil } 1957. It is unknown when the tanks were last used.	Tank contents have been previously sampled. → Sidewall <sup>soil</sup> samples (one per approx. 20 lineal ft of excav. wall) and approx. 6 floor <sup>soil</sup> samples (2 per tank) will be collected → a ground-water sample will be collected from the excavation pit if gw is encountered	Depth of sidewall samples will depend on visual observation of the excavation, but will generally be collected between 4 and 11 feet. Floor soil samples will be collected from excavation floor beneath the tanks - No deeper than 2 ft at tank bottom.

One soil sample must be collected for every 20 feet of piping that is removed. A ground water sample must be collected should any ground water be present in the excavation.



Excavated/Stockpiled Soil	
<b>Stockpiled Soil Volume (Estimated)</b> Approx. 115 cy.	<b>Sampling Plan</b> <i>One per 50 cu yds or one per 50 cu yds depending on disposal method.</i> 4 samples will be collected from the stockpiled soil, composited by the analytical laboratory and analyzed for gas (EPA 5030/8015), diesel/oil (EPA Method 3550/8015) and Benzene, toluene, ethylbenzene, xylenes (BTEX) using EPA Method 8020

Stockpiled soil must be placed on bermed plastic and must be completely covered by plastic sheeting. ✓

16. Chemical methods and associated detection limits to be used for analyzing samples

The Tri-Regional Board recommended minimum verification analyses and practical quantitation reporting limits should be followed. See attached Table 2.

Contaminant Sought	EPA, DHS, or Other Sample Preparation Method Number	EPA, DHS, or Other Analysis Method Number	Method Detection Limit
Gasoline	EPA Method 5030	<sup>H-C-FID</sup> EPA Method 8015	1.0 ppm - soil 50 ppb - water
Diesel & OIL	EPA Method 3550	<sup>B-C-FID</sup> EPA Metho 8015	1.0 ppm - soil 50 ppb - water
BTEX	EPA method 8020 878240	EPA method 8020 878240	0.005 ppm - soil 0.5 ppb - water
<i>Initial lead</i> 0.2, G Cl, Hg, Pb, Zn, Ni PCB PCP PNA Inorganic	AA 5520 D&F		50. ppm (soil)

17. Submit Site Health and Safety Plan (See Instructions)

18. Submit Worker's Compensation Certificate copy

Name of Insurer Insurance Company Of The West

19. Submit Plot Plan (See Instructions)

20. Enclose Deposit (See Instructions)

21. Report any leaks or contamination to this office within 5 days of discovery. The report shall be made on an Underground Storage Tank Unauthorized Leak/Contamination Site Report form. (see Instructions)

22. Submit a closure report to this office within 60 days of the tank removal. This report must contain all the information listed in item 22 of the instructions.

I declare that to the best of my knowledge and belief the statements and information provided above are correct and true.

I understand that information in addition to that provided above may be needed in order to obtain an approval from the Department of Environmental Health and that no work is to begin on this project until this plan is approved.

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

I understand that all work performed during this project will be done in compliance with all applicable OSHA (Occupational Safety and Health Administration) requirements concerning personnel health and safety. I understand that site and worker safety are solely the responsibility of the property owner or his agent and that this responsibility is not shared nor assumed by the County of Alameda.

Once I have received my stamped, accepted closure plan, I will contact the project Hazardous Materials Specialist at least three working days in advance of site work to schedule the required inspections.

Signature of Contractor

Name (please type) Gary Trumpp

Signature *Gary Trumpp*

Date 3-18-92

Signature of Site Owner or Operator

Name (please type) CATELLUS DEVELOPMENT CORPORATION

Signature *P. D. Marini - Senior Proj. Mgr.*

Date 3-13-92

ALAMEDA COUNTY HAZARDOUS MATERIALS DIVISION  
DEPOSIT / REFUND ACCOUNT SHEET

SITE INFORMATION

Bashland, Inc.  
4015 Hollis St.  
Emeryville 94608  
Site Contact:  
Site Phone : 510/272-0200

SITE#: 1837  
PROJECT#: 1837A  
PROJECT TYPE: R  
INSP: Susan Hugo  
ACCT. SHEET PG #: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Bashland, Inc.  
11 Embarcadero West #140  
Oakland, Ca 94607  
Owner Contact: R. Stevens Condie  
Owner Phone : 510/272-0200

CONTRACTOR INFORMATION

Trumpp Brothers Inc.  
1540 Industrial Ave.  
San Jose CA 95112 #428  
Contr. Contact:  
Contr. Phone : 408/292-0820

Date	Action Taken	Time		Hours Spent/Depstd	Hour Balnce	Money Spent/Depositd	Money Balance
		In	Out				
	Balance from Prev. Page	.....	.....	.....		.....	
	Rcpt# U604837						
03/17/92	Deposit of \$906.00 @ \$71/hour			+12.76			
3/26/92	Review Chromium	10:30	12:00	1.50	11.26		
3/30/92	phone consultation, discuss deficiencies	2:50	2:30	0.50	10.76		
4/1/92	meeting w/ contractor	4:00	4:30	0.50	10.26		
4/7/92	Junk Removal	12:45	5:15	4.50	5.76		
4/21/92	Review Analytical Results, phone consultation w/ consult	3:00	4:00	1.00	4.76		
4/27/92	TO BILLING						
5/1/92	Review case file transfer to LCP	2:00	4:00	2.00	2.76		

PROJECT COMPLETED BY : Susan L Hugo

DATE OF COMPLETION : \_\_\_\_\_ DATE SENT TO BILLING: \_\_\_\_\_

TOTAL COST OF PROJECT: \_\_\_\_\_ REFUND AMOUNT: \_\_\_\_\_ Rev. 4/91

white -env. health  
 yellow -facility  
 pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH  
**Hazardous Materials Inspection Form**

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

Site ID # \_\_\_\_\_ Site Name BASHLAND Today's Date 4/7/92

Site Address 4015 Hollis Street  
 City Emeryville Zip 94608 Phone \_\_\_\_\_

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

**Inspection Categories:**

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

12:45 P.M. → 3:15

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

**Comments:** HEH - Haz. Waste Handler # 300935 (exp. 1/93)  
 3 - Underground Storage Tanks  
 1 FENCE

- II.A BUSINESS PLANS (Title 19)**
- \_\_\_ 1. Immediate Reporting 2703
  - \_\_\_ 2. Bus. Plan Stds. 25503(b)
  - \_\_\_ 3. RR Cars > 30 days 25503.7
  - \_\_\_ 4. Inventory Information 25504(a)
  - \_\_\_ 5. Inventory Complete 2730
  - \_\_\_ 6. Emergency Response 25504(b)
  - \_\_\_ 7. Training 25504(c)
  - \_\_\_ 8. Deficiency 25505(a)
  - \_\_\_ 9. Modification 25505(b)

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

**III. UNDERGROUND TANKS (Title 23)**

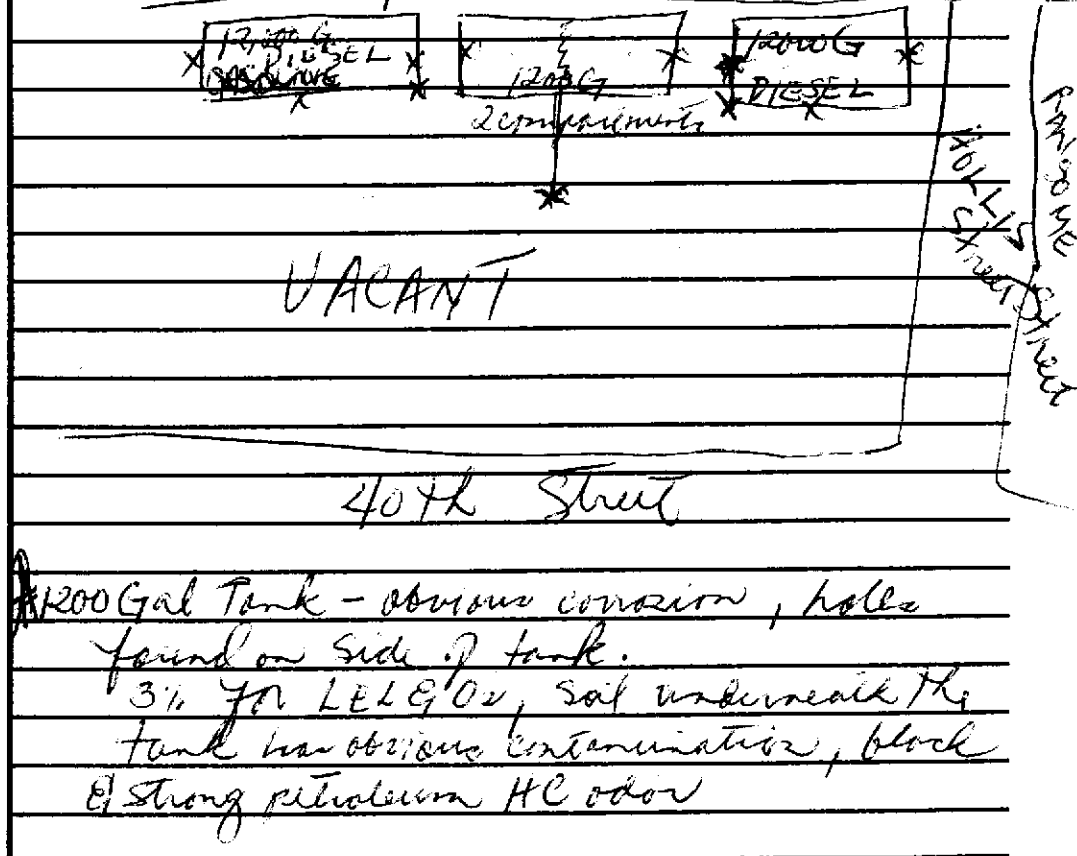
- General**
- \_\_\_ 1. Permit Application 25284 (H&S)
  - \_\_\_ 2. Pipeline Leak Detection 25292 (H&S)
  - \_\_\_ 3. Records Maintenance 2712
  - \_\_\_ 4. Release Report 2651
  - \_\_\_ 5. Closure Plans 2670

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

- \_\_\_ 7. Prets Tank Test 2643
  - Date: \_\_\_\_\_
- \_\_\_ 8. Inventory Rec. 2644
- \_\_\_ 9. Soil Testing 2646
- \_\_\_ 10. Ground Water 2647

- New Tanks**
- \_\_\_ 11. Monitor Plan 2632
  - \_\_\_ 12. Access. Secure 2634
  - \_\_\_ 13. Plans Submit 2711
    - Date: \_\_\_\_\_
  - \_\_\_ 14. As Built 2635
    - Date: \_\_\_\_\_

Rev 6/88



Contact: Michael Stoll  
 Title: Senior Staff Engineer  
 Signature: Michael Stoll

Inspector: \_\_\_\_\_  
 Signature: James J. Huey

II, III

white -env.health  
yellow -facility  
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH  
Hazardous Materials Inspection Form

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

II, III

Site ID # \_\_\_\_\_ Site Name BASHLAND Today's Date 7/7/92

Site Address 4015 HOLLIS STREET  
City Emeryville Zip 94608 Phone \_\_\_\_\_

II.A BUSINESS PLANS (Title 19)

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

II.B ACUTELY HAZ. MATLS

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

Inspection Categories:

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

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

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

Comments:

*maybe*  
 B 12,000 Gallon Tank (diesel)  
 LEL  $E, O_2 = 3\%$   
 Groundwater present - foamy, brown sheen  
 Tank has slight corrosion - no obvious  
 holes. Pump groundwater & let it  
 recharge, then sample. 2 soil samples  
 (2nd of middle) collected at the soil/groundwater interface  
 manifest # 91511741 for Tank A & B  
 C 12000 Gallon Tank (gasoline)  
 LEL - 1.0% O<sub>2</sub> - 8.5%  
 Groundwater present - foamy, brown  
 holes present in the tank at bottom  
 2 soil samples collected at soil/groundwater interface (2nd  
 middle)  
 H&H - 300939 (Exp. 1/93)  
 manifest # 91511740  
 Stockpiled soil must be characterized &  
 covered with vaporizer.  
 Excavation pit must be secured.  
 1 piping trench soil sample collected  
 at dispenser.

III. UNDERGROUND TANKS (Title 23)

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

Rev 6/88

Contact: Michael Stoff  
Title: Senior Staff Engineer  
Signature: Michael Stoff

Inspector: \_\_\_\_\_  
Signature: Susan L. Hays

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Proj. No.	569-4757

From	A. SPENLER
	Emeryville Office
Phone No.	(510) 652-4500
Fax No.	(510) 652-2246

*Susan -*

I checked the remediation levels used at the former Parsons Property across the street. The levels are as follows:

10 ppm - Gasoline  
 100 ppm - diesel  
 1,000 ppm - oil  
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Please let me know if these seem appropriate to use for the Basland tank removal.  
 Thanks very much!

Sincerely

*Amanda Spem*

1900 Powell Street, 12th Floor  
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\*\* TOTAL PAGE.001 \*\*

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FOR SH

DATE 3/30 TIME 2:50 A.M./P.M.

M Amanda Spencer

OF \_\_\_\_\_

PHONE 652-4500

AREA CODE	NUMBER	EXTENSION
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL
CAME TO SEE YOU		WILL CALL AGAIN
WANTS TO SEE YOU		RUSH
RETURNED YOUR CALL		SPECIAL ATTENTION

MESSAGE \_\_\_\_\_

\_\_\_\_\_

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# Riding out the slump

Land-heavy Catellus hopes to eventually get its projects off the ground

*EDITOR'S NOTE: This is the fourth in an occasional series on how the current slump in Bay Area real estate affected corporate investors who got into the market in the mid- to late 1980s.*

By Bradley Inman  
SPECIAL TO THE EXAMINER

**U**NLIKE SO many California property companies — most of which are private and struggling — Catellus Development Corp. can't mask how the state's slumping re-

al estate market has hammered the San Francisco-based firm.

The company still has big dreams for its vast property holdings, including San Francisco's 313-acre Mission Bay community. But it is a publicly traded company and its stock performance tells the painful story of the firm's 4-year life, which perfectly parallels the 48-month downturn in the real estate

market here.

Take the earliest investor in Catellus. Just before the company was spun off from the Santa Fe Pacific Corp. in 1990, the \$81 billion California Public Employees Retirement System (Calpers) bought 19.9 percent of Catellus at a price equivalent to \$38 a share or \$398 million.

Last week, the stock was trading  
[See LIVING, F-6]

**Catellus project at Emeryville-Oakland border will include Hopie Depot, Pak 'N Save, Sport Mart.**

**LIVING IN  
THE BAY  
AREA**





## Catellus is riding out the slump

been scrambling to restructure its debt, including a \$388 million first mortgage loan with the Prudential Insurance Co. of America and a \$109 million convertible bond with Calpers.

Prudential committed to refinancing the loan, which comes due in 1994 and 1996. Earlier this year, Calpers doubled its stake in Catellus by converting the bond into \$141 million in stock. This boosted Calpers ownership in Catellus to nearly 41 percent and improved significantly the cost per share of its investment.

While company executives say this investment shows a commitment by Calpers, observers say the pension fund had no other choice. If it had demanded payment on the bond, Catellus would have been strapped for funds, hurting its ability to pursue development projects and jeopardizing Calpers' original 19.9 percent stake.

"Short term, we are obviously concerned, but we view Catellus as a long-term investment," said DeWitt Bowman, Calpers chief investment officer. "We are in a hold position with the investment."

Added Roger Franz, Calpers' mortgage investment officer, "In our portfolio, Catellus is an alternate investment — somewhat similar to a venture capital investment — where there is no expectation of

a return for, say, 5 to 7 years."

What's next?

Both its standing on Wall Street and the future of its big projects are driven so much by the state's real estate market. If the market turns around, "a land-rich company can double overnight," said Green Street's Kirby. "Catellus is going to be a timing call."

A turnaround in the real estate market will also help the company finance its big development projects, drive up the value of its land holdings and increase demand for the developments. Catellus' fate is, in many ways, out of the hands of its board of directors and its executives.

On the other hand, because of Wall Street constraints, Catellus



Schwartz

can't act like a cavalier developer, which pushes forward in a good market or bad. Wall Street forces the company to be conservative and measured.

These same limits may account for Catellus' survival. Big risks in a bad market have forced many real estate developers out of business.

*Bradley Inman is a Bay Area-based real estate writer and author of "San Francisco Bay Area: Livable Neighborhoods," a guide to affordable and unique places to call home (Foghorn Press, San Francisco, 800-842-7477, 1992, \$12.95, 300 pages).*

## Real estate syndicator capitalizes on Catellus

By Bradley Inman  
SPECIAL TO THE EXAMINER

Not everyone lost money on Catellus. The real estate firm that got the California Public Employees Retirement System to invest in Catellus Development Corp. has been rewarded handsomely.

JMB Realty Corp. was paid a finder's fee or acquisition fee of \$7.96 million when Calpers first invested in Catellus, according to Roger Franz, Calpers' mortgage investment officer. Moreover, the Chicago-based real estate firm is paid an annual asset management fee of \$2.38 million.

In the 1980s, JMB was one of the nation's largest real estate syndicators, raising money for a raft of property deals across the country, including bringing Catellus and Calpers together. Today, JMB is a property manager, developer and real estate adviser.

"Have you ever heard of someone getting such a fee to manage a stock? It's the most bizarre thing you can imagine," former California State Sen. Dave Elder said earlier this year when Calpers upped its stake in Catellus. While in the state Legislature, the Long Beach Democrat was a frequent critic of Calpers' investment in Catellus.

"It (the fee) is certainly unique," said Mike Kirby, principal in the Newport Beach-based Green Street Advisors, which does institutional research on publicly traded real estate firms. He also de-

scribed the fee as "excessive, foolish, ridiculous and outrageous" by Wall Street standards.

Calpers Chief Investment Officer DeWitt Bowman defended the fee, noting that it was "competitive with private placement fees at the time."

The fees are part of a partnership agreement that Calpers has with JMB, in which the realty concern acts as managing general partner of Bay Area Real Estate Investment Associates (BAREI). BAREI was formed to invest in Catellus, although Calpers put up 98.8 percent of the money.

"Compared to what some investment bankers get, JMB's (upfront) fees are very low," said Bowman.

He conceded that the ongoing fee may be higher, but he pointed out that "most Wall Street fees are expensed up front and are often very handsome. We spread ours out over the life of the investment."

According to Calpers, the fees go to compensate JMB for independent analysis of Catellus and to represent the pension fund on the board of directors. The two JMB directors on the Catellus board, Daria Totusek Flanagan and Judd D. Malkin, also receive \$15,000 from Catellus to serve on the board along with \$1,000 per board meeting.

A JMB representative referred calls regarding BAREI to Calpers.

Bowman said, "Generally, we get our money's worth."

## CAREY BROTHERS ON THE HOUSE



### Playground: Build it and they will come

**S**CHOOL'S OUT and chances are your kids are ready to play. If you haven't a playground nearby, you can bring one to them.

Conventional metal play equipment systems consisting of a swing or two, a slide and maybe even a glider or seat swing, remain popular and require minimal assembly. Many parents, however, are opting for custom-built wood play systems or "activity centers."

The equipment can be as simple as a single swing or as complex as the imagination and the pocketbook will permit. Swings, slides, fireman's poles, various climbing equipment (nets, ropes and ladders), bridges, teeter-totters and canopy-covered forts are things that can transform your backyard into a bona fide playground.

Activity centers can be built from scratch, using plans from a book, or the construction material and prefabricated accessories can be purchased as a kit and assembled as a do-it-yourself project. Both types can be installed professionally.

#### Comes with instructions

With purchased kits, all wood and other components are prefinished, and arrive ready to assemble. No further cutting or drilling is

required and only basic tools are needed for assembly. And, most kit structures come with well-illustrated, step-by-step assembly instructions.

The cost for such a system will range anywhere from \$300 for the material and accessories for a basic do-it-yourself project, up to \$3,000 or more for the professionally installed "have it all" activity centers.

Whatever the combination of play equipment or method of assembly, the primary concern should be safety. The Consumer Products Safety Commission (CPSC) found that nearly 75 percent of the injuries related to play equipment resulted from falls. Two factors determine the seriousness of injuries from falls: the height of the equipment and the surface on which it is constructed.

The CPSC suggests that all playground equipment be placed over a 6-to-12-inch bed of sand, pea gravel, or small wood chips, and that children be restricted from climbing higher than five feet.

Another safety concern is the design of the components and the material from which they are constructed. For example, stairs on a ladder should be close enough together for a child to negotiate, but should be spaced far enough apart to keep him or her from becoming trapped.

#### Widely used woods

Douglas fir, hemlock, redwood and cedar are widely used in the construction of these systems. Redwood and cedar are the most popular with the do-it-yourself systems, due to their natural resistance to rot and pests. Some professionally installed systems are constructed of pressure-treated hemlock or Douglas fir. The material is treated with copper chrome arsenate (CCA) to protect wood from rot and fungus.

Whereas CCA has been deemed by both the Environmental Protection Agency and the Federal Food and Drug Administration to be acceptable when used according to directions, you may want to re-

[ See CAREY, F-9 ]

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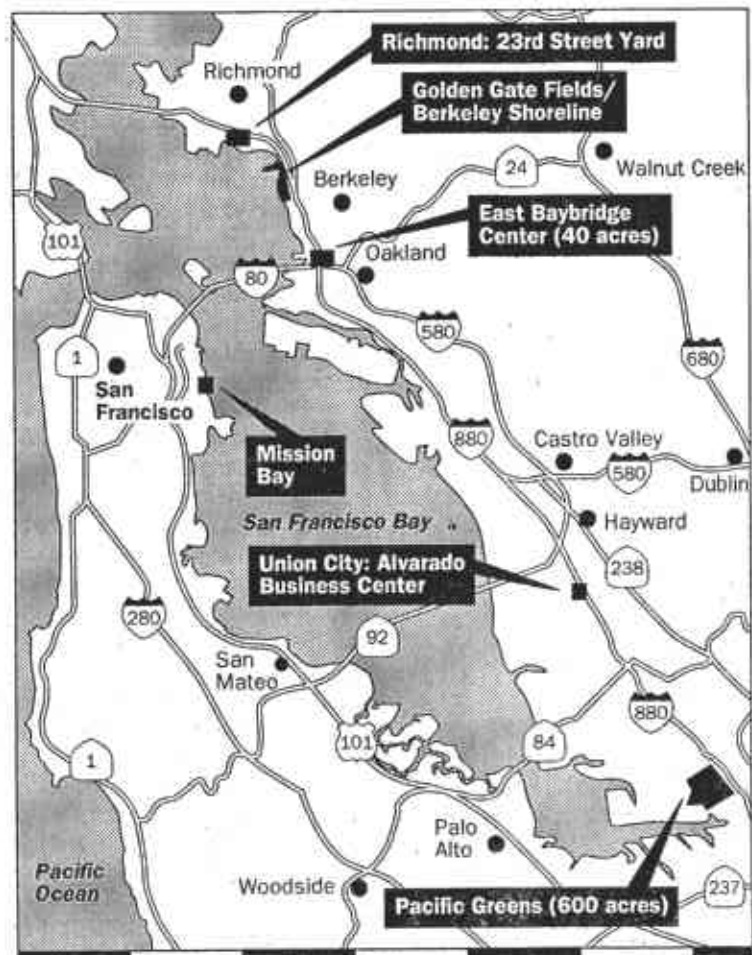
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## Napa Valley Elegance!

### CATELLUS PROJECTS



► **REGATTA CENTER, RICHMOND:** Vacant land occupied by a 7-acre rail storage yard. Proposed mixed-use development of commercial, office and R&D center; possibly some retail. City of Richmond has approved phase 1, which provides for four buildings totaling 330,000 square feet.

► **GOLDEN GATE FIELDS, BERKELEY:** Zoned for recreational and commercial use; no proposed development at present, long-term lease until 2002 with Ladbrooke Racing Corp.

► **EAST BAYBRIDGE, EMERYVILLE AND OAKLAND:** 462,000 square feet of retail development on 40 acres. Leases signed with Home Depot, Office Max, Pak 'N Save and SportMart. Expected construction of phase 1 to begin this summer.

► **MISSION BAY, SAN FRANCISCO:** \$2 billion, 313-acre mixed-use development. SOURCE: Catellus Development Corp.

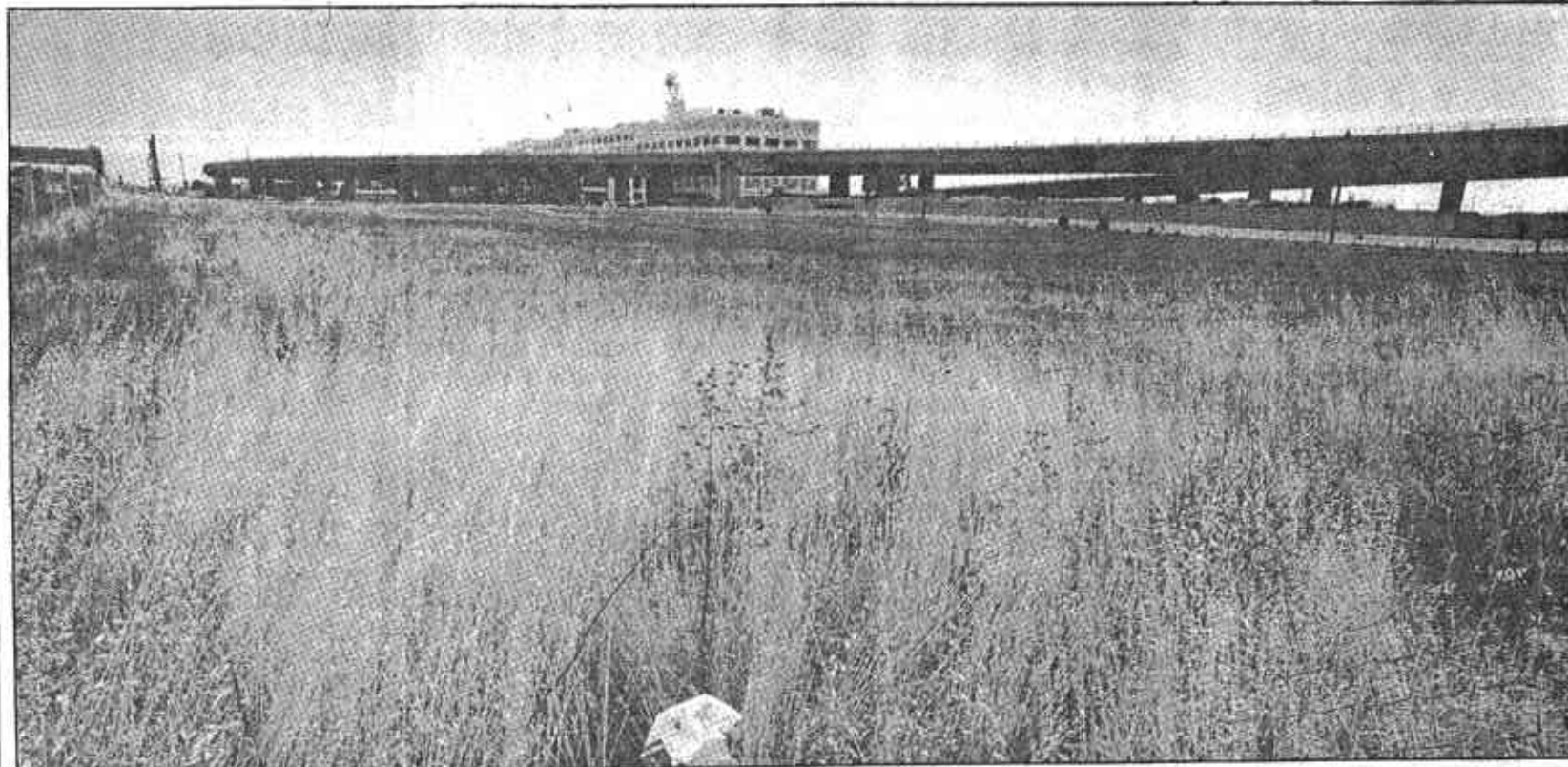
opment planned as new residential and business neighborhood near downtown San Francisco. Expect construction of phase 1A to begin mid-1994 at earliest.

► **ALVARADO BUSINESS CENTER, UNION CITY:** 844,312 square feet of commercial space in nine industrial buildings constructed, with all nearly leased.

► **PACIFIC GREENS, FREMONT:** 600-acre mixed-use development with plans for 1,400 single-family homes, 18-hole golf course, business park, retail center, public parks, wetlands, elementary school and fire station.

► **SOUTH BAY CENTER, SAN JOSE:** 424,192 square feet of commercial space in six buildings completed in 1985. Complex is 98 percent leased. (Not shown on map.)

EXAMINER GRAPHICS



EXAMINER/MARK COSTANTINI

Long-awaited Mission Bay won't break ground until 1994 or 1995.

◆ **LIVING from F-6**

### Catellus is riding out the slump

won all sorts of honors and accolades for its master plan and for the nearly 10-year planning process undertaken by The City and Catellus.

But at best, the company won't break ground on the site until 1994 or 1995. And it plans to start with a modest 150- to 200-unit subdivision on a project that promises 8,000 homes.

Catellus is still negotiating with The City about how to undertake and guarantee the environmental clean-up on the former industrial site, which has toxic problems. Regardless, the company hasn't been too eager to proceed because the real estate market has been so bad,

according to Catellus Vice President James W. Augustino.

The company's 1,400-home golf course community in Fremont has received local approvals but, according to Burczyk, financing for the golf course is difficult to obtain in this market. Nevertheless, she said, "It's on track even if it's not on the fast track."

Catellus is also trying to get approval for a major mixed-used project in downtown Los Angeles, and plans for a commercial development in downtown San Diego are stalled by the downturn in the economy.

**Scrambling to restructure**  
In the meantime, Catellus has  
[ See LIVING, F-8 ]

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Availability of homes subject to subsequent sale after deadline of this publication.



### What's it worth?

The in's and out's of home buying  
In The Examiner

◆ **DISCLOSURE** from F-1

**Disclosure has its faults**

of any defects in the roof.

A number of other states are now following California's lead by passing similar real estate disclosure laws. In May, Illinois became the 14th state to require a property condition disclosure statement.

David Livingston of Prudential California Realty in Sausalito said he tells clients that full disclosure "is their best friend."

**Can't disclose too much**

"I've never seen a problem creating by disclosing too much. Disclosure makes the buyer feel com-

fortable about the property," he said.

Charlene Claybaugh, of Pacific Union Residential Brokerage in Oakland's Montclair neighborhood, agreed.

"It's a financial and emotional strain for a seller to go through all the work of negotiating a sale, only to have the deal fall through and have to start all over," Claybaugh said. "By putting negative information up front along with the positive, disclosure prevents us getting into escrow that will fail."

The three-part TDS form begins with a checklist of items which might be included in the property, such as appliances, utilities, alarm systems and mechanical systems. Part two asks if the seller is "aware of any significant defects" in 16 elements of the building's structure, such as the foundation, win-

dows and roof. The third part asks if the seller is "aware" of any of 16 problems, ranging from zoning violations, structural damage, toxic substances, flooding and neighborhood noise problems or nuisances.

**The gray areas**

However, buyers and sellers can tangle in the gray areas of the law. Were you really not aware? Should you have been aware? How could you not have been aware? Sellers, who are most likely not experts in construction, are asked only to tell what they are aware of. After living in a house for 20 years, they may truly not notice something which will drive the new owner crazy.

A San Francisco attorney who did not want his name used bought a Marin County condominium last year.

"The sellers' disclosure was

filled with incredibly trivial things," he said, "like the latch on a kitchen cabinet was broken. Things I could fix myself with a screwdriver and a 49 cent part."

Otherwise, the property certainly looked fine. After he moved in, however, he found some serious problems. The most bizarre was that whenever he turned on the heat, his condo was filled with the intense odor of buttered popcorn. He discovered that neither his nor his neighbor's unit had a duct for the heating system. The furnace simply sucked its air supply from the air space between the walls, bringing with it the fumes of his neighbors' nightly microwave popcorn feasts.

He also learned from a contractor who frequently worked in the building that the wall behind the bathroom shower enclosure was

full of dry rot due to a leak in the pipes. The contractor reported that he had asked the sellers if they wanted him to fix it, and they said no.

When he confronted the previous owners and demanded why they had not disclosed these problems, the sellers answered, "What was there to disclose? Nothing was broken."

"They were certainly unclear on the concept," he said. He sent a demand letter to the sellers and their agent, asking them to pay for repairs. He said they settled immediately.

Because the disclosure statement relies on the uneducated seller's "awareness," some in the realty industry feel the law can also provide buyers with a false sense of security.

Sharon Monari of Prudential

California Realty in San Rafael said, "I don't know if it really accomplishes anything, except to raise the level of awareness. After all, sometimes things just get forgotten. The TDS is certainly no substitute for a professional inspection."

**Big bucks, little investigation**

Toni Abruzzo of Re/Max of South Marin in San Rafael said she always insists on a professional inspection for buyers she represents. "Too many people don't even walk around the block," she says. "It's mind-boggling. They'll buy a \$500,000 house without doing any investigation."

But there's no question the TDS is another tool to help protect

[ See DISCLOSURE, F-6 ]

**BULLETIN BOARD**

**TUESDAY:**

**SPUR:** The San Francisco Planning and Urban Research Association presents "The Latest on Mission Bay," with Kerstin Magary, project director for the Mission Bay at Catellus Development Corp., 12:30 p.m. at 312 Sutter St. Free. (415) 781-8726.

**Foreclosures:** Bay Area Investors Educational Services presents "The Laws, Procedures and Practices of Buying Foreclosure Real Estate," with Paul Thompson, 7 p.m. at 5151 Los Cerritos Dr., Stockton. \$10 for members, \$20 for nonmembers. (510) 339-9014.

**What's the plan?:** The Building Education Center presents "Plan Reading for Beginners," 7 p.m. at 812 Page St., Berkeley. \$40 per person, \$70 per couple. (510) 525-7610.

**THURSDAY**

**SPUR:** The San Francisco Planning and Urban Research Association presents "Plans for a New Courthouse," a discussion on plans for a courthouse at 400 McAllister, 12:30 p.m. at 312 Sutter St. Free. (415) 781-8726.

**BEC:** The Building Education Center presents "Passive Solar Design/Title 24 Codes," 7 p.m. at 812 Page St., Berkeley. \$40 per person, \$70 per couple. (510) 525-7610.

**SATURDAY**

**What the Beck:** John Beck Seminars presents "How to Use the Tax Certificate System to Buy Real Property for Literally Pennies on the Dollar," 1:30 p.m. at the Holiday Inn, Oakland Airport. \$25. (510) 523-6115.

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## Disclosure has its faults

buyers from prevaricating or uninformed sellers.

Johnson of Miller, Starr & Regalia identified the most important areas for inspection reports as landfill, slippage, drainage and roof leaks. She advises brokers to require buyers to pay for professional inspections, or to sign a statement saying that inspection was recommended but refused. She also cautions that when disclosing repairs, it's important not to guarantee the problem has been fixed.

"Don't ever say, 'We had a drainage problem but it's been fixed.' The correct language is, 'We made suggested repairs; buyers are recommended to make their own investigation.'"

Many prudent sellers go even further than the law mandates. Richard Wilmington of Solomon Wilmington & Associates, an Orinda-based brokerage firm, provides his clients with a three-page supplement to the standard form. The addendum lists proximity to high tension wires, potentially toxic material, abandoned septic tanks, residency of pets and deaths in the house.

### Cultural concessions

Although deaths on a property are not required by law to be disclosed on the form, they must be disclosed if the buyer asks. Wil-

mington, who deals with a multi-cultural clientele, explained:

"For example, for Chinese buyers, under the principles of *feng shui*, it would be very bad to buy a home where someone had died. We try with this form to cover every detail which may have some impact culturally or emotionally on the buyer."

A properly done disclosure can in some instances protect the seller from lawsuits.

### It's the pits

Chuck Weller of Re/Max of San Jose handled a house in the San Jose suburb of Almaden where the seller stated that there was a barbecue pit under the deck. Although the termite inspector recommended taking up some deck boards to look at the pit, the buyer did not request further inspection.

After the sale, a guest fell through a broken board in the deck into the barbecue pit, which turned out to be 8 feet deep. When the buyer demanded \$7,000 from the seller to pay for filling the hole, Weller had his copy of the TDS in hand to prove the buyer had no excuse for ignoring this potential problem.

However, the law isn't a guarantee against a lawsuit as an Oakland repair shop owner discovered after he sold his Berkeley rental property.

The seller and his broker were meticulous in filling out the disclosure form, and also had the buyer sign an as-is purchase agreement.

But they were sued when, two weeks after transfer of the building, the sewer line broke and flooded the basement with foul-smelling water.

Even though the buyer had been constructing a fence near the line, he accused the seller of "fraud, affirmative misrepresentation, breach of contract and non-disclosure," claiming this was a pre-existing condition which was somehow hidden. After a year and a half of legal wrangling, the beleaguered shop owner decided he could afford no more legal fees and, although convinced he was in the right, settled without going to trial.

### 'They manipulated the law'

"They used the disclosure law to get me to pay for things they broke," said the shop owner, who didn't want to be further identified. "They manipulated the law."

Most real estate professionals agree that the law has at least improved the exchange of information between seller, broker and buyer.

Robin Wilson, chief legal officer of the California Department of Real Estate said, "Before this law, sellers were required to disclose problems, but it wasn't very clear how the disclosure was supposed to happen. This is a much easier vehicle for the exchange of information. It's a boon to the buyer because it provides a detailed list of things to consider when purchasing."

## Catellus is riding out the slump

around \$6.75 a share. On paper, the pension fund's original investment sank a whopping 82 percent, representing a \$326 million loss. By this measure, Wall Street has been less forgiving of Catellus than the overall California real estate market, which has collapsed 30 to 50 percent.

"If Calpers had just gone out and bought raw land anywhere in California (with their \$398 million investment in Catellus), they would have been better off," said consultant Jeffrey Lewis, who has advised Calpers on other real estate transactions.

But while stock investors have heavily discounted the value of Catellus Development Corp., real estate people still drool over the prospects of the company's land holdings. In some of California's most ideal urban settings, these complex deals promise megaprofits on futuristic new towns, massive shopping destinations and expansive new neighborhoods.

Catellus is caught between two worlds: Wall Street and real estate development. Most property developers are dream peddlers who must aggressively sell the prospects of their projects so that banks lend, so that cities grant approvals and so that consumers use and buy their space.

On its four massive mixed-use projects in California, for example, Catellus has successfully sold its

dreams to local civic leaders, elected officials and hometown lenders.

Wall Street, on the other hand, doesn't care much for long-term promises and cares even less about dreamers: It wants to hear about quarterly earnings, cash flow and stock value.

Less than a year after Calpers picked up its expensive 19.9 percent stake in Catellus, the company's stock went public and opened at \$8.50 per share. It rose to \$15 per share but has been languishing at \$5.75 to \$8.25 for the last year.

### Formed at real estate peak

Catellus was formed at a time when California's real estate market seemed to offer prosperity at every turn, and Santa Fe Pacific's \$3.1 billion property portfolio was viewed as a magnificent asset buried inside the railroad giant.

But since 1989, the California real estate market has collapsed and Catellus' holdings have plummeted 31 percent, according to company appraisals which valued its property at \$2.1 billion at the end of 1992.

Add a sour market to a tradition by Wall Street to discount land companies and you have a depressed stock.

"This isn't a bankruptcy situation and it's not a \$1 stock, but the company hasn't performed as expected," said Mike Kirby of the Newport Beach-based Green Street Advisors, an institutional research firm that does ongoing analysis of Catellus and other publicly traded real estate companies.

However, while Green Street isn't bullish on the stock, it gives Catellus management credit for effectively steering the company through troubled times.

"Vernon Schwartz is a bright capable guy," said Green Street's Jon Fosheim, referring to Catellus' chairman, president and chief executive officer.

Other analysts also give good reviews of management and are more bullish on the firm's prospects. "Catellus is a good company in bad times," said Barry Vinocur, publisher of Realty Stock Review

in Shrewsbury, N.J. "It should be a solid long-term growth play.

"This is definitely an undervalued company, but anyone developing in this market has trouble creating value," said San Francisco-based Montgomery Securities's real estate analyst James Wilson.

### Selling to show a profit

Though it generates sizable revenues from its many industrial office parks, the company has had to sell off small parts of its 950,000 acres of property to show a profit. The vast majority of the holdings are agriculture land and mountain property.

One real estate observer equated this strategy to "someone drinking his own blood to survive."

But company executives say that the land-selling scheme was always an integral part of the Catellus plan.

"We are selling land out of our surplus of desert and mountain holdings — it's not property that is imminently or near-term developable," said Mary Burczyk, a Catellus vice president.

Green Street's Fosheim confirms that "the game plan has always depended on selling land." But he also said that "therein lies the whole problem with the company: Just as they need the liquidity (from land sales) to develop and cover their debt service, they need to sell land at a time when land values have collapsed."

On the dream front, Catellus faces some formidable challenges as a developer.

After putting together a complex entitlement with the cities of Emeryville and Oakland, Catellus is furthest along with its East Bay-bridge discount warehouse retail project. The company is breaking ground later this summer on the 40-acre site at the crossroads of interstates 580 and 80 along the Emeryville-Oakland border, which retail experts say is one of the best retail locations in all of California. The 462,000 square-foot project will have a Home Depot, Office Max, Pak 'N Save and SportMart.

### Slow-moving Mission Bay

Moving much slower is Mission Bay, which in many ways embodies the gap between the dream and booked earnings. This project has

[ See LIVING, F-7 ]



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