

Jennifer:

BILLING ADJUSTMENT FORM

Date: 2-25-97

STID#: _____

Caller: Ray Cherry Phone: 836-1655

Company Name: DC Metals

Site Address: 1414 3rd St City Oakland Zip 94607

Billing Acct#	
<input type="checkbox"/> Generator....H	_____
<input type="checkbox"/> HMMP.....L	_____
<input checked="" type="checkbox"/> UST.....T	_____

REQUESTED CHANGES: As result of a USEPA investigation of the site, they have confirmed that no tanks exist as was indicated by permit applications submitted by former owner in 1987.

Confirm via Bob Mendel, USEPA @ 415 744-2290 Received by: Pam Evans

[X] Discontinue billing with explanation and date:

- Generator _____
- HMMP (AB2185) _____
- UST Conversation w/ Bob Mendel USEPA confirmed no tanks aside from the one discovered (+ removed) from under side-

[] Continue billing with following changes: walk. 2-25-97. Mendel will send a letter to us.

- Change number of EMPLOYEES From: _____ To: _____
- Change number of TANKS From: 2 To: 0
- HMMP (AB2185) - See Attachment
- Updated information below:

Business Name DC Metals Phone _____

Site address _____ City _____ Zip _____

Business Owner Ray Cherry Phone _____

BILLING address _____ City _____ Zip _____

Specialist: Pamela J Evans

Date: 2-25-97

[] Sent to billing
on _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

25 Feb 1997

Pam Evans
Alameda County Env. Health
1131 Harbor Bay Pkwy.
Alameda, CA 94502

Dear Ms. Evans:

As part of EPA's response to the immediate threat posed by vinyl chloride at the DC Metals site, 1414-3rd St., Oakland, we excavated portions of the property looking for underground storage tanks. We found evidence that there had been tanks there at one time, but they had been removed sometime in the past. The only tank we found was an 1800 gallon steel tank in the sidewalk containing a small amount of heavy oil mixed in with water in the tank. The tank was removed.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Mandel".

Robert M. Mandel
Federal On-Scene Coordinator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

FACSIMILE: 415-744-1796

February 11, 1997

To: Interested Parties - DC Metals Superfund Removal

From: Andy Bain, U.S. EPA

Re: Removal Update

Number of
Pages: 3 including this cover

Individual	Organization
Karen Boyd	City of Oakland
Gordon Coleman	Alameda Co.
Lynn Nakashima	DTSC
Carol Northrup	DTSC
Kate Leiga	CalTrans
Surlene Grant	CalTrans

Hello,

I've taken over for Denise Gawlinski since she returned to Chicago. I worked with Bob Mandel and Terry Brubaker to produce this update on quick turn around yesterday, then hand delivered it late yesterday to approximately 50 residents on 3rd, Center and Chester streets. I also left extra copies at the site trailer. You may note the reduced size of the faxed version, the original was legal size. Please feel free to call me at 415-744-2186 if you have any questions or need a real copy.



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

Treatment System Started at DC Metals Site

U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Oakland, CA

February, 1997

Introduction

On Monday February 10, the U.S. Environmental Protection Agency (U.S. EPA) began operating a treatment system to remove vinyl chloride contaminated groundwater and soil vapors at the DC Metals site, located on the corner of Nelson Mandela Parkway and Third Street in West Oakland, California. Vinyl chloride is a colorless, sweet-smelling gas that poses a potential health threat to people. While the U.S. EPA's sampling results show there is no current vinyl chloride exposure at nearby residences, there are high levels just underneath the DC Metals site. In order to prevent migration and possible future releases of vinyl chloride gas, the U.S. EPA's Superfund program has undertaken this focused removal action at the DC Metals facility.

Health Effects of Vinyl Chloride

Vinyl chloride is a known human carcinogen. People can be exposed to vinyl chloride by breathing, eating or absorbing it through the skin. The potential health effects of vinyl chloride depend on the amount and duration of exposure. At very low levels, vinyl chloride poses an increased cancer risk to people, especially infants and young children. It also poses a reproductive risk to males.

Cleanup Operations

After conducting several startup tests, we began operating the treatment system to extract the contaminated groundwater and soil vapors from the ground. The groundwater is extracted from sealed trenches and then treated with air stripping and granular activated carbon technologies. The air stripping unit removes the volatile contaminants in the groundwater by blowing air through the water as it flows through a special treatment unit. The granular activated carbon unit then removes the remaining contaminants in the water before it is discharged into the storm sewer. The contaminants in the vapors produced from air stripping and from soil vapor extraction are destroyed in a specially designed high temperature thermal oxidation unit.

We expect to operate system 24 hours a day, seven days a week through December 1997.

Residents near the site may notice a slight increase in noise produced by the equipment, but it is not expected to be significant. The only product expected from the air stripping process is clean water. The thermal oxidation unit produces steam and salt. In order to confirm that no vinyl chloride or other harmful compounds escape, we will conduct testing of the air emissions. Computers at the site will constantly monitor the system's performance and will shut the system down if any part of the system fails to operate properly.

In addition to the vinyl chloride gas removal, we recently excavated approximately 160 tons of hydrocarbon-contaminated soils and concrete rubble, and disposed of them at an approved disposal facility. We also installed five groundwater monitoring wells in order to track the progress of our cleanup.

Questions and Concerns

If you have any questions or complaints, or if you did not receive this DC Metals fact sheet in the mail and would like to be added to the site mailing list, please write or call either of the individuals listed below:

Andy Bain (SFD-3)
Community Relations
Coordinator
415/744-2186
or 800/231-3075

U.S. EPA, Region 9
75 Hawthorne St.,
San Francisco, CA
94105

Bob Mandel (SFD-6)
On-Scene Coord.
415/744-2290

If you have questions or want additional information about the Cypress Freeway Reconstruction Project, please call Caltrans, Public Information Office at (510) 286-7395.

If you have questions or want additional information about cleanup activities at the former Bobo's Junkyard, please call Lynn Nakashima with Cal EPA (510) 540-3839.



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

El Sistema de Tratamiento Comenzó en el sitio de DC Metals

U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Oakland, CA

febrero 1997

Introducción

El lunes 10 de febrero, la Agencia para la Protección del Medio Ambiente (la EPA) comenzó la operación de un sistema de tratamiento para quitar el cloruro de vinilo del agua subterránea y los vapores del sitio de DC Metales, ubicado sobre la esquina de Nelson Mandela Parkway y la calle Third en West Oakland, California. El cloruro de vinilo es un gas sin color, que tiene un olor dulce y posa una amenaza potencial a la salud. Mientras que los resultados de muestreo de la EPA no han mostrado una exposición actual de cloruro de vinilo a las residencias cercanas, hay niveles altos debajo el sitio de DC Metales. La EPA ha empezado esta acción enfocada de remoción en el sitio DC Metales con fines de impedir la migración y para prevenir problemas futuros del cloruro de vinilo.

Los Efectos del Cloruro de Vinilo

El cloruro de vinilo es conocido como un carcinógeno humano. La gente puede ser expuesto al cloruro de vinilo respirando, comiendo o absorbiendo lo por la piel. Los efectos potenciales de la salud dependen del nivel y la duración de la exposición. Exposiciones a niveles bajos pueden aumentar el riesgo de cancer a la gente, especialmente a los bebes y niños juvenes. El cloruro de vinilo también posa riesgos al sistema reproductivo de los hombres.

Operaciones de Limpieza

Después de conducir varias pruebas, nosotros comenzamos a operar el sistema de tratamiento para extraer los contaminantes del agua subterránea y los vapores del suelo. El agua subterránea se extrae desde pozos y luego será tratado con un proceso de "air stripping" y filtración con carbón activado. Se usa la tecnología "air stripping" para quitar los contaminantes volátiles en el agua subterránea por medio de forzar aire ente el agua mientras que el agua pasa gradualmente por un equipo de tratamiento especial. El equipo de carbón activado quita los contaminantes restantes del agua antes de ponerlo en el alcantarillado de tormenta. Los contaminantes de vapores producidos por el proceso del "air stripper" y de la extracción de los vapores del suelo se destruyen con altas temperaturas en un equipo de oxidación térmica.

Operaremos el sistema 24 horas al día, cada día de la semana hasta el diciembre de 1997. La gente que viven cerca el sitio pueden notar un aumento delgado en el ruido producido por el equipo, pero no se espere ser muy notable. El producto único que esperamos del proceso "air stripper" es el agua limpia. Los productos del equipo de oxidación térmica son vapor de agua y sal. Nosotros conduciremos pruebas de las emisiones de aire con fines de confirmar que ningun gas de cloruro de vinilo o los otros compuestos escapan. Las computadoras en el sitio controlarán constantemente el sistema y apagará el sistema si cualquier parte del sistema fracasa.

Aparte de la limpieza del cloruro de vinilo, nosotros recientemente excavamos aproximadamente 160 toneladas de suelos contaminados con hidrocarburo y los restos de cemento y los mandemos a un basural aprobada. Nosotros también instalemos cinco pozos para verificar el progreso de la limpieza.

Preguntas e Inquietudes

Si tiene alguna pregunta acerca del sitio DC Metals, ó quiere que pongamos su nombre en nuestra lista de correo para recibir nuevos boletines, por favor contacte a:

Andrés Bain (SFD-3)
Coordinador de Relaciones Comunitarias
U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105
415/744-2188
ó sin cargo de llamar: 800/231-3075

Si tiene alguna pregunta acerca del proyecto Cypress Freeway Reconstruction, por favor contacte a Caltrans, Oficina de Información Pública en el (510) 286-7395.

Si tiene alguna pregunta acerca de las actividades de limpieza en el Bobo's Junkyard, por favor contacte a Lynn Nakashima con Cal EPA (510) 540-3839.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION
ENVIRONMENTAL PROTECTION

In Re 97 JAN 30 PM 2: 36) Case No. 96-70460-TK-7
)
~~JUNE M. NAGY~~) AMENDMENT COVER SHEET
)
Debtor)

Attached hereto are the following amended documents (check all that apply):

- Petition
- Creditor Matrix
- Schedules (circle appropriate letters)
A [B] [C] D E F G H I J
- Summary of Schedules
- Statement of Financial Affairs
- Statement of Intention
- List of 20 Largest Unsecured Creditors
- List of Equity Security Holders
- Other: _____

Purpose of amendment (check all that apply):

- To add creditors or to correct creditor names and addresses
\$20.00 filing fee: required not required
NOTE: Lists, schedules and statements amended for this purpose should be accompanied by an amended matrix, listing only the names and addresses added and/or amended.
- To add or correct information other than creditor names and addresses (please specify):
Amend Schedule B: B-18 to reflect value of Debtor's interest, and Schedule C to exempt Debtor's interest in Occupancy Agreement and utilize alternative exemption statutes
- Other: _____

Dated: _____ Attorney's Signature: _____

Attorney's Name/Address: _____

=====

DECLARATION BY DEBTOR

I (We), the undersigned debtor(s), hereby declare under penalty of perjury that the information set forth in the amendment(s) attached hereto, consisting of 5 pages, is true and correct to the best of my (our) information and belief.

Dated: January 22, 1997

June M. Nagy
Debtor's Signature

Joint Debtor's Signature

In re June M. Nagy

Case No. _____

Debtor

(if known)

****AMENDED** SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "X" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, or both own the property by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C-Property Claimed as Exempt.

Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G-Executory Contracts and Unexpired Leases.

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property".

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
1. Cash on hand.	X			400.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.	X	Wells Fargo Bank, Walnut Creek, CA Acct. # 0351-2074-93, checking account Coast Federal, Walnut Creek, CA Acct. # 125-895805, checking account		1,000.00 100.00
3. Security deposits with public utilities, telephone companies, landlords, and others.	X	NONE		0.00
4. Household goods and furnishings, including audio, video, and computer equipment.	X	Miscellaneous furniture and silver; everything at least 17 years old or older		2,000.00

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
5. Books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc. and other collections or collectibles.	X	NONE		0.00
6. Wearing apparel.	X	Various items of clothing (nothing worth much - all old)		600.00
7. Furs and jewelry.	X	Mink coat and weddings rings		1,000.00
8. Firearms and sports, photographic, and other hobby equipment.	X	NONE		0.00
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.	X	NONE		0.00
10. Annuities. Itemize and name each issuer.	X	NONE		0.00
11. Interests in IRS, ERISA, Keogh, or other pension or profit sharing plans. Itemize.	X	NONE		0.00
12. Stock and interests in incorporated and unincorporated businesses. Itemize.	X	NONE		0.00
13. Interests in partnerships or joint ventures. Itemize.	X	NONE		0.00
14. Government and corporate bonds and other negotiable and non-negotiable instruments.		Note Secured by Deed of Trust between Cypress Street Investments and Louis and June Nagy, a copy of which is attached hereto as Exhibit A		unknown

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
15. Accounts receivable.	X	NONE		0.00
16. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X	NONE		0.00
17. Other liquidated debts owing debtor including tax refunds. Give particulars.	X	NONE		0.00
18. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule of Real Property.	X	See Exhibit "A" to Schedule "G". March 10, 1987 Occupancy Agreement regarding Personal Residence at Unit #7, Lot 19, Neighborhood No. 7 Located at Rossmoor, Walnut Creek, California.		\$65,000.00
19. Contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X	NONE		0.00
20. Other contingent and unliquidated claims of every nature, including tax refunds, counter-claims of the debtor, and rights to setoff claims. Given estimated value of each.	X	NONE		0.00
21. Patents, copyrights, and other intellectual property. Give particulars.	X	NONE		0.00
22. Licenses, franchises, and other general intangibles. Give particulars.	X	NONE		0.00

TYPE OF PROPERTY	N O N E	DESCRIPTION AND LOCATION OF PROPERTY	H W J C	CURRENT MARKET VALUE OF DEBTOR'S INTEREST IN PROPERTY, WITHOUT DEDUCTING ANY SECURED CLAIM OR EXEMPTION
23. Automobiles, trucks, trailers, and other vehicles and accessories.	X	1985 Cadillac El Dorado Residence		2,400.00
24. Boats, motors, and accessories.	X	NONE		0.00
25. Aircraft and accessories.	X	NONE		0.00
26. Office equipment, furnishings and supplies.	X	NONE		0.00
27. Machinery, fixtures, equipment, and supplies used in business.	X	NONE		0.00
28. Inventory.	X	NONE		0.00
29. Animals.	X	NONE		0.00
30. Crops-growing or harvested. Give particulars.	X	NONE		0.00
31. Farming equipment and implements.	X	NONE		0.00
32. Farm supplies, chemicals, and feed.	X	NONE		0.00
33. Other personal property of any kind not already listed. Itemize.	X	NONE		0.00
TOTAL				\$72,500.00

****AMENDED** SCHEDULE C - PROPERTY CLAIMED
AS EXEMPT**

Debtor elects the exemptions to which debtor is entitled under:

(Check one box)

() 11 U.S.C. §522(b)(1): Exemptions provided in 11 U.S.C. §522(d). Note: These exemptions are available only in certain states.

(X) 11 U.S.C. §522(b)(2): Exemptions available under applicable nonbankruptcy federal laws, state or local laws where the debtor's domicile has been located for the 180 days immediately preceding the filing of the petition, or for a longer portion of the 180-day period than in any other place, and the debtor's interest as a tenant by the entirety or joint tenant to the extent the interest is exempt from process under applicable nonbankruptcy law.

DESCRIPTION OF PROPERTY	SPECIFY LAW PROVIDING EACH EXEMPTION	VALUE OF CLAIMED EXEMPTION	CURRENT MARKET VALUE OF PROPERTY WITHOUT DEDUCTING EXEMPTION
Cash on hand	CCP §704.080	\$400.00	400.00
Balance in checking accounts	CCP §704.080	\$1,100.00	1,100.00
Various items of household goods, and furnishings	CCP §704.020	\$2,000.00	2,000.00
Various items of wearing apparel	CCP §704.020	\$600.00	600.00
Mink coat and wedding rings	CCP §704.040 and 704.020	\$1,000.00	1,000.00
1987 Occupancy Agreement (See Exhibit "A" to Schedule "G")	CCP §704.730(a)(3)	\$100,000	\$65,000.00
1985 Cadillac El Dorado	CCP §704.010(a)	\$1,900.00	2,400.00

BEFORE THE CALIFORNIA
DEPARTMENT OF HEALTH SERVICES

In the matter of:

Louis Nagy, President
AMCO Chemical Corp.
1414 3rd Street
Oakland, CA 94607

Respondent:

Louis Nagy

Proceeding under Section 25359.5 of
the California Health and Safety
Code, Chapter 6.8 Hazardous
Substances Account Act

ORDER TO POST
AND FENCE

INTRODUCTION

This civil administrative action is commenced pursuant to Section 25359.5 of The Health and Safety Code. Complainant is the Department of Health Services (hereinafter the Department). Respondent is Louis Nagy and AMCO Chemical Corp.

This Determination and Notice of Compliance Order serve as notice that the Department has determined that Respondents are subject to the provisions of the Hazardous Substances Account Act, Chapter 6.8 of Division 20 of the California Health and Safety Code.

JURISDICTION

The Department is in the Health and Welfare Agency of the State of California. The Department is the state agency responsible for the administration of the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code, and the Hazardous Substances Account Act, Chapter 6.8 of Division 20 of the California Health and Safety Code.

The Department administers and enforces the provisions of the Hazardous Substances Account Act (hereinafter the Act), as contained in Section 25300 et seq. of the Health and Safety Code. Section 25359.5 of the Health and Safety Code requires the Department to determine if there has been a release of a hazardous substance on, under, or into the land on a site and to issue an order to the property owners to fence and post the requirements stated in Section 25359.5.

FINDINGS AND DETERMINATION

BASED UPON all of the information available to the Department I, Dwight R. Hoenig, Section Chief, North Coast California Section, Toxic Substances Control Division, California Department of Health Services, make the following FINDINGS AND DETERMINATION:

- 1) There has been a release of a hazardous substance on, under, or into the land on the property located at 1414 3rd Street, Oakland, California.
- 2) Louis Nagy in his capacity as officer and as an individual is responsible for the release of the hazardous substance(s) because he is the party responsible for the operation of the property located at 1414 3rd Street, Oakland, California.
- 3) The release does not comply with the terms of a current permit or Interim Status Document or regulation of the Department.
- 4) The 1414 3rd Street, Oakland, CA site poses a public health risk if human contact should be made with the hazardous substances/waste or the contaminated area.
- 5) There is a likelihood of human or domestic animal contact.
- 6) It is physically and economically feasible to fence the 1414 3rd Street, Oakland, CA site. Furthermore, fencing the site is necessary to alleviate the danger

to public health caused by contact with the hazardous substance/waste or contaminated area.

- 7) Based on information available to the Department from the initial investigation, it is apparent that the Respondent is the owner of the property described in paragraph one herein.

ORDER

BASED UPON the foregoing Findings and Determinations you, Louis Nagy as property manager of the 1414 3rd Street site are directed to post the site with signs and enclose the site with a fence within 10 days of receipt of this order. Specifically:

- 1) The fence shall enclose the site and be continuously maintained so as to prevent unauthorized persons from gaining access to the site.
- 2) The fence shall be a standard six (6) foot chain link fence topped with three (3) strands of barbed wire. The fence shall be constructed to the satisfaction of the Department.

- 3) The signs shall be bilingual, appropriate to the local area.
- 4) The signs shall have lettering which is legible from a distance of at least twenty-five (25) feet and shall read: "Caution: Hazardous Substances Area, Unauthorized Persons Keep Out" and shall have the name and phone number of the Department that ordered the posting.
- 5) The signs shall be visible from the area surrounding the contaminated area and posted at each route of entry into the site, including those routes which are likely to be used by unauthorized persons, at access roads leading to the site, and facing navigable waterways where appropriate.
- 6) The signs shall be of a materials able to withstand the elements.

EFFECTIVE DATE -- OPPORTUNITY TO CONFER

This order is effective immediately upon the date of receipt thereof by the Respondents. All times for performance shall be calculated from that date.

You may request, within five days of receipt of this order, and in writing, a conference to discuss the terms of this Order. The request must clearly state the circumstances or arguments which constitute the grounds of defense and the facts which you intend to place in issue. If you desire such a conference, please file said documents with Doug Krause, North Coast California Section, Toxic Substances Control Division, 2151 Berkeley, Way Annex 7, Berkeley, California 94704.

You are advised that should a conference be requested, the effective date of this order will not be altered.

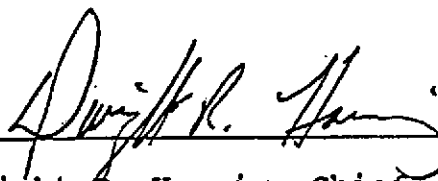
PENALTIES FOR NON-COMPLIANCE

You are advised that failure to comply with this Order, in the time set forth will result in the Department securing and posting the site and seeking recovery of its costs from Respondents.

You are further advised that failure to comply with this Order, or any portion thereof, may subject you to a civil penalty of up to twenty-five thousand dollars (\$25,000) per day pursuant to Health and Safety Code Section 25359.5 (d).

NOW, THEREFORE, it is so ORDERED this August 8, 1988.

By:



Dwight R. Hoenig, Chief

North Coast California Section

Toxic Substances Control Division

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Order to Fence and Post was issued by the Department of Health Services and that a copy was sent, certified mail, return receipt requested, to:

Louis Nagy, President

AMCO Chemical Corp.

1414 3rd Street

Oakland, CA

94607

Certified No. P 663 458 076

August 8, 1988

Toxic Substances Control Division

[POSTNF.MOD]

Lotus Fax Server Cover Page

To: Kate Leiga

Subject: West Oakland Task Force Dec. 20 Agenda

Date: 12/10/96 06:04 PM

Pages: 3 , including cover page

From: Sara Russell

Company:

Address:

Phone:

Fax:

Future mtgs at night

B. Cook: Bobo's: RA ^{for Bobo's} said OK risk. ∴ no ex
reg'd. Will cap site. Highest gw
concs on DC Metals site & in street.
Highest

Removal Aky Wp
Remediation " "

Noise Complaints.

DTSC - decision by Mon. → re whether to allow
CT to build the freeway

Caltrans - begin work Tues (?)

RA done for indust. not res. scenario

Refer to "Bobo's" as "SP"

Lisa
Rothman
653-
6842

To: Sara Russell @ 9-744-1211@R9FAX, Carla Moore @ 9-744-1078@R9FAX, Kathy Goforth @ 9-744-1072@R9FAX, Derek Scott @ 9-744-1044@R9FAX, Becky TUDisco @ 9-744-1678@R9FAX, Bob Mandel @ 9-744-1916@R9FAX, Gerry Hiatt @ 9-744-916@R9FAX, Regina Spindler @ 9-744-1076@R9FAX, Ken Parris @ 9-1-510-238-3030@R9FAX, Martha Kitchin @ 9-1-510-238-2226@R9FAX, Michelle Hightower @ 9-1-510-238-3882@R9FAX, Barbara Cook @ 9-1-510-540-3819@R9FAX, Andrew Clark-Clough @ 9-1-510-238-7286@R9FAX, Leroy Griffin @ 9-1-510-238-7761@R9FAX, Brian Bateman @ 9-749-4949@R9FAX, Kate Leiga @ 9-1-510-337-9335@R9FAX, Arthur Chen @ 9-1-510-834-4679@R9FAX, Ed Presnell @ 9-1-510-238-7437@R9FAX, Betty Wolverton @ 9-1-510-567-8272@R9FAX, Devra Hutchinson @ 9-1-510-834-9238@R9FAX, Rick Kreutzer @ 9-1-510-450-3773@R9FAX, Karen Boyd @ 9-1-510-238-2233@R9FAX, Bill Deviny @ 9-744-1797@R9FAX, Nancy Nadel @ 9-1-510-654-6966@R9FAX, Anne Matsushino @ 9-1-510-238-7238@R9FAX, Michael Neary @ 9-1-510-238-6412@R9FAX, Bobbie Camacho @ 9-1-238-6910@R9FAX, Steve Dizio @ 9-1-916-327-2509@R9FAX, Rafael Cortez @ 9-1-510-433-9394@R9FAX, Craig Kocian @ 9-1-510-238-2223@R9FAX, Marina Carlson @ 9-1-510-238-7585@R9FAX, Julie Strauss @ 9-1-510-268-2734@R9FAX, Clarice Pippins @ 9-1-510-268-9912@R9FAX, Matthew Irwin @ 9-1-510-763-2023@R9FAX, Rochelle Maricq @ 9-1-510-540-3927@R9FAX, Brian Matsumura @ 9-1-510-238-3882@R9FAX, Patrick Lynch @ 9-1-510-522-8520@R9FAX, Alona Clifton @ 9-1-510-271-5151@R9FAX, Alfreda Abbott @ 9-1-510-286-3885@R9FAX, Vitoria Rae @ 9-1-510-763-6538@R9FAX, Anita Sanchez @ 9-1-510-763-2023@R9FAX, J.Jeeva @ 9-1-510-238-7415@R9FAX, Renee Morrison @ 9-1-510-419-4906@R9FAX, Darrell Maxey @ 9-1-510-891-7578@R9FAX, Surlene Grant @ 9-1-510-286-7394@R9FAX, Don Rich @ 9-1-510-452-4250@R9FAX, Verna Clark @ 9-1-510-272-5007@R9FAX, Patrick&Steve @ 9-1-510-466-6248@R9FAX, Potter Wickware @ 9-1-510-251-9493@R9FAX, Jonathan Schoor @ 9-1-510-208-6477@R9FAX, Bruce Beasley @ 9-1-510-763-4431@R9FAX, William Nelson, Gwen Eng @ 9-744-1719@R9FAX, Dean Royer @ 9-1-510-251-8089@R9FAX, Al Wnger @ 9-1-510-540-3819@R9FAX, Julie Twichell @ 9-1-510-567-8272@R9FAX, Steve Schwartzburg @ 9-1-510-567-8272@R9FAX, J.Adam @ 9-1-510-286-7394@R9FAX, Marvin Peguese @ 9-1-510-540-1170@R9FAX, Jeannette Lim @ 9-928-0338@R9FAX, Maricela Narvaez-Foster @ 9-1-510-567-8272@R9FAX

CC:

BCC:

From:

Sara Russell @ EPA

Date:

12/10/96 04:55:00 PM

Subject:

West Oakland Task Force Dec. 20 Agenda

WEST OAKLAND - SOUTH PRESCOTT
ENVIRONMENTAL TASK FORCE

TENTATIVE AGENDA

Friday, December 20, 1996
Healthy Start Office, 800 Pine Street, Oakland, CA
2:00 - 4:00 PM

TOPIC	LEAD	DESIRED OUTCOME(S)	TIME
Opening/ Introductions	Kathy Goforth and Carla Moore - USEPA	1) Lead introduction of agency representatives; 2) remind agencies to prepare regular, monthly progress reports; and 3) advise communities of available progress reports	2:00 - 2:15
Agenda/Process Review and Meeting Logistics	Facilitator Everyone	Review agenda, ground rules, & process; remind group of sign in sheets and meeting evals; solicit comments on minutes from 11/15 meeting.	2:15 - 2:30
Update on Vinyl Chloride Cleanup	Bob Mandel - USEPA Everyone	Provide status on cleanup efforts @ DC metals; detail projected cleanup activities; Opportunities for Q&A	2:30 - 3:05

DTSCIs response to Comments on Caltrans and Southern Pacifics (SP) Removal Action Plan	Barbara Cook, DTSC <i>Invited</i> Everyone	1) Update on status DTSCIs decision & next steps relative to Caltrans and SPs Removal Action Plan @ Bobos Junkyard; 2) Detail changes made in response to comments received; 3) Q&A	3:05 - 3:45
Closing	Facilitator/Everyone	1) Review of Action Items; 2) Review of issues from parking lot; 3) Identify agenda items for next meeting; 4) sign in sheets & mtg evals; 5) confirm next meeting date	3:45 - 4:00

10/24/96

STATUS ALPHA SCROLL

11:21:18.8 CPOISTAA

RE: CYPRESS STREET INVESTMENTS

NO RECORD

- C1339326 A
CYPRESS SQUARE HOMEOWNERS ASSOCIATION
- C0967201 S
CYPRESS SQUARE OWNERS ASSOCIATION
- C1278072 O
CYPRESS STABLES, INC.
- C0986464 D
CYPRESS STEEL, INC.
- C1128111 A
====> CYPRESS SUNSHINE CLUB, INC.
- C1413770 S
CYPRESS SUNTAN & NAILS, INC.
- C0498093 A
CYPRESS SWIM CLUB
- C1579783 S
CYPRESS SYSTEMS, INC.
- C1947192 A
CYPRESS SYSTEMS, INC.
- C0861486 A
CYPRESS TANGLEWOOD HOMEOWNERS ASSOCIATION

MARK WITH 'D' TO DISPLAY DETAIL INFORMATION

ENTR=NEXT SCREEN PF2=PREV SCREEN PF3=BACK TO WORKSCREEN PF5=PHONETIC SEARCH

MB

HILL JONES
CALIFORNIA SECRETARY OF STATE

CORPORATE FILING AND SERVICES DIVISION
INFORMATION RETRIEVAL/CERTIFICATION UNIT
1500 - 11th Street
Sacramento, California 95814
(916) 653-7315



RE: CORPORATION STATUS INQUIRY

Enclosed is a computer printout of corporate information in response to your recent request.

Information contained in the computer files is shown on the printout, and an explanation of the printout is on the reverse side of this page.

If the computer scrolls do not show the name for which you requested information, a printout of the scroll will be provided. An arrow near the center of the alpha scroll will identify where the name would be located if it were of record. **"No record"** may be noted by the name as entered on the top of the scroll page. If you require information on any of the other names on the scroll, you may request a printout for that name. The fee is \$4.00 for each name requested.

A copy of the filed statement of officers may be obtained for a fee of \$5.00, uncertified, or \$10.00, certified.

Information regarding related businesses of individual corporate entities is not required to be filed with this office, and subsidiaries of corporations are not identified as such in the records. Copies of bylaws and names of shareholders or owners of corporations are not required to be filed in this office, and names of persons associated with corporations are not cross referenced by the name of the individual.

Telephone numbers of corporations and social security numbers for employees of corporations are not of record in this office. Information concerning bankruptcies of corporations, or other businesses or individuals, is not available from this office. Federal identification numbers, employer identification numbers and business licenses are not of record in this office.

Information regarding stock issuance, or the application for a permit to issue stock, is not filed in this office. You may direct requests regarding these matters to the Department of Corporations, for such information as may be available from that agency.

For information concerning application to revive a suspended corporation to good standing, contact the Franchise Tax Board, Sacramento, CA, Attention: Corporation Revivor Unit.

Fictitious business names, partnerships and sole proprietorships are registered with county clerk/recorder offices. Limited Partnerships, and Limited Liability Companies are filed with the Limited Partnership Division, 1500 Eleventh Street, Sacramento, CA 95814.

This office does not have statutory, regulatory or investigative authority over corporate and noncorporate entities, nor is there information available in this office regarding a corporation's business practices.

INFORMATION RETRIEVAL/CERTIFICATION UNIT
CORPORATION RECORDS SECTION

STATUS CODES - EXPLANATION (Item 4)

(DATE) STATUS INQUIRY Page 1

NAME (1)

CORP NO (2) INC. DATE (3) STATUS (4)
(5) CLASS (6)
NO OF PAGES (7) ST/CTRY (8)

STMT/OFFICERS LAST COMPLETE (9) DATE (10) NO (11)
COMP/INC (12) DATE (13) NO (14)

OFFICERS CERT EXEMPTION CODE (15) DATE (16) NO (17)

PRINCIPAL EXECUTIVE ADDR (18)
CITY/ST/CNTRY ZIP

CALIFORNIA ADDRESS (19)
CITY CA

MAILING ADDRESS (20)
CITY/ST/CNTRY ZIP

PRES NAME (21)
ADDRESS
CITY/ST/CNTRY ZIP

AGENT NAME (22)
ADDRESS
CITY CA

ACTIVE: Corporation is in good legal standing.
 FTB SUSP: Suspended by order of the Franchise Tax Board.
 SOS SUSP: Suspended by the Secretary of State.
 SOS/FTB SP: Suspended by both the Secretary of State and the Franchise Tax Board.
 FTB FRFT: Forfeited by order of the Franchise Tax Board.
 SOS FRFT: Forfeited by the Secretary of State.
 SOS/FTB FT: Forfeited by the Secretary of State and the Franchise Tax Board.
 FTB/SOS SP: Suspended by the Franchise Tax Board and the Secretary of State.
 FTB/SOS FT: Forfeited by the Franchise Tax Board and the Secretary of State.
 DISSOLVED: The corporation is dissolved.
 COND DISS: The corporation has filed a conditional dissolution.
 MERGED OUT: The corporation has merged out of existence.
 INACTIVE: The corporation has become inactive by conversion to a federal entity, term of existence expired or other reason as provided.
 TERM EXP: Term of existence expired.
 SURRENDER: Foreign corporation withdrawn from California.
 CANCELLATION: Cancelled for filing fees not honored.

EXPLANATION OF STATUS INQUIRY SCREEN - Refer to number on sample screen shown above left.

- (1) Name of corporation as shown on the computer file in the records of this office.
- (2) Corporation number.
- (3) Date of incorporation or qualification.
- (4) Status of corporation (See explanation of status codes above right).
- (5) Type of corporation, e.g., domestic stock, domestic nonprofit, foreign.
- (6) Class code if domestic nonprofit corporation: (PB=Public Benefit) (MU=Mutual Benefit) (RE=Religious) (SL=Corporation Sole) (CC=Co-op) (UN=Unclassified).
- (7) Number of pages in Articles of Incorporation or Statement and Designation by Foreign Corporation, if filed after March, 1987.
- (8) State or country of incorporation for a foreign corporation.
- (9) "C" denotes the last complete statement of officers filed for the corporation.
- (10) Date last complete statement of officers filed.
- (11) Number assigned to last complete statement of officers.
- (12) "C" denotes previous complete statement of officers filed. "N" denotes a "no change" statement of officers filed.
- (13) Date previous or "no change" statement filed.
- (14) Number assigned to the statement.
- (15) Internal code regarding Officers' Certificate - Foreign Corporation. Also denotes that the Officers' Certificate - Foreign Corporation was filed. (Section 2108, CCC)
- (16) Date Officers' Certificate - Foreign Corporation was filed.
- (17) Number assigned to the Officers' Certificate - Foreign Corporation.
- (18) Address of principal executive office as set forth in the statement of officers.
- (19) Address in California as set forth in the statement of officers.
- (20) Last mailing address for the corporation as supplied to this office.
- (21) Name and address of the chief executive officer as set forth in the statement of officers.
- (22) Name and address of the designated agent for service of process. If a foreign corporation has surrendered, the agent for service of process is automatically withdrawn at time of surrender.
- (23) Type of business in which the corporation is engaged, as set forth in the statement of officers.

PLEASE NOTE: If spaces are blank, the information is not contained in the computer file. If items 9, 10, and 11 are blank, a statement of officers has not been filed.

STATEMENT OF OFFICERS IS ONE OF THE FOLLOWING: Statement by Domestic Stock Corporation, Statement by Domestic Nonprofit Corporation, or Statement by Foreign Corporation, all of which are required to be filed annually in accordance with statutory provisions.

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



October 18, 1996
STID 933
page 1 of 2

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

Dorothy Jones, Legal Counsel
State Water Resources Control Board
Div. Of Clean Water Programs
PO Box 944212
Sacramento CA 94244-2120

RE: DC Metals site, 1414-3rd St., Oakland CA 94607

Dear Ms. Jones,

The following package has been prepared in response to your inquiry, as addressed to Lori Casias of the SWRCB's UST Cleanup Fund Program, dated 8/5/96. Six issues were raised in that inquiry, and are addressed in the same order:

- 1) Attachment A is a copy of the County's Assessor's records, showing property ownership. This document indicates that Cypress ST. Investments purchased the property on 12/6/89.
- 2) Attachment B is a copy of the Streets and Highway Code, as faxed from the City of Oakland, Contruction and Field Services. Section 5610 deals with sidewalks.
- 3) Attachment C is a copy of a letter from the DA's office to the Secretary of State, requesting records regarding this site. A response has not been received, as of the date of this letter. However, please note that on 11/22/95, legal counsel Craig Judson indicated to Jennifer Eberle of Alameda County that DC Metals is the general partner of Cypress St. Investments. (See the telephone record in Attachment E) I'm sure that Mr. Judson could provide you with documentation, if his word is not enough.
- 4) Amco Chemical was not initially named as a RP because it was unknown whether they had control of the heating oil UST. The current property owner is usually the place where we start to identify RPs.
- 5) Attachment D is correspondence from the Office of the City Attorney, City of Oakland, dated 8/23/96, which indicates that the City is not responsible for pollution within City easements unless 1) the City actively contributed to the problem, or 2) the City's use and operation of its easement has substantially worsened the condition. Adjoining property owners are seen as RPs because they used the UST(s) for their benefit. Sidewalks have been historically sited as (heating oil) UST locations because they were easy to access for tank installation and servicing.

October 18, 1996

STID 933

page 2 of 2

Dorothy Jones, Legal Counsel

- 6) Attachment *E* is a copy of telephone records between Alameda County and the City of Oakland, DC Metals, and Cypress Investments.

Please call me at 510-567-6782 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Peacock".

Tom Peacock
Manager, LOP

cc: Jennifer Eberle/file

je.933.swrcb

PARCEL: 4-73-10-1

1414 3RD ST

OAKLAND

94607

OWNER: CYPRESS STREET INVESTMENTS

C/O NAME:

TAC: 17-001

USE CODE: 4000

M/A EFF: 12/06/89 S

MAIL ADR: 1414 3RD ST

OAKLAND CA

94607

	CODE	NUMBER	DATE	TR TAX	ROLL	INDATE
LATEST DOCUMENT :	02	89*328476	12/06/89		94	94157
LAST APPRAISABLE:		000000	00/00/00	0.00		

**

** FMLY POR 10					94	94157
					94	94157

ENTER '0' UNDER OPTION TO RETURN TO MENU

ENTER 'P' UNDER OPTION TO VIEW PRELIMINARY ROLL

-OPTION---REFERENCE NUMBER---
H 4-73-10-1

Attachment A

REF NO: 4-73-10-1

1414 3RD ST

OAKLAND

94607

OWNER ON 3 / 1 / 96 : CYPRESS STREET INVESTMENTS

TAX AREA CODE: 17-001 BASE YEAR CODE: 90X LAST DOCUMENT NUMBER: 000000

CURRENT OWNER: CYPRESS STREET INVESTMENTS LAST DOCUMENT DATE: 12/06/89

C/O NAME:

MAIL ADDR: 1414 3RD ST

OAKLAND CA

94607

ASSESSED VALUES==>

LAND:	3,378
IMPROVEMENTS:	0
FIXTURES:	0
HOUSEHOLD PERSONAL PROPERTY:	0
BUSINESS PERSONAL PROPERTY:	0

TOTAL: 3,378

HOMEOWNER'S EXEMPTION:	0
() OTHER EXEMPTION:	0

NET TOTAL: 3,378

ENTER '0' UNDER OPTION TO RETURN TO MENU

ENTER 'H' UNDER OPTION TO VIEW HISTORY

-OPTION---REFERENCE NUMBER---

P 4-73-10-1

Attachment A

CITY OF OAKLAND



CONSTRUCTION & FIELD SERVICES • 1330 BROADWAY, LOWER LEVEL • OAKLAND, CALIFORNIA 94612

Office of Public Works

(510) 238-3051
FAX: (510) 238-6633
TDD 839-6451

FAX TRANSMITTAL COVER SHEET

TO: Jeniffer Everly

DATE: 8/12/96

TIME: _____

NO. OF PAGES 3
(including this cover sheet)

FROM: JAMIE RAMEY

SUBJECT: STREETS & HIGHWAY CODE

REMARKS: SIDEWALK

PLEASE CALL ME IMMEDIATELY AT 238-3051 IF YOU DO NOT RECEIVE ALL OF THE TRANSMITTED PAGES.

Attachment B

SIDEWALKS

§ 5610

- § 5614. Contents of notice
 § 5614.1. Resolution for issuance of bonds: Notice to repair: Contents
 § 5615. Repair by superintendent of streets on default of property owner: Written request by owner for repair of other sidewalk fronting his property: Form: Cost of requested repairs
 § 5616. Notice of hearing on report of street superintendent and objection thereto
 § 5617. Filing of report: Contents
 § 5618. Proceedings at hearing: Revisory powers of legislative body: Confirmation of report: Adjournments: Finality of decision

§ 5610. Duty of property owners: Liability for conditions created by grantees of city permits, etc.

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

Added Stats [94] ch 79 § 1.

Prior Law: Stats 1911 ch 397 § 31 1st sent p 747, as amended by Stats 1933 ch 771 § 2 p 2148, Stats 1939 ch 508 § 1 p 1886.

Collateral References:

Witkin Summary (8th ed) p 2842.

37 Cal Jur 3d Highways and Streets § 40.

39 Am Jur 2d Highways, Streets, and Bridges §§ 77, 78, 361, 366, 367, 501.

Annotations:

Liability of abutting owner or occupant for condition of sidewalk. 88 ALR2d 331.

NOTES OF DECISIONS

In absence of statute, there is no common-law duty resting on owner or occupant of premises abutting on public street to keep sidewalk in repair, and he is not liable to travelers injured from defects in sidewalk which were not created by him. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

Purpose of this act is to provide means of reimbursing municipality for cost of repairs of sidewalk, not to transfer primary duty of repair to property owners nor to relieve municipality from that responsibility. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

This act does not impose liability on abutting owners for injuries received by travelers from defective sidewalks. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

Extent of liability created by this act is to pay for repairs, not to pay damages to an individual, nor to reimburse city if it is compelled to pay such damages. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

Duty to maintain portions of sidewalk which have been altered for benefit of abutting property runs with land, and property owner cannot avoid liabil-

SIDEWALK MAINT.

§ 5610

IMPROVEMENT ACT OF 1911

ity on ground that condition was created by, or at request of, his predecessors in title. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

Abutting landowner may be held liable for dangerous condition of portions of public sidewalk which had been altered or constructed for benefit of his property and which served use independent of, and apart from, ordinary and accustomed use for which such sidewalks are designed. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

Where adjoining property owner for exclusive benefit of his own property places in public street or sidewalk some artificial structure and city is

compelled to pay compensation and damages to member of public injured thereby, city has right to recover amount so paid from property owner by way of indemnity. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

With regard to persons who are injured by defective condition of sidewalk, which condition was created or maintained by abutting property owner, city and landowner are joint or concurrent tortfeasors; each is directly liable for his own wrong and each may be held liable for entire damage suffered. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

§ 5611. Notice to repair: Duty to give

When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

Added Stats 1941 ch 79 § 1.

Prior Law: Stats 1911 ch 397 § 31 2d sent p 747, as amended by Stats 1935 ch 771 § 2 p 2148, Stats 1939 ch 508 § 1 p 1886.

Collateral References:

See form set out below, following Notes of Decisions.

Annotations:

Relative rights and liabilities of abutting owners and public authorities in parkways in center of street. 81 ALR 2d 1436.

NOTES OF DECISIONS

This act creates no liability on property owner in favor of third persons injured on sidewalk if owner, after being given notice to repair, fails to do so. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

SUGGESTED FORM

Notice to Landowner to Repair Sidewalk

To: 1 [Name and address of owner or person in possession]

You are hereby notified that the 2 [specify portion] of the sidewalk located at 3 [description] is 4 [in a state of disrepair, and] in such condition that it endangers persons and property and further interferes with the public convenience in the use of such sidewalk.

You are further notified that the following repairs to the above-described portion of the sidewalk are required to be made: 5 [specify work to be done, how it is to be done, and the materials to be used in making repairs].

You are further notified that if within 6 [two weeks] after you have been given this



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

Sent 10-8

Secretary of State
Attention: Certification
1500 Eleventh Street, Third Floor
Sacramento, CA 95814-5701

Re: Our blanket purchase order [redacted] is being used for monthly billing

Dear Sir/Madam:

The Alameda County District Attorney's Office respectfully requests any and all records, including but not limited to, the Certificate of Status Domestic Corporation, the Articles of Incorporation, Statement by Domestic Stock Corporation, etc., pertaining to the corporate status of the following business(s):

Cypress Street Investments
1414 3rd Street
Oakland, CA 94607

Due to the fact that these records may be used in a court trial we also request that all copies be certified.

In the event that these companies are not recorded with your office, we request a certified letter to that effect.

Thank you for your assistance in this matter.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By: Eric Nenneman
Eric Nenneman
Inspector

TJO:EN:er

Attachment C

CITY OF OAKLAND



ONE CITY HALL PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Jayne W. Williams
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

August 23, 1996

Boyd L. Sprehn

510/238-2962

Jennifer Everle
Alameda County Dept. of Environmental Health
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Responsibility for Environmental Clean Up and
Remediation Within City Streets

Dear Ms. Everle:

You have requested an advisory letter from this Office as to the City of Oakland's policy and/or practice regarding assignment or assumption of responsibility for remediation of pollution beneath city streets. While this Office has not prepared a formal opinion on this subject, our practice has been to evaluate the source of the contamination or risk of contamination, and allocate responsibility appropriately. In most cases the City does not own the land occupied by streets, and the City only assumes responsibility when it is an active contributor to the pollution. The City does not believe that it incurs any liability solely through its status as the holder of an easement for streets and utilities.

UST:

I. Background

The facts of this matter are as we understand from discussions with both your office and our office of Environmental Affairs, Department of Public Works. If the facts are modified, our advice and position may have to be reconsidered.

DC Metals is the current owner of property located at the northwest corner of 3rd Street and Mandela Parkway. Immediately across Third Street is the former site of Bobo's Junkyard. Bobo's is currently owned by Southern Pacific. Bobo's will be

Attachment D

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Two

divided into two portions, with the western portion being converted into a park. The eastern portion will include a number of footings for the rebuilt Cypress Freeway, with Southern Pacific using the remaining area as a paved over storage yard.

Caltrans is currently seeking to establish footings for the rebuilt Cypress Freeway. However, the levels of pollution in the soil, particularly vinyl chloride (44,000 ppb), have caused concern and Caltrans has proposed a redesigned footing to minimize disturbance of the groundwater and soil.

DC Metals owns the property which is upgradient from the identified plume. A former occupant of DC Metals' property operated a chemical repackaging plant, which is believed to have been a major contributor to the contamination.

An underground storage tank was recently identified beneath the sidewalk along the north side of Third Street. We understand that Sanborn maps of the area from the 1940s-1950s show a "boiler building" on the now-DC Metals site immediately adjacent to the tank's location.

DC Metals has filed a petition with the State Water Resources Control Board ("SWRCB") requesting a declaration that it is not responsible for the contamination beneath Third Street or Bobo's.

II. Summary Conclusion.

The City does not assume responsibility for the remediation of pollution or contamination beneath City streets, unless (1) the City actively contributed to the problem, or (2) the City's use and operation of its easement has substantially worsened the condition. In this instance, neither criteria applies and the responsibility for remediation properly lies with the land owners and operators.

Any definition of "owner" to include the holder of an easement for streets would make cities and counties responsible parties on virtually every contaminated site of any consequence. As soon as pollution leaves the parcel of origination, it is likely to cross an easement. The financial burden which would be

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Three

imposed on cities and counties would be enormous, and the benefits to the public virtually non-existent.

If a city or county has contributed to the pollution through its use of the easement, operator or discharger liability may be appropriate, but that is a factual determination which must be developed in each case. No such showing has been made in this matter.

III. Discussion.

Both federal and state law regulate the remediation of polluted sites, and both impose broad bases for liability. The primary federal laws for the imposition of liability are the Comprehensive Environmental Response, Clean up and Liability Act ("CERCLA;" 42 U.S.C. § 9601 et seq.) and the Resource Conservation and Recovery Act ("RCRA;" 42 U.S.C. § 6901 et seq.). The primary state laws are the Hazardous Waste Control Law (Health & Saf. Code § 25100 et seq.) and the Porter-Cologne Act (Wat. Code § 13000 et seq.). Because CERCLA creates the broadest range of liability (leaving aside the petroleum exclusion), we will confine our discussion to CERCLA and these two state acts.

a. CERCLA's Broad Definition Of Responsible Parties Excludes Easement Holders Unless They Are Facility Operators.

CERCLA imposes liability on a number of categories, including the "owners and operators" of a "facility." The liability imposed pursuant to CERCLA is strict. The issue becomes whether the City is either an owner or operator by virtue of its possession of an easement.

The Ninth Circuit considered this issue in *Long Beach Unified School District v. Dorothy B. Godwin, California Living Trust, et al, and Mobil Oil Corporation* (9th Cir. 1994) 32 F.3d 1364. Because Congress did not define "owner or operator" in any manner which indicates a special definition, the Court concluded that the ordinary meaning of those terms should apply.

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Four

In discussing the meaning of owner, the court readily concluded that the right to an easement is not a right in land which makes a party an "owner." The court discussed several California cases, which held that the common law does not regard an easement holder as the owner of the property burdened by the easement.

[I]t is axiomatic ... that an easement conveys rights in or over the land of another. "An easement involves primarily the privilege of doing a certain act on, or to the detriment of, another's property."

Camp Meeker Water Sys., Inc. v. Public Utility Comm. (1990) 51 Cal.3d, 845, 865, 274 Cal.Rptr. 678, 799 P.2d 758. The Ninth Circuit court also cited to Witkin's definition of an easement as "an interest in the land of another, which entitles the easement holder to a limited use or enjoyment of the other's land." (4 B.Witkin, *Summary of California Law*, § 434 (9th Ed.).)

In *Robinson v. Cuneo* (1955) 137 Cal.App.2d 573, 577, 290 P.2d 656, the court refused to prohibit the use of an easement area by the owner of the burdened property, because, unlike the owner, the easement holder "owns no part of the land itself and has no right to exclude the owner from the use of any of the land, except insofar as a use interferes with his easement rights." Appellate courts have continued to apply this reasoning, and it remains "well-settled that a right of way is simply an easement, and conveys no possessory interest in property." *Lincoln Properties, Ltd. v. Higgins* (E.D.Cal. 1992) 823 F. Supp. 1528, 1534.

As the City is not an owner of the property, nor has it been an operator of a facility on the property, it has incurred no responsibility for the remediation of environmental damage caused by the use or operation of the property.

b. Potentially Applicable State Laws Do Not Define Possession Of An Easement As A Basis For Liability

i. The Hazardous Waste Control Law.

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Five

The Hazardous Waste Control Law (Health & Saf. Code § 25100 et seq.; "HWCL") is the major enforcement tool for the California Department of Toxic Substances Control ("DTSC"). The HWCL prohibits the disposal or storage of hazardous materials without proper permits.

HWCL section 25242 provides, in relevant part:

(a) Any city ... which as owner, lessor, or lessee, knows or has probable cause to believe that a disposal of hazardous waster which is not authorized has occurred on, under or into the land which the city ... owns or leases, shall notify the department

The DTSC is required to pursue the owner of the land or other parties responsible for the disposal of the hazardous waste. The city is responsible for the remediation only in the absence of the owner or other responsible party.

However, nothing in the HWCL indicates that "owner" is to be defined to include a broader range of interests than is normally associated with that term. As discussed above, in regard to CERCLA, California courts have regularly held that the holder of an easement is not the owner of real property, but merely possesses an interest in the property. Further, there is nothing in the HWCL which specifically addresses lesser, non-possessory interests, such as an easement, as a basis for liability. Again, unless the city or other public agency is demonstrably an operator or otherwise a party responsible for discharge or release of hazardous materials, there is no basis for liability against the City.

ii. **The Porter-Cologne Act.**

The Porter-Cologne Act (Wat. Code §§ 13000 et seq.) imposes strict liability on

any person who has discharged or discharges waste ... or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Six

creates, or threatens to create, a condition of
nuisance or pollution

(Wat. Code § 13304, subd.(a).) This section does not describe the owner of an easement. Only if the use of the easement is the source of the pollution should the City be named as a responsible party pursuant to this scheme.

c. As A Policy Matter, It Would Be Adverse To The Public Interest If Public Agencies Are Named As Responsible Parties When Pollution Crosses Public Easements, Unless Shown That Operation Of The Right Of Way Is A Significant Contributing Factor To The Pollution.

Cities, counties, Caltrans and other public agencies possess countless easements and rights of ways throughout the State of California. While these easements are interests in property, they fall far short of ownership. If these public agencies are to be named as responsible parties for any site or facility which has caused contamination or pollution which has crossed the easement or right of way, the vast majority of sites will necessarily require naming the agencies as responsible parties.

The State Water Resources Board has conceded that even in those cases in which a city has been named as a responsible party because of its use and operation of a road easement contributed to the problem, the city should not have to bear a substantial portion of the cost. (*County of San Diego and City of National City Community Development Commission, Order No. WQ 96-2, 1996 Cal. Env. Lexis 3.*) However, a substantial burden is imposed in being named as a responsible party, which would cause public agencies to incur substantial costs. In the absence of evidence that the public agency's use of its easement is causing or substantially worsening the pollution, there is no basis for naming a public agency as a responsible party solely on the basis of an easement for roads.

IV. Conclusion.

For the above reasons, we believe that the more appropriate means of proceeding is to assume that no "owner" liability will

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Seven

attach to the City on the basis of its easement rights, and that any liability as an "operator," "discharger" or person contributing to the discharge must await determination of facts sufficient to demonstrate that the City's use of the easement is a substantial contributing factor. The City will continue to assert that the primary responsibility for remediation of pollution existing under or threatening the areas beneath its rights of way should remain with the property owners until a proper basis for naming the City is identified.

Respectfully,

JAYNE W. WILLIAMS
City Attorney

By: 

BOYD L. SPREHN
Deputy City Attorney

cc: Andrew Clark-Clough
Donnell Choy

ATTACHMENT E
Site Summary STID 933
DC Metals
1414-3rd St. (Corner of Cypress)
Oakland CA 94607

- 8/1/95 Phoned Ray Cherry: CT is buying part of the site--the back part--within 20' of where they found the UST; it would include the parcel adjacent to the sidewalk. Mark Weaver is their CT contact re prop transaction (286-5396). They're talking about an aerial easement. He maintains that he doesn't own the sidewalk area. His lawyer found out that they do not own the sidewalk. Craig (partner) came on the line. Were there encroachment permits taken out? CT said they didn't want anything to do with the tank. CT requested PG&E to relocate utilities. Ray Pang, construction engineer w/CT, was aware of the tank. They want to put a footing in 3rd st, at least 20' away from tank. Tank is just outside of freeway right of way.
- 8/2 Phoned City of Oakland, Public Works, Sidewalks: (238-3651) spoke w/utility supervisor, Jamey Ramey (238-7455): she said the State Highway Act says the prop owners are responsible for removing tanks. She said someone had to take out an encroachment permit, and maybe their permitting desk has a copy. Phoned them at 238-4777, spoke w/David. He'll check. She'll copy me the State Hwy Code and fax it. She said the sidewalks are a public right of way.
- 11/22/95 **spoke w/Craig Judson**: Cypress St. Investmt is a limited partnership and p.o. **The general partner is DC Metals. The limited partners are the Cherry's. 2 of Cherry's are also shareholders and directors in DC Metals.** Contact for Cypress St is Ray Cherry. Lou Nagy died 5-6 yrs ago. Wife June is alive. Nagy's are carrying the note on prop. Cypress St. owes Nagys \$\$\$. June was on title to prop. Told him about the Sanborn map w/boiler room. He asked the date? I said illegible, but looks like 40s or 50s. When did Nagy's start business? He'll ask Ray Cherry to contact June Nagy and try to get info such as business layout maps, past worker contacts.
- 12/13/95 Im Craig Judson
- 5/28/96 Received request for file search on 5/30, by Wendel, Rosen, et.al. Phoned this law firm at 834-6600, spoke w/Michelle Sanchez. She said their law firm is representing DC Metals. That means that DC has 2 lawyers (also Craig Judson of Bold, Polisner, Maddow, et.al.).

- 5/28 Mess fm Christine Noma: she is representing DC Metals, in the matter of DTSC's Order. They have retained a consultant, and are in the process of meeting w/DTSC to come up w/a RIFS plan. That's part of the purpose of her paralegal coming in to obtain copies of all our haz mat files re this and other nearby sites. She plans to send copy service on Thursday 5/30. Will I have this file, or will I leave it w/JP? Call her at 834-6600.
- 7/24/96 MTG W/CITY OF OAKLAND (Leroy Griffin, Brit Johnson) AND BERKELEY (Poirot and Lorenzo Perez): Leroy is overseeing Bobo's Junkyard site, located across 3rd ST. He said it was once used by Amco Chemical. Maybe that is where the VC is coming from? Caltrans and Southern Pac are both involved. Not sure who owns the parcel. CT wants aerial easement for new freeway. Then to make it into a park. They have 44,000 ppb VC in gw!!! Our approach is to let DTSC handle it. But maybe the federal EPA should also be involved. BJ suggested talking to the ER team (TAT) at EPA.
- 8/6 Phoned Donnell Choy: left message.
- 8/8/96 calls w/Andrew CC from the city. I need a written "policy" (letter) from City attorney re their policy on USTs found below sidewalks. Donnell Choy is on vacation, so Boyd Spring is in charge (238-2962). Spoke w/Andrew CC: he sent Boyd Spring a copy of my message. They had been speaking re the sidewalks in this particular area just recently. He was at the last public mtg. DC's attorneys spoke at the last public mtg, and contend that it's DTSC's fault bec they didn't require cleanup in 1988 when they had a spill. He doesn't think it's necessary that EPA take over this site.
- 8/8 Phoned Jamey Ramey, utility supervisor at City, Public Works, Sidewalks: 238-7455. . . Im, asking her to fax me the State Highway Code re USTs in sidewalks.
- 8/8 Mess fm Jamey Ramey: 238-7455 she remembers speaking w/me last year. Wants to clarify that they use the Streets and Hwy Code for issues re po doing sidewalk work, not USTs. Spoke w/Jamey: City has public right of way, but po is responsible for making sidewalk repairs. It is a large section. Will send it on 8/9.
- 8/9/96 spoke w/Boyd Sprehn, City Attorney, 238-2962. He's relatively new at the City, since April, but has worked in env. issues before. The Sanborn map indicates "boiler room" and date looks like 40's or 50's, but that would actually predate Amco, who began operations in the 60s.
- He said the City sometimes take title to the street, but most streets are done as an easement in most municipalities, which is a right to use land, but not a right of ownership. Andrew is checking on this particular block. Do we know who insures Amco? Did DC buy Amco business or just the property? The deed wouldn't have the terms of the process. Is there any hearing date set re petition to SWRCB?

8/12/96

lm for Jamey Ramey bec I did not receive her fax last Friday.

8/21/96

4:03 pm mess fm Robin Nadonna (?) (238-6344) From City Planning: was involved w/variance for DC Metals to expand operations in residential area. Planning Commission denied the variance, but thinks DC will appeal it. Is aware of neighborhood issue re contam. Expanding into 324-326 Center St. Is this prop contam? Did contam come from DC Metals? Gave this message to Gordon and Tom for their comment before returning her call. I think Gordon wanted to return her call.

8/27/96

Lm again for Jamey Ramey: where is the Streets and Hwy Code?

8/28/96

Received J. Ramey's fax.

ALAMEDA COUNTY
DISTRICT ATTORNEY'S OFFICE
CONSUMER & ENVIRONMENTAL PROTECTION DIVISION



FACSIMILE
TRANSMITTAL

TO: ⁹²³⁴
~~337-9332~~
~~337-9335~~
(Fax Phone Number)

DATE: 10-15-96

NAME: JENNIFER EBERLE

AGENCY: HAZ MAT

FROM: NEWHEM

SPECIAL INSTRUCTIONS/COMMENTS:

I'LL CALL WHEN THE SEC OF STATE CORPORATE PAPERS
COME IN.

case

NUMBER OF PAGES (INCLUDING COVER SHEET) 4

IF YOU DO NOT RECEIVE ALL PAGES OR HAVE ANY PROBLEMS WITH THIS FAX
PLEASE TELEPHONE (510) 569-9281
FAX (510) 569-0505

7677 OAKPORT STREET, SUITE 400
OAKLAND, CA 94621



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

Sent 10-8

Secretary of State
Attention: Certification
1500 Eleventh Street, Third Floor
Sacramento, CA 95814-5701

Re: Our blanket purchase order [redacted] is being used for monthly billing

Dear Sir/Madam:

The Alameda County District Attorney's Office respectfully requests any and all records, including but not limited to, the Certificate of Status Domestic Corporation, the Articles of Incorporation, Statement by Domestic Stock Corporation, etc., pertaining to the corporate status of the following business(s):

Cypress Street Investments
1414 3rd Street
Oakland, CA 94607

Due to the fact that these records may be used in a court trial we also request that all copies be certified.

In the event that these companies are not recorded with your office, we request a certified letter to that effect.

Thank you for your assistance in this matter.

Very truly yours,

THOMAS J. ORLOFF
District Attorney

By: *E. Nenneman*
Eric Nenneman
Inspector

TJO:EN:cr

PARCEL: 4-73-10-1

1414 3RD ST

ASTCH

OWNER: CYPRESS STREET INVESTMENTS

OAKLAND

94607

C/O NAME:

MAIL ADR: 1414 3RD ST

TAC: 17-001

USE CODE: 4000

M/A EFF: 12/06/89

LATEST DOCUMENT :

CODE

NUMBER

DATE

OAKLAND CA

94607

LAST APPRAISABLE:

02

89*328476

12/06/89

TR TAX

ROLL INDATA

000000

00/00/00

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94 94157

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** FMLY POR 10

94 94157

94 94157

ENTER '0' UNDER OPTION TO RETURN TO MENU

ENTER 'P' UNDER OPTION TO VIEW PRELIMINARY ROLL

-OPTION---REFERENCE NUMBER---

H

4-73-10-1

REF NO: 4-73-10-1

1414 3RD ST

OWNER ON 3 / 1 / 96 : CYPRESS STREET INVESTMENTS

OAKLAND

ASTCS(

TAX AREA CODE: 17-001 BASE YEAR CODE: 90X

94607

CURRENT OWNER: CYPRESS STREET INVESTMENTS

LAST DOCUMENT NUMBER: 000000
LAST DOCUMENT DATE: 12/06/8

C/O NAME:

MAIL ADDR: 1414 3RD ST

ASSESSED VALUES==>

OAKLAND CA

94607

LAND: 3,378

IMPROVEMENTS: 0

FIXTURES: 0

HOUSEHOLD PERSONAL PROPERTY: 0

BUSINESS PERSONAL PROPERTY: 0

TOTAL: 3,378

HOMEOWNER'S EXEMPTION: 0

() OTHER EXEMPTION: 0

NET TOTAL: 3,378

ENTER '0' UNDER OPTION TO RETURN TO MENU
ENTER 'H' UNDER OPTION TO VIEW HISTORY

-OPTION---REFERENCE NUMBER---
P 4-73-10-1

PARCEL: 4-73-10-1

1414 3RD ST

OAKLAND

94607

OWNER: CYPRESS STREET INVESTMENTS

C/O NAME:

TAC: 17-001

USE CODE: 4000

M/A EFF: 12/06/89 S

MAIL ADR: 1414 3RD ST

OAKLAND CA

94607

	CODE	NUMBER	DATE	TR TAX	ROLL	INDATE
LATEST DOCUMENT :	02	89*328476	12/06/89		94	94157
LAST APPRAISABLE:		000000	00/00/00	0.00		

**

** FMLY POR 10

94 94157
94 94157

ENTER '0' UNDER OPTION TO RETURN TO MENU

ENTER 'P' UNDER OPTION TO VIEW PRELIMINARY ROLL

OPTION	REFERENCE NUMBER
H	4-73-10-1

*from DA's office
(Assessor's records)*



REF NO: 4-73-10-1

1414 3RD ST

OAKLAND

94607

OWNER ON 3 / 1 / 96 : CYPRESS STREET INVESTMENTS

TAX AREA CODE: 17-001 BASE YEAR CODE: 90X LAST DOCUMENT NUMBER: 000000

CURRENT OWNER: CYPRESS STREET INVESTMENTS LAST DOCUMENT DATE: 12/06/89

C/O NAME:

MAIL ADDR: 1414 3RD ST

OAKLAND CA

94607

ASSESSED VALUES==>

LAND:	3,378
IMPROVEMENTS:	0
FIXTURES:	0
HOUSEHOLD PERSONAL PROPERTY:	0
BUSINESS PERSONAL PROPERTY:	0

TOTAL: 3,378

HOMEOWNER'S EXEMPTION: 0

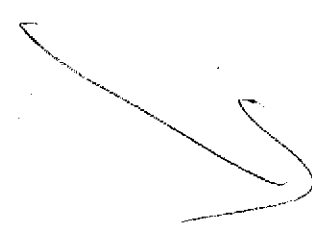
() OTHER EXEMPTION: 0

NET TOTAL: 3,378

ENTER '0' UNDER OPTION TO RETURN TO MENU

ENTER 'H' UNDER OPTION TO VIEW HISTORY

-OPTION---	REFERENCE NUMBER---
P	4-73-10-1



ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



20444

RAFAT A. SHAHID, DIRECTOR

September 26, 1996

STIP: 933

DEPARTMENT OF ENVIRONMENTAL HEALTH

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

Carla Moore MC N-2-1
US Environmental Protection Agency
75 Hawthorne St.
San Francisco CA 94105-3901

RE: Underground Tanks, DC Metals, 1414 3rd St., Oakland CA 94607

Dear Ms. Moore:

As we discussed, I am enclosing copies of our file documents that strongly indicate two underground storage tanks are present at DC Metals. The former owner of the property, Louis Nagy, applied for a permit from this agency in October of 1987. We have no record of the tanks having been removed. Such a procedure would have been required to be carried out with our oversight beginning in 1985.

In addition to the permit application copies, please find the following:

- Permit applications and permit issued by this office July 27, 1988.
- A drawing of the site done by an environmental consultant, along with the consultant's report. These documents describe the approximate location of the tanks.
- My inspection report made during a site visit last year and my most recent correspondence to the site owner.
- A letter from the owner's attorney. This letter, although dated December, 1995, did not come to my attention until June of 1996, when the attorney faxed it to me.
- A letter from Jennifer Eberle of this office, regarding the underground tank discovered beneath the sidewalk in front of DC Metals. Based on existing file information, there seems to be no connection between this tank and the ones described in the permit applications, this document is for information only.
- The Hazardous Materials Spill Response Report associated with the discovery of the above mentioned tank.

Please call me at (510)567-6770 with any questions regarding these documents.

Sincerely,

Pamela J. Evans
Senior Hazardous Materials Specialist

Enclosures

c: Gordon Coleman, ACDEH
Ariu Levi, ACDEH

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY

DAVID J. KEARS, Agency Director



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

August 30, 1996
LOP STID 933

Attn: Lynn Nakashima
Cal-EPA
Dept. Of Toxic Substances Control
Region 2
700 Heinz Ave., Suite 200
Berkeley CA 94710-2737

RE: DC Metals site, 1414-3rd St., Oakland CA 94607

Lynn,

I have done a cursory review of the unsigned "Draft Remedial Investigation/Feasibility Study Work Plan," prepared by BSK & Associates, dated 7/24/96. As you know, this workplan involves a geophysical survey and 24 soil borings; both soil and grab groundwater samples will be collected by a cone penetration test (CPT) rig. This workplan is deficient in the following ways:

- * Page 11 lists the sampling matrix as TVH and TEH (8015), and semi-VOCs (8270). This is a deficient sampling matrix because it does not include the most pernicious COC thus far discovered: vinyl chloride. The sampling matrix should include EPA method 8010 for HVOCs including vinyl chloride, 8240 for BTEX, AA or ICAP for metals, and TOG (5520).
- * Page 11 indicates that approximately 10% of the soil and groundwater samples collected will be analyzed, while page 10 indicates that shallow groundwater will be sampled from each sampling location. This is a discrepancy. In addition, the total number of soil samples to be analyzed is not indicated.

If you have any questions, please contact me at 510-567-6700, ext 6761.

Sincerely,


Jennifer Eberle
Hazardous Materials Specialist

cc: Acting Chief/file

je.933-C

CITY OF OAKLAND



CONSTRUCTION & FIELD SERVICES • 1330 BROADWAY, LOWER LEVEL • OAKLAND, CALIFORNIA 94612

Office of Public Works

(510) 238-3051
FAX: (510) 238-6633
TDD 839-6451

FAXED AGAIN 8/28/96

FAX TRANSMITTAL COVER SHEET

TO: Jonifree Everly

DATE: 8/12/96

TIME: _____

NO. OF PAGES 3
(including this cover sheet)

FROM: JAMIE RAMEY

SUBJECT: STREETS & HIGHWAY CODE

REMARKS: SIDEWALK

PLEASE CALL ME IMMEDIATELY AT 238-3051 IF YOU DO NOT RECEIVE ALL OF THE TRANSMITTED PAGES.

SIDEWALK MAINT.

§ 5610

IMPROVEMENT ACT OF 1911

ity on ground that condition was created by, or at request of, his predecessors in title. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

Abutting landowner may be held liable for dangerous condition of portions of public sidewalk which had been altered or constructed for benefit of his property and which served use independent of, and apart from, ordinary and accustomed use for which such sidewalks are designed. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

Where adjoining property owner for exclusive benefit of his own property places in public street or sidewalk some artificial structure and city is

compelled to pay compensation and damages to member of public injured thereby, city has right to recover amount so paid from property owner by way of indemnity. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

With regard to persons who are injured by defective condition of sidewalk, which condition was created or maintained by abutting property owner, city and landowner are joint or concurrent tortfeasors; each is directly liable for his own wrong and each may be held liable for entire damage suffered. *San Francisco v Ho Sing* (1958) 51 C2d 127, 330 P2d 802.

§ 5611. Notice to repair: Duty to give

When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk.

Added Stats 1941 ch 79 § 1.

Prior Law: Stats 1911 ch 397 § 31 2d sent p 747, as amended by Stats 1935 ch 771 § 2 p 2148, Stats 1939 ch 508 § 1 p 1886.

Collateral References:

See form set out below, following Notes of Decisions.

Annotations:

Relative rights and liabilities of abutting owners and public authorities in parkways in center of street. 81 ALR 2d 1436.

NOTES OF DECISIONS

This act creates no liability on property owner in favor of third persons injured on sidewalk if owner, after being given notice to repair, fails to do so. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

SUGGESTED FORM

Notice to Landowner to Repair Sidewalk

To: 1 [Name and address of owner or person in possession]

You are hereby notified that the 2 [specify portion] of the sidewalk located at 3 [description] is 4 [in a state of disrepair, and] in such condition that it endangers persons and property and further interferes with the public convenience in the use of such sidewalk.

You are further notified that the following repairs to the above-described portion of the sidewalk are required to be made: 5 [specify work to be done, how it is to be done, and the materials to be used in making repairs].

You are further notified that if within 6 [two weeks] after you have been given this

SIDEWALKS

§ 5610

- § 5614. Contents of notice
- § 5614.1. Resolution for issuance of bonds: Notice to repair: Contents
- § 5615. Repair by superintendent of streets on default of property owner: Written request by owner for repair of other sidewalk fronting his property: Form: Cost of requested repairs
- § 5616. Notice of hearing on report of street superintendent and objection thereto
- § 5617. Filing of report: Contents
- § 5618. Proceedings at hearing: Revisory powers of legislative body: Confirmation of report: Adjournments: Finality of decision

§ 5610. Duty of property owners: Liability for conditions created by grantees of city permits, etc.

The owners of lots or portions of lots fronting on any portion of a public street or place when that street or place is improved or if and when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition which will not interfere with the public convenience in the use of those works or areas save and except as to those conditions created or maintained in, upon, along, or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law or by the city authorities in charge thereof, and such persons shall be under a like duty in relation thereto.

Added Stats 1941 ch 79 § 1.

Prior Law: Stats 1911 ch 397 § 31 1st sent p 747, as amended by Stats 1935 ch 771 § 2 p 2148, Stats 1939 ch 508 § 1 p 1886.

Collateral References:

Within Summary (8th ed) p 2842.

37 Cal Jur 3d Highways and Streets § 40.

39 Am Jur 2d Highways, Streets, and Bridges §§ 77, 78, 361, 366, 367, 501.

Annotations:

Liability of abutting owner or occupant for condition of sidewalk. 88 ALR2d 331.

NOTES OF DECISIONS

In absence of statute, there is no common-law duty resting on owner or occupant of premises abutting on public street to keep sidewalk in repair, and he is not liable to travelers injured from defects in sidewalk which were not created by him. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

Purpose of this act is to provide means of reimbursing municipality for cost of repairs of sidewalk, not to transfer primary duty of repair to property owners nor to relieve municipality from that responsibility. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

This act does not impose liability on abutting owners for injuries received by travelers from defective sidewalks. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

Extent of liability created by this act is to pay for repairs, not to pay damages to an individual, nor to reimburse city if it is compelled to pay such damages. *Schaefer v Lenahan* (1944) 63 CA2d 324, 146 P2d 929.

Duty to maintain portions of sidewalk which have been altered for benefit of abutting property runs with land, and property owner cannot avoid liability.

FACSIMILE TRANSMITTAL COVER SHEET

CET ENVIRONMENTAL SERVICES, INC.

3033 Richmond Parkway, Suite 300

Richmond, California 94806

(510) 243-9500 Fax: (510) 243-9501

DATE:	August 26, 1996
FAX No.:	510-337-9335
ATTN:	Juliette Blake
CO. NAME:	Alameda County Health .
FROM:	Eric Sramek <i>ES</i>
RE:	file review
PAGES:	1



(Including cover)

COMMENTS:

I would like a file review for 1414 3rd street, Oakland. The current company name is DC Metals

and previously Emco chemical.

*spoke w/ Eric 8/29:
 They will be doing excavation for
 PG&E in the street, + want info for H+S reasons.
 PG&E ~~do~~ laying power lines for Caltrans.*

Please give me a call if you have any question.

The information contained in this facsimile may be confidential, proprietary, and/or legally privileged information intended only for the use of the individual or entity named above. If the reader of this facsimile is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential, proprietary or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone, and we will arrange for the return of this facsimile.

*Jennifer, I need the above site
 ASAP
 Rick*

CITY OF OAKLAND



ONE CITY HALL PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Jayne W. Williams
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TDD: (510) 839-6451

August 23, 1996

Boyd L. Sprehn

510/238-2962

Jennifer Everle
Alameda County Dept. of Environmental Health
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577

Re: Responsibility for Environmental Clean Up and
Remediation Within City Streets

Dear Ms. Everle:

You have requested an advisory letter from this Office as to the City of Oakland's policy and/or practice regarding assignment or assumption of responsibility for remediation of pollution beneath city streets. While this Office has not prepared a formal opinion on this subject, our practice has been to evaluate the source of the contamination or risk of contamination, and allocate responsibility appropriately. In most cases the City does not own the land occupied by streets, and the City only assumes responsibility when it is an active contributor to the pollution. The City does not believe that it incurs any liability solely through its status as the holder of an easement for streets and utilities.

USTs?

I. Background

The facts of this matter are as we understand from discussions with both your office and our office of Environmental Affairs, Department of Public Works. If the facts are modified, our advice and position may have to be reconsidered.

DC Metals is the current owner of property located at the northwest corner of 3rd Street and Mandela Parkway. Immediately across Third Street is the former site of Bobo's Junkyard. Bobo's is currently owned by Southern Pacific. Bobo's will be

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Two

divided into two portions, with the western portion being converted into a park. The eastern portion will include a number of footings for the rebuilt Cypress Freeway, with Southern Pacific using the remaining area as a paved over storage yard.

Caltrans is currently seeking to establish footings for the rebuilt Cypress Freeway. However, the levels of pollution in the soil, particularly vinyl chloride (44,000 ppb), have caused concern and Caltrans has proposed a redesigned footing to minimize disturbance of the groundwater and soil.

DC Metals owns the property which is upgradient from the identified plume. A former occupant of DC Metals' property operated a chemical repackaging plant, which is believed to have been a major contributor to the contamination.

An underground storage tank was recently identified beneath the sidewalk along the north side of Third Street. We understand that Sanborn maps of the area from the 1940s-1950s show a "boiler building" on the now-DC Metals site immediately adjacent to the tank's location.

DC Metals has filed a petition with the State Water Resources Control Board ("SWRCB") requesting a declaration that it is not responsible for the contamination beneath Third Street or Bobo's.

II. Summary Conclusion.

The City does not assume responsibility for the remediation of pollution or contamination beneath City streets, unless (1) the City actively contributed to the problem, or (2) the City's use and operation of its easement has substantially worsened the condition. In this instance, neither criteria applies and the responsibility for remediation properly lies with the land owners and operators.

Any definition of "owner" to include the holder of an easement for streets would make cities and counties responsible parties on virtually every contaminated site of any consequence. As soon as pollution leaves the parcel of origination, it is likely to cross an easement. The financial burden which would be

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Three

imposed on cities and counties would be enormous, and the benefits to the public virtually non-existent.

If a city or county has contributed to the pollution through its use of the easement, operator or discharger liability may be appropriate, but that is a factual determination which must be developed in each case. No such showing has been made in this matter.

III. Discussion.

Both federal and state law regulate the remediation of polluted sites, and both impose broad bases for liability. The primary federal laws for the imposition of liability are the Comprehensive Environmental Response, Clean up and Liability Act ("CERCLA;" 42 U.S.C. § 9601 et seq.) and the Resource Conservation and Recovery Act ("RCRA;" 42 U.S.C. § 6901 et seq.). The primary state laws are the Hazardous Waste Control Law (Health & Saf. Code § 25100 et seq.) and the Porter-Cologne Act (Wat. Code § 13000 et seq.). Because CERCLA creates the broadest range of liability (leaving aside the petroleum exclusion), we will confine our discussion to CERCLA and these two state acts.

a. CERCLA's Broad Definition Of Responsible Parties Excludes Easement Holders Unless They Are Facility Operators.

CERCLA imposes liability on a number of categories, including the "owners and operators" of a "facility." The liability imposed pursuant to CERCLA is strict. The issue becomes whether the City is either an owner or operator by virtue of its possession of an easement.

The Ninth Circuit considered this issue in *Long Beach Unified School District v. Dorothy B. Godwin, California Living Trust, et al, and Mobil Oil Corporation* (9th Cir. 1994) 32 F.3d 1364. Because Congress did not define "owner or operator" in any manner which indicates a special definition, the Court concluded that the ordinary meaning of those terms should apply.

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Four

In discussing the meaning of owner, the court readily concluded that the right to an easement is not a right in land which makes a party an "owner." The court discussed several California cases, which held that the common law does not regard an easement holder as the owner of the property burdened by the easement.

[I]t is axiomatic ... that an easement conveys rights in or over the land of another. "An easement involves primarily the privilege of doing a certain act on, or to the detriment of, another's property."

Camp Meeker Water Sys., Inc. v. Public Utility Comm. (1990) 51 Cal.3d, 845, 865, 274 Cal.Rptr. 678, 799 P.2d 758. The Ninth Circuit court also cited to Witkin's definition of an easement as "an interest in the land of another, which entitles the easement holder to a limited use or enjoyment of the other's land." (4 B.Witkin, *Summary of California Law*, § 434 (9th Ed.).)

In *Robinson v. Cuneo* (1955) 137 Cal.App.2d 573, 577, 290 P.2d 656, the court refused to prohibit the use of an easement area by the owner of the burdened property, because, unlike the owner, the easement holder "owns no part of the land itself and has no right to exclude the owner from the use of any of the land, except insofar as a use interferes with his easement rights." Appellate courts have continued to apply this reasoning, and it remains "well-settled that a right of way is simply an easement, and conveys no possessory interest in property." *Lincoln Properties, Ltd. v. Higgins* (E.D.Cal. 1992) 823 F. Supp. 1528, 1534.

As the City is not an owner of the property, nor has it been an operator of a facility on the property, it has incurred no responsibility for the remediation of environmental damage caused by the use or operation of the property.

b. Potentially Applicable State Laws Do Not Define Possession Of An Easement As A Basis For Liability

i. The Hazardous Waste Control Law.

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Five

The Hazardous Waste Control Law (Health & Saf. Code § 25100 et seq.; "HWCL") is the major enforcement tool for the California Department of Toxic Substances Control ("DTSC"). The HWCL prohibits the disposal or storage of hazardous materials without proper permits.

HWCL section 25242 provides, in relevant part:

(a) Any city ... which as owner, lessor, or lessee, knows or has probable cause to believe that a disposal of hazardous waster which is not authorized has occurred on, under or into the land which the city ... owns or leases, shall notify the department

The DTSC is required to pursue the owner of the land or other parties responsible for the disposal of the hazardous waste. The city is responsible for the remediation only in the absence of the owner or other responsible party.

However, nothing in the HWCL indicates that "owner" is to be defined to include a broader range of interests than is normally associated with that term. As discussed above, in regard to CERCLA, California courts have regularly held that the holder of an easement is not the owner of real property, but merely possesses an interest in the property. Further, there is nothing in the HWCL which specifically addresses lesser, non-possessory interests, such as an easement, as a basis for liability. Again, unless the city or other public agency is demonstrably an operator or otherwise a party responsible for discharge or release of hazardous materials, there is no basis for liability against the City.

ii. The Porter-Cologne Act.

The Porter-Cologne Act (Wat. Code §§ 13000 et seq.) imposes strict liability on

any person who has discharged or discharges waste ... or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Six

creates, or threatens to create, a condition of nuisance or pollution

(Wat. Code § 13304, subd.(a).) This section does not describe the owner of an easement. Only if the use of the easement is the source of the pollution should the City be named as a responsible party pursuant to this scheme.

c. As A Policy Matter, It Would Be Adverse To The Public Interest If Public Agencies Are Named As Responsible Parties When Pollution Crosses Public Easements, Unless Shown That Operation Of The Right Of Way Is A Significant Contributing Factor To The Pollution.

Cities, counties, Caltrans and other public agencies possess countless easements and rights of ways throughout the State of California. While these easements are interests in property, they fall far short of ownership. If these public agencies are to be named as responsible parties for any site or facility which has caused contamination or pollution which has crossed the easement or right of way, the vast majority of sites will necessarily require naming the agencies as responsible parties.

The State Water Resources Board has conceded that even in those cases in which a city has been named as a responsible party because of its use and operation of a road easement contributed to the problem, the city should not have to bear a substantial portion of the cost. (*County of San Diego and City of National City Community Development Commission, Order No. WQ 96-2, 1996 Cal. Env. Lexis 3.*) However, a substantial burden is imposed in being named as a responsible party, which would cause public agencies to incur substantial costs. In the absence of evidence that the public agency's use of its easement is causing or substantially worsening the pollution, there is no basis for naming a public agency as a responsible party solely on the basis of an easement for roads.

IV. Conclusion.

For the above reasons, we believe that the more appropriate means of proceeding is to assume that no "owner" liability will

Jennifer Everle
Alameda County Dept. of Environmental Health
August 23, 1996
Page Seven

attach to the City on the basis of its easement rights, and that any liability as an "operator," "discharger" or person contributing to the discharge must await determination of facts sufficient to demonstrate that the City's use of the easement is a substantial contributing factor. The City will continue to assert that the primary responsibility for remediation of pollution existing under or threatening the areas beneath its rights of way should remain with the property owners until a proper basis for naming the City is identified.

Respectfully,

JAYNE W. WILLIAMS
City Attorney

By: 

BOYD L. SPREHN
Deputy City Attorney

cc: Andrew Clark-Clough
Donnell Choy



Cal/EPA

August 7, 1996



Department of
Toxic Substances
Control

700 Heinz Avenue
Suite 200
Berkeley, CA
94710-2737

Ms. Christine Noma
Wendel, Rosen, Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, California 94607-4036

Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

Dear Ms. Noma:

JULY 1996 MONTHLY REPORT, D.C. METALS SITE, 1414 THIRD STREET, OAKLAND

This letter is to inform you that the Department of Toxic Substances Control (DTSC) has received the monthly report prepared by Wendel, Rosen, Black & Dean, LLP on behalf of D.C. Metals. DTSC's receipt of the monthly report dated July 24, 1996 does not constitute DTSC's agreement with any statements made by D.C. Metals in the monthly report. It is inappropriate to include allegations against third parties, and any legal position or defense that D.C. Metals may have in these reports.

The monthly report serves the sole purpose of informing DTSC of D.C. Metals' compliance with the requirements and schedules contained within the Imminent or Substantial Endangerment Order (I&/SE 94/96-005). The next monthly report should be limited to the information required by Section 6.3 of the Order, which states the following:

The (monthly) report shall be received by the Department by the 15th day of each month and shall describe:

- (a) Specific actions taken by or on behalf of Respondents during the previous calendar month;
- (b) Actions expected to be undertaken during the current calendar month;
- (c) All planned activities for the next month;
- (d) Any requirements under this Order that were not completed;
- (e) Any problems or anticipated problems in complying with this Order; and
- (f) All results of sample analyses, tests, and other data generated under the Order during the previous calendar month, and any significant findings from these data.



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Ms. Christine Noma
August 7, 1996
Page Two

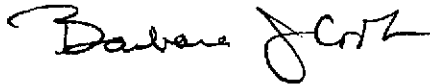
96 AUG 21 2 13 PM '96
ALAMEDA COUNTY HEALTH AGENCY

In addition, please revise your mailing list so that all future submittals are sent

Ms. Jennifer Eberle
Alameda County Health Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

If you have any questions relating to this letter, please contact Ms. Orchid Kwei at (916) 327-1200.

Sincerely,



Barbara J. Cook, P.E., Chief
Site Mitigation Branch

cc: Ms. Jennifer Eberle
Alameda County Health Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

Mr. Sum Arigala
Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, California 94612

Ms. Orchid Kwei
Department of Toxic Substances Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 96812-0806

Site 433
1414-3rd St.
Oakland CA 94607

August 5, 1996

Lori:

p.o. is Cypress St. Investments

With regard to P95-143 and P95-156, as per my telephone message:

I would like to see a better response from Alameda County. Do we have the local agency record somewhere?

I think we need at least:

ask DA

ask DA

- 1 A copy of the County Assessors records showing ownership of the site.
- 2 The State Highway Act citation that makes the adjoining property owner liable for removal of USTs under sidewalks.
- 3 A copy of some document which shows that DC Metals is the general partner in Cypress Investment.
- 4 A discussion of why Amco Chemical was not named.
- 5 A legal analysis (other than Gil Jensen said to do this) which discusses the responsibility of adjoining property owners to remove and remediate contamination from underground storage tanks located under sidewalks.
- 6 Copies of all telephone records and communications between DC Metals and Cypress Investment, City of Oakland and Alameda Co. related to this site.

Ronny Jones

10-3-96

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 1

To <i>Eric Nunnen</i>	From <i>J Eberle</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #



Attorneys at Law

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Fax: (510) 834-1928
info@wendel.com

August 5, 1996

VIA TELECOPIER

(510) 569-0505

Gil Jensen
Deputy District Attorney
Environmental Protection Division
7677 Oakport Street, Suite 400
Oakland, CA 94612

Re: DC Metals
1414 Third Street, Oakland, California

Dear Mr. Jensen:

This office represents DC Metals. It is my understanding that you stopped by DC Metals on Friday with some inquiries. As DC Metals is currently responding to an imminent and substantial endangerment order issued by the Department of Toxic Substances Control, we would appreciate your directing any questions regarding DC Metals through either me or Craig Judson, Esq., Corporate Counsel for DC Metals.

With regard to the questions regarding vinyl chloride, enclosed is a copy of my letter to the DTSC along with a status update regarding the DC Metals site. It appears that the DTSC (and the Alameda County Health Care Services Agency) was aware of toxic contamination problems with the site back in 1988. Records regarding the investigation conducted by the County and by the State can be found in records maintained by the County.

To the extent that your inquiry involves the issue of two 10,000 gallon underground storage tanks, it has now been verified that the two underground storage tanks were located in the middle of the DC Metals yard. It is our understanding that the tanks were removed based upon representations by the seller, Mr. Lou Nagy. At this time, we have no reason to believe that the tanks still are in existence.

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96 AUG - 8 AM 10:38
ENVIRONMENTAL PROTECTION

Gil Jensen
August 5, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN, LLP

DC Metals continues to maintain that the underground storage tank in the sidewalk is not the responsibility of the property owner. It is our understanding from Mrs. Nagy, that ~~AMCO~~ ~~owned the tanks.~~ Therefore, at this point, we have no information as to whether the tanks were utilized by one of the residents in the area, Southern Pacific which had a railroad facility in the vicinity, or was utilized by Best Fertilizer Company.

I will be out of the office Monday, but will return on Tuesday, August 6. I will be happy to respond to any questions you may have regarding the DC Metals site at that time.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP

Christine K. Noma

CKN:pmm

cc: Ray Cherry (via telecopier)
Craig Judson (via telecopier)

(Dictated but not read.)

2435002\254286.1

STATUS UPDATE

7/31/96

DC METALS SITE

The following fact sheet prepared by DC Metals is to let the community know about DC Metals' business and the source of the contamination on DC Metals' property. Cypress Street Investments is the owner of property located at 1414 Third Street, Oakland, California, across the street from the former Bobo's Junk Yard site, which is owned by Southern Pacific. DC Metals is the general partner of Cypress and is a tenant operating a scrap metal recycling business on the site. No hazardous chemicals are used or handled by DC Metals.

Cypress purchased the property in December 1989 from Mr. and Mrs. Nagy, who owned and operated AMCO Chemical Company. AMCO operated a chemical distribution business at the property from the 1960s through the 1980s. AMCO had large above-ground storage tanks on the property and stored chemicals in 55 gallon drums.

Since 1985, the DTSC has been aware of serious problems with AMCO. The Oakland Fire Marshall sent the DTSC (which was then called the Department of Health Services, Hazardous Waste Management branch), a letter requesting the DTSC's expertise in abating a serious pollution problem at AMCO. Apparently nothing was done by the DTSC at that time.

Then in 1988, the DTSC inspected the property after receiving a complaint that AMCO had spilled chemicals on the ground. The DTSC inspector photographed the property and sampled chemicals. The public records reveal that the DTSC did not require AMCO to clean up the soil or the groundwater, and the only thing that the DTSC required AMCO to do was to put a fence around the property and to post signs saying that hazardous materials were being used by AMCO.

About a year later, Cypress decided to purchase the property. Neither Cypress nor DC Metals wanted anything to do with the chemicals or the hazardous materials. Mr. Nagy assured DC Metals that AMCO had been given a clean bill of health by the DTSC and that all hazardous materials had been removed from the property. Mr. Nagy told DC Metals that AMCO would clean up any hazardous chemicals on the property.

When Cypress purchased the property in December 1989, the property was entirely clean. There were no drums on the property and no above-ground storage tanks on the property. There was nothing on the property to lead Cypress or DC Metals to suspect that the pollution had not been cleaned up. No one from the DTSC contacted Cypress or DC Metals to warn that hazardous chemicals were underneath the property or that AMCO had not fully cleaned up the property.

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For the next six years, DC Metals conducted its business of recycling scrap metal. Then, in August 1995, seven years after the DTSC 1988 investigation, the DTSC sent DC Metals a letter claiming that it had just recently discovered the existence of contamination in front of the property. The enforcement order was issued approximately six months later.

The DTSC has known for over seven years that AMCO had contaminated the property, but allowed AMCO to simply put a fence around the property and to do nothing more than remove the drums and above-ground tanks. By not requiring AMCO to clean up the soil and groundwater, the DTSC allowed AMCO to sell contaminated property without full disclosure or a deed restriction. Because the DTSC was not conducting any further investigation into the soil or groundwater contamination on the property in December 1989, DC Metals had no idea that the property was still contaminated.

Now, the DTSC is placing most of the blame for the hazardous situation upon DC Metals, despite the fact that DC Metals never used any of the chemicals, and had no idea at the time Cypress purchased the property in December 1989, that the pollution still existed underneath the property. Rather than pursuing AMCO or the Nagys who operated AMCO, the DTSC is requiring DC Metals and Cypress to shoulder the entire burden of responding to its imminent and substantial endangerment order when their only involvement is that of the current property owner and tenant.

Cypress and DC Metals feel that the DTSC's position is fundamentally unfair. DC Metals is a small family owned business. The founder of the company is retired, and his two sons now operate the business. The family and their business are being destroyed by the implication somehow that DC Metals is responsible for the contamination. This is not the case. The pollution was caused by AMCO, and the DTSC knew about the pollution in 1988.

For more information, please contact Craig Judson, Esq., Bold, Polisner, Maddow, Nelson & Judson, 500 Ygnacio Valley Road, Suite 325, Walnut Creek, California 94596-3840, telephone number (510) 933-7777, facsimile number (510) 933-7804 or Christine K. Noma, Esq., Wendel, Rosen, Black & Dean, P.O. Box 2047, Oakland, California 94604-2047, telephone (510) 834-6600, facsimile number (510) 834-1928.

2435002\253346.1

WENDEL
ROSEN
BLACK
& DEAN

LLP
Attorneys at Law

1111 Broadway, 24th Floor
Oakland, CA 94607-4036

Post Office Box 2047
Oakland, CA 94604-2047

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info@wendel.com

July 29, 1996

VIA TELECOPIER

Carol Northrup
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2737

Lynn Nakashima
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2737

Re: DC Metals

Dear Ms. Northrup and Ms Nakashima:

We are in receipt of the Fact Sheets being distributed to the community regarding the public meeting involving Bobo's Junk Yard. We are writing to raise a concern as to the DTSC's cursory mention of AMCO Chemical Company as a responsible party. As you know, the ISE order specifically names as a responsible party AMCO Chemical Company who was the operator of the chemical facilities at the site from the 1960s through the 1980s.

The DTSC's constant reference to DC Metals as the responsible party (with only a minor and secondary reference to AMCO) gives the impression to the community that DC Metals was responsible for the contamination when the only basis for DC Metal's liability under CERCLA is as the current property owner.

The Fact Sheets should clearly state that there is no evidence that the chemicals have been used since 1989 when AMCO ceased operations, and that DC Metal's current operates a scrap metal recycling business on the site, which business does not use the chemicals found in the groundwater. This would at least let the community know that there is no current threat.

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Carol Northrup
July 29, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN, LLP

Furthermore, the DTSC's characterization of only DC Metals as a polluter is particularly disturbing because the DTSC had the opportunity back in 1988 to fully investigate and order the remediation of the property when AMCO was in operation. It appears, however, that despite extensive evidence of a hazardous situation at the site, including corroding barrels and drums, the DTSC did nothing to order a soil and groundwater investigation at that time.

The result was AMCO was allowed to go out of business, and its owners, Mr. and Mrs. Nagy were allowed to collect hundreds of thousands of dollars from DC Metals in the sale of the property. Now, having allowed AMCO to sell the property to an unknowing buyer, the DTSC has apparently dropped its pursuit of AMCO as a responsible party, seeking instead to pursue DC Metals.

At the very least, all future memorandums regarding the site should and must reference AMCO Chemical Company as a responsible party, and as the party who caused the contamination.

Furthermore, for accuracy, all future reference to Bobo's Junk Yard should also reference Southern Pacific as the owner of Bobo's Junk Yard site, just as DC Metals is the owner of the AMCO site.

Enclosed is a statement from DC Metals which we would like the DTSC to distribute at the public meeting on July 31, 1996. Thank you for clarifying DC Metals' involvement in all future communications to the community.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP


Christine R. Noma

CKN:pmm

cc: Ray Cherry
Craig Judson, Esq.
Orchid Kwei, Esq.

2435002\253039.1



Cal/EPA

Department of
Toxic Substances
Control

700 Heinz Avenue
Suite 200
Berkeley, CA
94710-2737

July 22, 1996

Ms. Christine Noma
Wendel, Rosen, Black & Dean, LLP
1111 Broadway, 24th Floor
Oakland, California 94607-4030

Dear Ms. Noma:

This letter is in response to your information request dated July 18, 1996 on behalf of your clients D.C. Metals and Cypress Street Investments. The request is in regards to AMCO Chemical, 1414 Third Street, Oakland. Please find enclosed copies of additional information which includes documents DTSC received from Alameda County. The Site Investigation and Soil Sampling Report, prepared by Engineering Science, and analytical results by IT Corporation that DTSC received from Mrs. June Nagy were forwarded to you on July 17, 1996. If you have any further questions please direct them to Ms. Orchid Kwei at (916) 327-1200.

Sincerely,

Barbara J. Cook, P.E., Chief
Site Mitigation Branch

Enclosures

cc: Ms. Orchid Kwei
Department of Toxic Substances Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 95812-0806

Ms. Jennifer Eberle
Alameda County Health Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection



1984 Invest: by IT Corp:

2 soil 2 water samples

all ND, but DLs were high

Eng. Sci. did SI in 4-86

mentioned 2 10K USTs.

Ice House - on this site. Had a fire, ~~has~~
neighbors say it has asbestos.

Found III TCA 22 ppm in soil (max)

III DCA 2.1 ppm " "

As 540 ppm " "

Ba 310 " "

Cd 4.5

Cr 710

Pb 1300

Hg 2.11

ENVIRONMENTAL
PROTECTION

96 JUL 23 PM 3:00

PL had aerial photo 1989. Bulldozer doing
earthwork. Pac. Aerial Photo/Survey.

Count Mtg for Bobo's - 7-31 re removal abj wp.
7pm Lowell Jr. Hi 991-14th St. Oak
Lyn l b r.

WENDEL, ROSEN, BLACK & DEAN, LLP

ATTORNEYS AT LAW

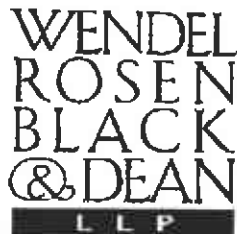
1111 BROADWAY
TWENTY-FOURTH FLOOR

OAKLAND, CALIFORNIA 94607

Voice (510) 834-6600
Fax (510) 834-1928

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**PLEASE DELIVER
THE FOLLOWING
PAGES TO:****Jennifer Eberle****FIRM:****Alameda County Health Care Services Agency****FAX NUMBER:****(510) 337-9335****VOICE NUMBER:****CLIENT CODE:****2435002****FROM:****Christine K. Noma****DATE & TIME:****July 16, 1996 _____ .m.****NUMBER OF PAGES
including this sheet:****3****MESSAGE:**



Attorneys at Law

1111 Broadway, 24th Floor
Oakland, CA 94607-4036Post Office Box 2047
Oakland, CA 94604-2047

Telephone: (510) 834-6600

Fax: (510) 834-1928

info@wendel.com

July 16, 1996

VIA TELECOPIER

(510) 337-9335

Jennifer Eberle
Thomas Peacock
Juliett Blake
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502

Re: Request for File Review
DC Metals Site, AMCO Chemical Company
1414 Third Street, Oakland, California 94607
DTSC I/SE Order Case No. 95/96-005

STID 933
LOP (JE)

Dear Ms. Eberle, Mr. Peacock and Ms. Blake:

As you know, this office represents DC Metals. Previously, I sent you a letter, dated May 29, 1996, requesting copies of all documents pertaining to AMCO Chemical. You advised that no records were available, and that all records pertaining to AMCO were transferred to the Oakland Fire Department.

Recently, however, I spoke with Patrick Lynch, principal engineer for Clearwater Revival Company representing the African American Development Association, Inc. Mr. Lynch indicated that he had reviewed information pertaining to AMCO Chemical at your offices including photographs of DTSC personnel sampling the site in 1988. As these documents were within the scope of our previous request, we would like to make arrangements to copy these records as soon as possible.

July 16, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN, LLP

Thank you for your immediate response to this matter. You may either contact me or my paralegal, Michelle Sanchez.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP

Christine Noma/pm

Christine K. Noma

CKN:pmm

cc: Michelle Sanchez
Lynn Nakashima
Ray Cherry
Craig Judson



Cal/EPA

Department of
Toxic Substances
Control

700 Heinz Avenue
Suite 200
Berkeley, CA
94710-2737

July 12, 1996

CERTIFIED MAIL

Ms. Christine Noma
Wendel, Rosen, Black & Dean
1111 Broadway, 24th Floor
Oakland, California 94607-4036

Dear Ms. Noma:

The Department of Toxic Substances Control (DTSC) has received your letter dated June 27, 1996 regarding D.C. Metals, Inc. and Cypress Street Investments, 1414 3rd Street, Oakland. As required by the Imminent or Substantial Endangerment Determination and Remedial Action Order (I&SE 95/96-005) D.C. Metals and Cypress Street Investments are requesting an extension for submittal of (1) the monthly summary report from May 26, 1996 until August 1, 1996; (2) the Remedial Investigation/Feasibility Study (RI/FS) work plan from June 25, 1996 until September 1, 1996; and (3) the public participation plan from July 10, 1996 until September 1, 1996. The public participation plan was originally due on May 26, 1996 and the deadline was extended by DTSC on June 7, 1996 after an extension request was submitted on June 4, 1996. The reason stated in your letter for this request is that Philip Environmental Services Corporation, your client's consultant, has closed its Northern California environmental services office. Your letter further indicates that the project geologist, Mr. Khaled Rahman, is intending to remain in the Bay Area and is available to continue working on this project. However, Mr. Rahman has not found a position with a new environmental firm as of the date of your letter. The request for extension of submittal of the public participation plan cites that public comments received on the eastern portion of the former Bobo's Junkyard site may provide guidance as to the scope of work of the plan.

After review of your letter, DTSC has determined that the request for extension is not based on a good cause and is not justified otherwise. Therefore, DTSC denies D.C. Metals and Cypress Street Investments extension request for submittal of the monthly summary report, RI/FS work plan and Public Participation Plan. The reasons for this denial are as follows:

- 1) The request is not timely as per Section 6.15 of the Order. Both the monthly summary report and the RI/FS workplan were due prior to receipt of the extension request. As indicated in Mr. Rahman's June 25, 1996 letter, he had previously discussed the fact the Philip Environmental was



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection



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Ms. Christine Noma
July 12, 1996
Page Two

closing its Northern California office with you. As a matter of fact, his last day of employment with Philip Environmental was June 14, 1996.

- 2) Regardless of whether Mr. Rahman is associated with a specific consulting firm, as a geologist with experience indicated in the resume attached to your letter, he should have been capable of preparing the RI/FS work plan. Also, there is no guarantee that Mr. Rahman will be retained by a new environmental consulting firm and be able to prepare the RI/FS workplan within the time frame requested.
- 3) DTSC has already extended the submittal date for the public participation plan. As of this date, your client has not made any effort to meet with DTSC's public participation staff to discuss the scope of this plan. Community meetings for the sites in the area have been held periodically and should not preclude the preparation and submittal of the public participation plan for this Site.

DTSC requires that the monthly summary report, RI/FS work plan and Public Participation Plan be submitted on or before July 24, 1996. If this deadline is not met, we will pursue enforcement action against D.C. Metals and Cypress Street Investments, which may include administrative penalties up to \$25,000 per day.

If you have any questions, please contact Lynn Nakashima at (510) 540-3839.

Sincerely,



Barbara J. Cook, P.E., Chief
Site Mitigation Branch

Certified Mail No. P566 878 621

cc: See next page

Ms. Christine Noma
July 12, 1996
Page Three

cc: Ms. Jennifer Eberle
Alameda County Health Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

Mr. Sum Arigala
Regional Water Quality Control Board
San Francisco Bay Region
2101 Webster Street, Suite 500
Oakland, California 94612

Ms. Orchid Kwei
Department of Toxic Substances Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 95812-0806



Cal/EPA

Department of
Toxic Substances
Control

700 Heinz Avenue
Suite 200
Berkeley, CA
94710-2737

Mr. Patrick Lynch
Clearwater Revival Company
305 Spruce Street
Alameda, California 94501

Dear Mr. Lynch:

Thank you for your letter dated July 3, 1996 regarding the D.C. Metals/AMCO Chemical site (Site) located at 1414 Third Street in Oakland. We welcome your early involvement at this stage of the site investigative process.

The Department of Toxic Substances Control (DTSC) is interested in learning more about the information to which you alluded in your letter, including a photograph of Site activities. We would like to meet with you and Allen Edson of African American Development Association, Incorporated, at your earliest convenience to discuss the D.C. Metals site.

Please contact Lynn Nakashima at (510) 540-3839 to schedule a meeting.

Sincerely,

Barbara J. Cook, P.E., Chief
Site Mitigation Branch

cc: See next page



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection



Mr. Patrick Lynch
July 9, 1996
Page Two

cc: Ms. Jennifer Eberle
Alameda County Health Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

Mr. Allen Edson
African American Development Association
1212 Broadway #814
Oakland, California 94612

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2
700 HEINZ AVE., SUITE 200
BERKELEY, CA 94710-2737
(510) 540-3843



July 5, 1996

VIA CERTIFIED MAIL

Ms. Christine Noma
Wendel, Rosen, Black & Dean, LLP
Attorneys at Law
1111 Broadway, 24th Floor
Oakland, California 94607

Dear Ms. Noma:

**DC METALS, INC. SITE, 1414 THIRD STREET, OAKLAND, CALIFORNIA
ORDER NO. I&SE 95/96-005, FENCE AND POST REQUIREMENTS**

Order No. I&SE 95/96-005 (Site Order) establishes that there is an imminent or substantial endangerment at this Site. Under current site conditions, people can come into contact with hazardous substances at the Site which would pose a public health risk. Therefore, pursuant to Section 5.1.2 of the Site Order and California Health and Safety Code section 25359.5, DTSC requires the Responsible Parties to secure and post the site within five days of receipt of this letter.

The Site shall be fully enclosed with a fence. The fence shall be a standard chain link fence with a height of six feet. The wiring of the fencing shall be 11 gauge and woven into an approximately two-inch mesh. The fencing should have a knuckled finish on the top and bottom edges. The posts are to be made of galvanized metal, and shall be spaced no more than ten feet apart. Any access gates are to be of the same material as the fence, and shall be secured with a padlock.

The Site shall be posted with a sign, with lettering legible from a distance of at least 25 feet which states, "Caution: Hazardous Substance Area, Unauthorized Persons Keep Out," in both English and Spanish. The signs shall include the name of the Department and the telephone number (510) 540-3724.

Ms. Christine Noma
July 5, 1996
Page Two

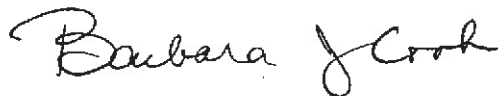
The Department also recommends that the Responsible Parties attach "do not enter" international symbol signs at appropriate intervals to the fence to prevent injury to individuals who cannot read the sign.

The signs shall be visible from the area surrounding the contaminated area and posted at each route of entry into the site, including those routes likely to be used by unauthorized persons, along access road leading to the site.

The fence and signs shall be continuously maintained to minimize the risk of unauthorized entry. The signs shall be of a material able to withstand the elements.

If you have any questions regarding this letter, please contact Lynn Nakashima at (510) 540-3839.

Sincerely,



Barbara J. Cook, P.E., Chief
North Coast Cleanup Operations Branch

Certified Mail No. P006762789

cc: Public Health Director
Alameda County Health Agency
Department of Environmental Health
1131 Harbor Bay Parkway
Alameda, California 94502

Mr. Sum Arigala
Executive Officer
Regional Water Quality Control Board
2101 Webster Street, Suite 500
Oakland, California 94612

3

JE's copy

▲▲▲▲ ◆◆ ▲▲▲▲ ◆◆ ▲▲▲▲ ◆◆ ▲▲▲▲

CLEARWATER REVIVAL COMPANY

▼▼▼▼ ◆◆ ▼▼▼▼ ◆◆ ▼▼▼▼ ◆◆ ▼▼▼▼

96-3024-02

305 Spruce Street
Alameda, CA 94501

(510) 522-2165

FAX (510) 522-8520

email: ClearH2O.Rev@eworld.com

July 3, 1996

Ms. Lynn Nakashima
California Environmental Protection Agency
Department of Toxic Substance Control Region 2
700 Heinz Avenue, Suite 200
Berkeley, CA 94710-2737

DC Metals/AMCO Chemical Site

1414 Third Street
Oaktown, California

Dear Lynn:

Clearwater Revival Company has been retained by the African American Development Association, Incorporated (AADA), to review and comment on the Public Participation Plan and Remedial Action Workplans being prepared for the DC Metals/AMCO Chemical site at 1414 Third Street in Oaktown, California.

CRC's review of public records concerning the site show convincing evidence of environmental racism. Public records clearly indicate that the Department of Toxic Substance Control (DTSC) and the Alameda County Health Care Services Agency (ACHCSA) have contributed to the environmental injustices in this community by failing to adequately respond to concerns raised by the Oakland Fire Department about the conditions of this site as early as 1985. specify!

CRC is equally concerned about the comments made by DTSC at the informational meetings held on Tuesday, June 25, 1996. These comments ignore the information CRC reviewed concerning previous regulatory actions against this site. This information included photographs of DTSC personnel sampling the site in 1988. specify!

Despite these outrageous circumstances that have allowed this public health problem to persist, the principle interest of AADA and CRC is not discrediting DTSC. AADA and CRC are instead interested in working with DTSC to identify solutions which will immediately reduce the pollution burden faced by community residents. specify!

AADA and CRC would like meet with DTSC to share a photograph of the site. The photo shows evidence of substantial earth work being conducted. CRC believes this photograph was taken after DC Metals had taken control of specify!

by whom?
when? source?

the site and will help eliminate any misperception about the current site operators knowledge of and contribution to this public health problem.

Allen Edson of AADAI also raised a concern during the recent public informational meeting about testing ~~quality in the crawl spaces of~~ residences bordering the site. CRC understands the principle toxic chemical, vinyl chloride, was not detected above the level of ~~one milligram per cubic meter~~ milligrams-per-cubic meter, in ambient air monitoring near the site. However, CRC would like to reiterate AADAI's request that future investigations of air quality include samples from the crawl-spaces or wall-spaces of residences that share a property line with the site. The AADAI concern that chemicals may accumulate in residential crawl spaces and represent a fire or health risk are substantiated by the public records CRC reviewed. We look forward to discussing this concern with you further at our meeting.

Please call either Allen Edson of AADAI at 452-2929 or I, to arrange a meeting. Though long overdue, the community of West Oakland looks forward to benefiting from DTSC's expertise and enforcement programs in eliminating this and other environmental injustices from our neighborhood.

Sincerely,



Patrick G. Lynch, P.E.
Principal Engineer

cc: Mr. Allen Edson, AADAI
✓ Ms. Jennifer Eberle, ACHSA
Ms. Carla Moore, US EPA

WENDEL, ROSEN, BLACK & DEAN, LLP

ATTORNEYS AT LAW
1111 BROADWAY
TWENTY-FOURTH FLOOR
OAKLAND, CALIFORNIA 94607

**Voice (510) 834-6600
Fax (510) 834-1928**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE MAY BE PROTECTED BY THE ATTORNEY-CLIENT AND/OR THE ATTORNEY/WORK PRODUCT PRIVILEGES. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED BELOW, AND THE PRIVILEGES ARE NOT WAIVED BY VIRTUE OF THIS HAVING BEEN SENT BY FACSIMILE. IF THE PERSON ACTUALLY RECEIVING THIS FACSIMILE OR ANY OTHER READER OF THE FACSIMILE IS NOT THE NAMED RECIPIENT, OR HIS OR HER AGENT, ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

**PLEASE DELIVER
THE FOLLOWING
PAGES TO:**

Thomas Peacock

FIRM:

Alameda County Health Care Services Agency

FAX NUMBER:

(510) 337-9335

VOICE NUMBER:

CLIENT CODE:

2435002

FROM:

Christine K. Noma

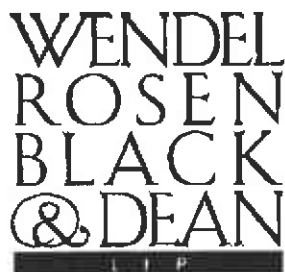
DATE & TIME:

May 29, 1996 _____ .m.

**NUMBER OF PAGES
including this sheet:**

6

MESSAGE:



Attorneys at Law

1111 Broadway, 24th Floor
Oakland, CA 94607-4036

Post Office Box 2047
Oakland, CA 94604-2047

Telephone: (510) 834-6600
Fax: (510) 834-1928
info@wendel.com

May 29, 1996

VIA TELECOPIER

Thomas Peacock
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502

**Re: Request for File Review
DC Metals Site, AMCO Chemical Company
1414 Third Street, Oakland, California 94607
DTSC I/SE Order Case No. 95/96-005**

Dear Mr. Peacock:

This office represents DC Metals, Inc. and Cypress Street Investments. DC Metals and Cypress Streets Investments is currently responding and intends to cooperate fully with the DTSC with regard to an Imminent or Substantial Endangerment Determination and Remedial Action Order Issued.

Presently, our office has a preliminary site remediation meeting scheduled with the DTSC on Friday, May 31, 1996.

In preparation for said meeting, we have requested a file review of your agency's records pertaining to AMCO Chemical Company, the former owner of the site. Access to those records have been refused by Jennifer Eberle.

When I called Ms. Eberle's number today, her voice mail indicated that she would be out of the office. Enclosed therefore is a copy of my letter along with a copy of her letter.

2435002\244886.1

Thomas Peacock
May 29, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN, LLP

As you can see, it is imperative that we be provided access to records pertaining to AMCO Chemical Company. We request therefore your assistance in allowing a file review of the AMCO Chemical records on Thursday, May 30, 1996 at 9:00 a.m.

Thank you for your immediate attention to this matter.

Very truly yours,

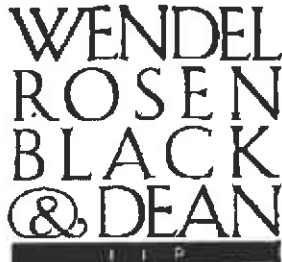
WENDEL, ROSEN, BLACK & DEAN, LLP


Christine K. Nema

CKN:pmm

cc: Ray Cherry
Craig Judson, Esq.

2435002\244886.1



Attorneys at Law

1111 Broadway, 24th Floor
Oakland, CA 94607-4036

Post Office Box 2047
Oakland, CA 94604-2047

Telephone: (510) 834-6600
Fax: (510) 834-1928
info@wendel.com

May 29, 1996

VIA TELECOPIER

Jennifer Eberle
Alameda County Health Care Services Agency
1131 Harbor Bay Parkway, Room 250
Alameda, CA 94502

**Re: Request for File Review
DC Metals Site, AMCO Chemical Company
1414 Third Street, Oakland, California 94607
DTSC I/SE Order Case No. 95/96-005
In the Matter of DC Metals**

Dear Ms. Eberle:

This office has been retained by DC Metals, Inc. and Cypress Street Investments in connection with the above-referenced DTSC Imminent or Substantial Endangerment Order. Presently, DC Metals is in the process of preparing a remedial investigation/feasibility study in order to prepare a remedial action plan. In that regard, a preliminary site remediation strategy meeting has been scheduled with Lynn Nakashima of the DTSC on Friday, May 31, 1996 at 11:00 a.m.

In order to conduct a productive preliminary site remediation meeting with the DTSC it is absolutely imperative that our office be provided with access and copies of information pertaining to AMCO Chemical Company, the previous owner of the site. In particular, we are interested in obtaining information pertaining to any hazardous materials stored and utilized by AMCO.

DC Metals has had extreme difficulties in obtaining any information from the previous owner as to what AMCO did on the premises, stored on the premises, and how it operated. Louis Nagy, the president of AMCO Chemical passed away several years ago.

2435002\244875.1

Jennifer Eberle
May 29, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN, LLP

His 80 year old widow, June Nagy, has told DC Metals that she knows nothing about the operation. Therefore, it is imperative that the file review not be postponed.

To the extent that your office may be considering litigation against DC Metals, we would not object to your removing from the file all notes and documents pertaining to DC Metals whose occupancy began subsequent to 1989. However, all records prior to 1989 would pertain to AMCO, and therefore the copying of said AMCO records should not interfere with your investigation.

We would hope that your office would cooperate rather than hinder our efforts to comply with the DTSC remedial action order.

Please let me know whether your office will allow us to copy the AMCO records on Thursday, May 30, 1996 at 9:00 a.m. as originally scheduled.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP


Christine K. Noma

CKN:pmm

cc: Lynn Nakashima, DTSC
Barbara Cook, DTSC
Orchid Kwei, DTSC
Gil Jenson, Alameda County District Attorney
Tom Peacock, ACHCSA

2435002\244875.1

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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

May 28, 1996
STID 933

Attn: Christine Norma (by facsimile 5/28/96)
Wendel, Rosen, Black, and Deen,
attorneys at law
PO Box 2047
Oakland CA 94604-2047

RE: request for file review, DC Metals site, 1414-3rd St., Oakland CA 94607

Dear Ms. Sanchez,

I have received a letter from your office, signed by Michelle Sanchez, addressed to Juliet Blake of this office, dated May 16, 1996, requesting an appointment to review the above referenced file, among others. The appointment to review this file was tentatively scheduled for 5/30/96 at 9:00 am, but has been postponed.

During our telecon today, I asked Ms. Sanchez who your law firm represents. She indicated that Wendel, et.al represents DC Metals. Since my previous contact with DC Metals was through another attorney, you are requested to document your role in writing, as representing DC Metals.

Please be informed that this matter is potentially in litigation, and all requests to review the official files should therefore be made through the Department of Toxic Substances Control (DTSC), Office of Legal Counsel and Criminal Investigations. If you have any questions, please contact DTSC counsel Orchid Kwei at 916-327-1200, or myself at 510-567-6761.

Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Attn: Orchid Kwei, DTSC, Office of Legal Counsel and Criminal Investigations, PO Box 806, Sacramento CA 95812-0806
Gil Jensen, Alameda County, Office of District Attorney, Consumer and Environmental Protection, 7677 Oakport St., Suite 400, Oakland CA 94621
Attn: Barbara Cook, DTSC, Region 2, 700 Heinz Ave., Suite 200, Berkeley CA 94710-2737
Acting Chief/file

je.933-B

Post-It™ brand fax transmittal memo 7571		# of pages > 1	
To: Chris Norma	From: J. Eberle		
Co:	Co:		
Dept:	Phone #		
Fax #	Fax #		

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY
DAVID J. KEARS, Agency Director

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

CC4580

May 28, 1996
STID 933

Attn: Christine Noma (by facsimile 5/28/96)
Wendel, Rosen, Black, and Dean,
attorneys at law
PO Box 2047
Oakland CA 94604-2047

RE: request for file review, DC Metals site, 1414-3rd St., Oakland CA 94607

Dear Ms. Sanchez,

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Sincerely,

Jennifer Eberle
Hazardous Materials Specialist

cc: Attn: Orchid Kwei, DTSC, Office of Legal Counsel and Criminal Investigations, PO Box 806, Sacramento CA 95812-0806
Gil Jensen, Alameda County, Office of District Attorney, Consumer and Environmental Protection, 7677 Oakport St., Suite 400, Oakland CA 94621
Attn: Barbara Cook, DTSC, Region 2, 700 Heinz Ave., Suite 200, Berkeley CA 94710-2737
Acting Chief/file

je.933-B

Post-It™ brand fax transmittal memo 7671 # of pages 1

To	Chris Noma	From	J. Eberle
Co.		Co.	
Dept.		Phone #	
Fax #		Fax #	

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2
700 HEINZ AVE., SUITE 200
BERKELEY, CA 94710-2737
(510) 540-3724



May 17, 1996

CERTIFIED MAIL

Mr. Craig L. Judson
Attorney At Law
500 Ygnacio Valley Road, Suite 325
Walnut Creek, California 94596

Dear Mr. Judson:

**IMMINENT OR SUBSTANTIAL ENDANGERMENT DETERMINATION AND ORDER
AND REMEDIAL ACTION ORDER, DOCKET NUMBER I &/SE 95/96-005,
DC METALS, 1414 THIRD STREET, OAKLAND**

The above referenced Order was served on you on April 29, 1996. Cypress Street Investments has failed to comply with the initial requirements of this Order including failure to notify the Department of Toxic Substances Control (DTSC) with the name, address, and telephone number of your Project Coordinator by May 6, 1996, failure to identify the Project Engineer/Geologist by May 11, 1996, and failure to attend a Site Remediation Strategy Meeting by May 16, 1996. Noncompliance with any requirement of this Order will subject Cypress Street Investments to enforcement action and assessment of penalties.

Please contact Lynn Nakashima of this Department at (510) 540-3839 within five days of the date of this letter to inform DTSC of how Cypress Street Investments intends to proceed with regard to this matter. Otherwise DTSC will have no alternative but to refer this Order to the State Attorney General's Office for enforcement action.

Sincerely,

A handwritten signature in black ink that reads "Barbara J. Cook".

Barbara J. Cook, P.E., Chief
Site Mitigation Branch

Cert. Mail P566 878 525

Mr. Craig L. Judson

May 17, 1996

Page Two

cc: Ms. Orchid Kwei

Department of Toxic Substances Control

Office of Legal Counsel

P.O. Box 806

Sacramento, California 96812-0806

Ms. Jennifer Eberle

Alameda County Health Agency

1131 Harbor Bay Parkway, Room 250

Alameda, California 94502-6577

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2
700 HEINZ AVE., SUITE 200
BERKELEY, CA 94710-2737
(510) 540-3724



May 17, 1996

CERTIFIED MAIL

Mr. John Cherry
DC Metals
1414 Third Street
Oakland, California 94607

Dear Mr. Cherry:

**IMMINENT OR SUBSTANTIAL ENDANGERMENT DETERMINATION AND ORDER
AND REMEDIAL ACTION ORDER, DOCKET NUMBER I &/SE 95/96-005,
DC METALS, 1414 THIRD STREET, OAKLAND**

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Please contact Lynn Nakashima of this Department at (510) 540-3839 within five days of the date of this letter to inform DTSC of how DC Metals intends to proceed with regard to this matter. Otherwise, DTSC will have no alternative but to refer this Order to the State Attorney General's Office for enforcement action.

Sincerely,

A handwritten signature in cursive script that reads "Barbara J. Cook".

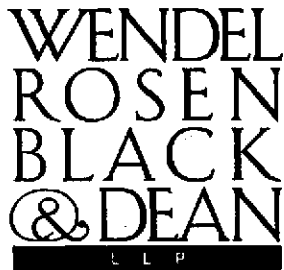
Barbara J. Cook, P.E., Chief
Site Mitigation Branch

Cert. Mail P566 878 524

Mr. John Cherry
May 17, 1996
Page Two

cc: Ms. Orchid Kwei
Department of Toxic Substances Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 96812-0806

Ms. Jennifer Eberle
Alameda County Health Agency
1131 Harbor Bay Parkway, Room 250
Alameda, California 94502-6577



Attorneys at Law

5/30/96
900

1111 Broadway, 24th Floor
Oakland, CA 94607-4036

Post Office Box 2047
Oakland, CA 94604-2047

Telephone: (510) 834-6600
Fax: (510) 834-1928
info@wendel.com

May 16, 1996

Juliet Blake
Alameda County Health
Care Services Agency
1131 Harbor Bay Parkway
Alameda, CA 94502-6577

Re: Appointment to Review records

Dear Ms. Blake:

This letter is to request an appointment to review the following files:

- 1. AMCO Chemical Corp. *JE #933*
1414 Third Street
Oakland, CA 94607
 - 2. BoBo's Junkyard ✓
109-1411 Third Street
Oakland, CA 94607
 - 3. BART *NRF*
341-349 Cypress Street
Oakland, CA 94607
 - 4. California Soda *NRF*
1405 5th Street
Oakland, CA 94607
- California Soda ✓
355 Cypress Street
Oakland, CA 94607

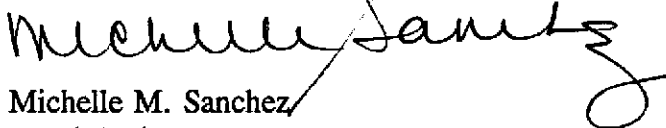
Juliet Blake
May 16, 1996
Page 2

WENDEL, ROSEN, BLACK & DEAN, LLP

Please telephone me to confirm an appointment. Thank you.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN, LLP

A handwritten signature in cursive script that reads "Michelle Sanchez". The signature is written in black ink and is positioned above the typed name.

Michelle M. Sanchez
Legal Assistant

MMS:ms

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2
700 HEINZ AVE., SUITE 200
BERKELEY, CA 94710-2737
(510) 540-3724

ENVIRONMENTAL
PROTECTION

96 APR 30 PM 1:33



April 26, 1996

STID 933

CERTIFIED MAIL

Mr. Craig L. Judson
Attorney At Law
500 Ygnacio Valley Road, Suite 325
Walnut Creek, California 94596

Dear Sir:

DC METALS, 1414 THIRD STREET, OAKLAND

The Department of Toxic Substances Control has issued the enclosed Imminent or Substantial Endangerment Determination and Order and Remedial Action Order to you as a person responsible for cleaning up a release of hazardous substances at the site named above.

Please note that you may be liable for substantial penalties and punitive damages if you do not comply with the Order. You may also be subject to Security Exchange Commission (SEC) reporting requirements as a responsible party to whom an Imminent or Substantial Endangerment Determination and Order and Remedial Action Order has been issued.

This site may be listed pursuant to Health and Safety Code Section 25356. Pursuant to Section 25355 (d), the Department is required to notify the owners of the site property by certified mail within 30 days after listing a site pursuant to Section 25356, and at least 30 days before initiating a removal or remedial action. Notification is not required for actions taken pursuant to Section 25358.3 (b), or immediate corrective actions taken pursuant to Section 25354.

Pursuant to Section 6.1 of the Order, you are required to notify the Department in writing with the name, address, and telephone number of your Project Coordinator within 10 days of the effective date of this Imminent or Substantial Endangerment Determination and Order and Remedial Action Order. Respondents failure to notify the Department pursuant to Section 6.1 will be construed as noncompliance with this Order. If you wish to discuss the Order, please contact Lynn Nakashima at (510) 540-3839.

Mr. Craig L. Judson
April 26, 1996
Page Two

On January 1, 1993, Senate Bill 2056 became effective. This law provides incentives for cooperative responsible parties who have been issued an I/SE Order to pursue treble damages from noncooperative responsible parties. Refer to the enclosed Fact Sheet on Senate Bill 2056, "Financial Incentives to Clean Up Hazardous Sites" for further details.

Sincerely,



Barbara J. Cook, P.E.
Chief, Northern California Cleanup
Operations Branch

Enclosures

Certified Mail No. P 136 836 886

cc: Department of Toxic Substances Control
Site Mitigation Program
Planning and Policy Unit
P.O. Box 806
Sacramento, California 95812-0806

Ms. Orchid Kwei
Department of Toxic Substances Control
Office of Legal Counsel
P.O. Box 806
Sacramento, California 96812-0806



**California Environmental Protection
Agency
Department of Toxic Substances Control
Site Mitigation Program**

FACT SHEET

FINANCIAL INCENTIVES TO CLEAN UP HAZARDOUS SUBSTANCE SITES

New Legislation Passes

Senate Bill 2056, effective January 1, 1993, provides an incentive for all responsible parties (RPs) who either have entered an agreement or been named in an order requiring site cleanup to comply with the agreement or order. It does this by providing that RPs who either have entered into an agreement with or been issued an Order by the Department of Toxic Substances Control (Department), and who are in compliance, may pursue treble damages from RPs who do not comply.

Prior to passage of this new law, if one or more RPs complied with a cleanup order or entered with an agreement to respond to site contamination, there was no provision in state law to encourage remaining RPs to participate in the site remediation. They could simply stand by until such time as the complying RPs pursued contribution by filing a lawsuit. The potential that treble damages may be imposed provides an incentive for all named RPs to comply from the outset. Thus, SB 2056 has established a clear financial incentive to clean up hazardous substance release sites.

What Are The Major Elements Of The Bill?

These are the major elements of SB 2056:

- 1) Adds Health and Safety Code (H&SC) section 25359.3:

- RPs who have entered into an agreement with the Department or who are complying with an order issued by the Department and who are in compliance with that agreement or order, may seek treble damages from any noncomplying RP.
- RPs may not be assessed treble damages if a court determines that the RPs had sufficient cause for not complying with an order or agreement or is an innocent land owner or where the principles of "fundamental fairness" will be violated (as determined by a court).
- RPs seeking treble damages must show that the noncomplying RP was provided notice of the order/agreement by means of personal service or certified mail.
- One-half of any treble damages will be directed to future site cleanups overseen by the Department.
- Noncomplying RPs shall be deemed to have acted willfully with respect to their liability for purposes of the Insurance Code, so that their insurance companies will not be liable for treble damages.

2) Amends H&SC section 25363:

- Any person who has incurred removal/remedial action costs in accordance with this chapter or the federal act may seek contribution or indemnity from any person who is liable pursuant to this chapter, except that no claim may be asserted against a RP whose liability has been determined and which has been or is being fully discharged pursuant to H&SC section 25356.6 or is actively participating in an apportionment proceeding.

- Any person who seeks contribution or indemnity shall give written notice to the Director of the Department of Toxic Substances Control upon filing an action or cross complaint.

3) Amends H&SC section 25360:

- The amount of cost determined pursuant to this section shall be recoverable at the discretion of the Department, either in a separate action or by way of intervention as of right in an action for contribution or indemnity.

4) Amends H&SC section 25359 to be consistent with damages terminology:

- Establishes liability for treble damages for a person who fails to provide a removal/remedial action pursuant to an order issued under H&SC section 25358.3.
- Treble damages equal three times the amount of the defendant's contribution share.
- No treble damages shall be assessed to an innocent property owner.

What Procedures Do Qualifying RPs Have To Follow?

- RPs must notify the Director of the Department in writing that they are

seeking contribution or indemnity pursuant to H&SC section 25359.3(a). The Department requests that this notification include a copy of the lawsuit and a copy of the order or agreement.

- The RP seeking treble damages must show that the contribution defendant received the order or agreement by personal service or certified mail.

What Is The Department's Role?

The Department will follow its standard policies and procedures for overseeing and supervising the investigation and removal/remedial actions taken at hazardous substance release sites, as required by H&SC section 25355.7 (Assembly Bill 189). (See Policy and Procedure #EO-92-002-PP (formerly SM #92-1), effective July 1, 1992).

- Beginning in January 1993, the Department's Project Managers will send copies of this Fact Sheet to all identified RPs at sites where Orders have already been issued.
- The Department will continue to send all Orders and agreements to RPs by certified mail and document such in order to meet the notice requirement of H&SC section 25359.3(a).
- As determined by the Department, the Department's Project Managers will amend Orders or issue Orders when new RPs are identified.
- This Fact Sheet will be enclosed with the Department's cover letter for all Orders.
- Regional Site Mitigation Offices will have copies of this Fact Sheet available for any interested party.

**ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY**

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

11/22/95
STID 933

Lori Casias
State Water Resources Control Board
Division of Clean Water Programs
Local Oversight Program
PO Box 944212
Sacramento CA 94244-2120

DEPARTMENT OF ENVIRONMENTAL HEALTH
Alameda County
Environmental Protection Division
1131 Harbor Bay Parkway, Room 250
Alameda CA 94502-6577
(510) 567-6700

RE: Petition File No. P95-143, DC Metals site, 1414-3rd St., Oakland CA 94607

Dear Ms. Casias,

We have received your letter dated 10/6/95, requesting a response to the petition filed by Craig Judson of Bold, Poliser, Maddow, Nelson and Judson. The following is an historical description of the site.

In June 1995, an Underground Storage Tank (UST) was discovered below the sidewalk by PG&E while trenching in the area west of the driveway on 3rd St. PG&E was apparently hired by CalTrans to do this work. As per telecon on 7/28/95, Kate Liega of CalTrans indicated to the County that she understood that PG&E lowered a weighted string into the UST, and that a black, thick, viscous liquid appeared on the string. The purpose was to determine whether the UST contained gasoline, which would possibly indicate an explosion hazard. The appearance of the black, thick, viscous liquid indicates that the UST may store waste oil or a heavy type of fuel oil, but not likely gasoline. The exact size of the UST is unknown. County Haz Mat files do not contain historical information regarding this UST.

Odors were noted during the trenching operations by PG&E workers. For this reason, soil samples were obtained as follows. Borings were drilled to a depth of 6' below ground surface (bgs). Two of these borings were drilled below the sidewalk on either side of the driveway. The boring on the west side of the driveway, known as BS2, had the following maximum concentrations of contaminants: 2.7 parts per million (ppm) benzene, 32 ppm ethylbenzene, 690 ppm toluene, 190 total xylenes, 300 ppm Oil and Grease, and 3700 ppm Total Petroleum Hydrocarbons as gasoline (TPH-g) 0.760 ppm 1,2-dichloroethene (trans), and 1.90 ppm 1,1,1-trichloroethane. These contaminants fall into the general categories of petroleum hydrocarbon and halogenated volatile organic compounds (HVOCs).

Due to the presence of contamination in proximity to the existing UST below the sidewalk, this case was created and transferred to the Local Oversight Program (LOP).

The site was reportedly used by a business known as Amco Chemical approximately 30 years ago, and was still in operation as Amco Chemical during inspections conducted by our office in 1986

Lori Casias
page 2 of 2
11/22/95

and 1988. The Sanborn (fire insurance) maps, available from a local library, indicate past use of a boiler room in the building adjacent to the UST.

The petitioner claims they do not own the property "or any adjacent property under which the tank is located." However, the County Assessor's files indicate the property owner as "Cypress St. Investments, 1414-3rd St., Oakland CA." During a telecon on 11/22/95 between Craig Judson and Jennifer Eberle of this office, Mr. Judson indicated that Cypress St. Investments is the property owner and is a limited partnership. The general partner is DC Metals, and the limited partners are the Cherry's. Two of the Cherry's are also shareholders and directors in DC Metals. Gil Jensen of our DA's office explained that a general partner has full liability. Hence, the Notice of Requirement to Reimburse is being revised.

The petitioner states that the determination of the agency to consider DC Metals responsible for an UST under its sidewalk area is "arbitrary and capricious." However, as per telecon with Ms. Jamey Ramey of the City of Oakland, Public Works, the State Highway Act says the property owner is responsible for removing USTs below adjacent sidewalks.

Lastly, the petitioner states that the County "demanded" they remove the UST. However, the language in the County's letter to DC Metals, dated 8/2/95, is as follows: "you are **requested** to either permit or remove this UST." As you know, a Notice of Violation is typically sent out subsequent to the initial letter, when our requests have not been answered, and cooperation has not been realized.

I hope this clarifies this petition. If you have any questions, please contact me at 510-567-6782.

Sincerely,



Tom Peacock
LOP Manager

cc: Craig Judson, Bold, Polisner, Maddow, Nelson and Judson, 500 Ygnacio Valley Rd.,
Suite 325, Walnut Creek CA 94596-3840
Kevin Graves
Gordon Coleman, Acting Chief
Jennifer Eberle
Attn: Ray Cherry, DC Metals, 1414-3rd St., Oakland CA 94607

je.933-a

Transfer of Eligible Local Oversight Case

 STID 933 Date of input/By na 11/22/95

 Date: 11-22-95 From: J. Eberle
 Site Name: DC Metals
 Address: 1414-3rd St. City: Oak Zip: 607

To be eligible for LOP, case must meet 3 qualifications:

1. Tanks Removed? # of removed? _____ Date removed: _____
2. Samples received? Contamination level: 3700 ppm TPH-g
 Type of test 2.7 ppm benzene
 Contamination should be over 100 ppm TPH to qualify for LOP
3. Petroleum? Circle Type(s): • Avgas • leaded • unleaded • fuel oil • jet
 • diesel • waste oil • kerosene • solvents

Procedure to follow should your site meet all the above qualifications:

1.
 - a. NA Close the deposit refund case. It was never dep ref.
 - b. _____ Account for **ALL** time you have spent on the case.
 - c. _____ Turn in account sheet to Leslie.
 If there are funds still remaining it is still better to transfer the case to LOP as the rate for LOP allows more overhead. **DO NOT** attempt to continue to oversee the site simply because there are funds remaining!
- Remaining DepRef \$'s: _____
 DepRef Case Closed with Candyce/Leslie? Y N (If no, explain why below.)
2. Submit the completed **A** and **B** permit application forms to **NORMA**. NA
 3. Give the entire case to the proper LOP staff.

R0444

DATE: 7-28-95
TO : Local Oversight Program
FROM: J. Eberle
SUBJ: Transfer of Eligible Oversight Case

Site name: DC Metals
Address: 1414-3rd St. city Oak zip 607

Closure plan attached? Y N DepRef remaining \$ _____

DepRef Project # never has dep ref STID #(if any) 933

Number of Tanks: _____ removed? Y N Date of removal _____

Leak Report filed? Y N Date of Discovery _____

Samples received? Y N Contamination: soil 3600ppm O+G, 5400ppm TPHg
VOCs, 2.7ppm benzene (BS2-41)

Petroleum Y N Types: Avgas Jet leaded unleaded Diesel
gas fuel oil waste oil kerosene solvents

Monitoring wells on site Not yet Monitoring schedule? Y N

Briefly describe the following:
Preliminary Assessment _____
Remedial Action _____
Post Remedial Action Monitoring _____
Enforcement Action _____

Comments: 2.7

MEMORANDUM

DATE: April 1, 1994

TO: Haz Mat Staff

FROM: Generalist Team

SUBJ: General Staff Meeting on Tuesday, April 12th

This month we have the pleasure of hosting the general staff meeting, and are soliciting for agenda items. If you would like to make a presentation, or would like to have a discussion on a certain topic, please notify Larry Friday, April 8th.

Typeover

Doc 1 Pg 1 Ln 3.18" Pos 4.5"

BOLD, POLISNER, MADDOW, NELSON & JUDSON

A PROFESSIONAL CORPORATION

JEFFREY D. POLISNER
ROBERT B. MADDOW
CARL P. A. NELSON
CRAIG L. JUDSON
THOMAS N. STEWART, III

SUITE 325
500 YGNAÇIO VALLEY ROAD
WALNUT CREEK, CALIFORNIA 94596-3840

TELEPHONE
(510) 933-7777
TELEFAX
(510) 933-7804

FREDERICK BOLD, JR.
(RETIRED)

August 14, 1995
(sent by fax and mail)
510/337-1139

County of Alameda
Health Care Services Agency
Environmental Health Billing
Drawer N
Alameda, CA 94501

RE: D.C. METALS, INC.
1414 THIRD STREET
OAKLAND, CA 94607
ACCOUNT NO: TS1090

*= PAM EVANS = 8/15/95
Please verify
mp*

Gentlemen:

This office represents D.C. Metals, Inc. We are in receipt of your billing statement for unknown underground tanks in the sum of \$369.52.

Our client has researched the matter and does not have any UST's on its property.

We ask that you research your files and have someone contact me so that we may better understand what this bill is for, given the fact there are no UST's located on the property.

Thank you very much.

Yours very truly,

Craig L. Judson

CRAIG L. JUDSON

CLJ:baw
Encl./copy of billing statement

cc: Client

*msg to Craig Judson 8/18/95 PE + called DC - No answer
call to Ray Cherry 9/5/95 - No answer @ 1:00 @ 2:30
9/6/95 - " " @ 11:30*

ENVIRONMENTAL HEALTH
ADMINISTRATION
95 AUG 15 PM 1:43

*On 7/20/95 John
Conklin of
representing Ray
Cherry, reviewed file
& made copies of
some documents PE*

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY

DAVID J. KEARS, Agency Director



RAFAT A. SHAHID, DIRECTOR

August 2, 1995
STID 933

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

Attn: Mr. Ray Cherry
DC Metals
1414-3rd St.
Oakland CA 94607

Dear Mr. Cherry,

As you know, an Underground Storage Tank (UST) was discovered below the sidewalk, West of your driveway on 3rd St. This UST was discovered by PG&E while trenching in the area in June 1995. PG&E was apparently hired by CalTrans to do this work. As per telecon on 7/28/95, Kate Liega of CalTrans indicated to me that she understood that PG&E lowered a weighted string into the UST when it was discovered, and that a black, thick, viscous liquid appeared on the string. This was done to determine whether the UST contained gasoline, which would possibly indicate an explosion hazard. The appearance of the black, thick, viscous liquid indicates that the UST may be storing waste oil or a heavy type of fuel oil, but not likely gasoline.

Odors were noted during the trenching operations by PG&E workers. For this reason, soil samples were obtained as follows. Borings were drilled to a depth of 6' below ground surface (bgs). Two of these borings were drilled below the sidewalk on either side of the driveway. The boring on the west side of the driveway, known as BS2, had the following maximum concentrations of contaminants: 2.7 parts per million (ppm) benzene, 32 ppm ethylbenzene, 690 ppm toluene, 190 total xylenes, 300 ppm Oil and Grease, and 3700 ppm Total Petroleum Hydrocarbons as gasoline (TPH-g) 0.760 ppm 1,2-dichloroethene (trans), and 1.90 ppm 1,1,1-trichloroethane. These contaminants fall into the general categories of petroleum hydrocarbon and halogenated volatile organic compounds (HVOCs). A copy of the laboratory report and chain of custody are attached.

Due to the presence of contamination in proximity to the existing UST below the sidewalk, this case was created and transferred to the Local Oversight Program (LOP). The LOP is a federal and state petroleum underground storage tank cleanup program and the billing is done by the State Water Quality Control Board. A separate Notification letter is being sent to you.

As per our telecon on 8/1/95, I understand that you do not consider yourself responsible for this UST. However, it has been standard procedure in this office to consider the property owner(s) of land adjacent to USTs found below sidewalks as responsible party(ies). The property owner usually owns the adjacent sidewalk area, although the sidewalk is in the public right of way, so that the City can gain access to keep the sidewalk in repair. **Therefore, you are requested to either permit or remove this UST.** Since the existence of this UST was heretofore unknown, it appears that you will not want to permit it, but rather remove it. A blank UST Closure Plan was sent to you in the attachments to our letter dated 7/25/95, signed by Pam Evans. [The 7/25/95

August 2, 1995
STID 933
Attn: Mr. Ray Cherry
DC Metals
page 2 of 2

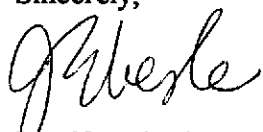
letter was sent to you requesting an investigation of two 10,000-gallon USTs that are believed to exist onsite.] Please make a copy of this form, and use it for the tank removal. Note that a licensed contractor must be hired to perform this work. **Please submit the UST Closure Plan within 45 days, or by September 17, 1995.**

Please be advised that this is a formal request for a UST Closure Plan, pursuant to 23 CCR, Div 3, Ch 16, Section 2670. Any extensions of the stated deadlines, or modifications of the required tasks, must be confirmed in writing by this agency.

Lastly, an Unauthorized Release Form (URF) must be completed and submitted within 5 days, or by 8/7/95, as per 23 CCR, Div 3, Ch 16, Section 2652. A blank copy has been enclosed; please use a ballpoint pen and press heavily; please submit the entire form; a copy will be sent to you after I receive and sign it.

I understand that Pam Evans has already sent you a list of contractors and consultants. In addition, on 8/1/95, I faxed you nine pages of documentation from our files that two 10,000-gal USTs existed onsite in 1986, 1988. This was as per your request, due to your lack of information regarding these tanks. Please contact me at (510) 567-6761 if you have any questions.

Sincerely,



Jennifer Eberle
Hazardous Materials Specialist

cc: Tom Peacock/Acting Chief/file
Pam Evans

je.933
enclosures

Juventus Contractor List for underground investigation

white -env.health
yellow -facility
pink -files

ALAMEDA COUNTY, DEPARTMENT OF ENVIRONMENTAL HEALTH

1131 Harbor Bay Pkwy
Alameda CA 94502
510/567-6700

Hazardous Materials Inspection Form

all #3/95

II, III

Site ID # 933 Site Name DC Metals Today's Date 5/31/95

Site Address 1414 3rd St.

City Oakland Zip 94606 Phone 832-36611655

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

Inspection Categories:

I. Haz. Mat/Waste GENERATOR/TRANSPORTER

II. Hazardous Materials Business Plan, Acutely Hazardous Materials

III. Under ground Storage Tanks

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

Comments:

Purpose of today's visit was to check status of hazardous materials storage and to inspect the site for any visible evidence of underground storage tanks. Past owners have said tanks were here and paid state fees for tanks. No tank removal documents have ever been submitted to County Environmental Health. Past operators were Louis + June Nagy.

Current owner, Ray Cherry, says that Louis Nagy told him that chemicals had all been removed but that Mr. Nagy did not specify anything that might have been done with the tanks underground. There are no visible signs of any above-ground portions of tanks. To get more detailed information about these tanks you should try the following:

- ① Check city building records back to the 60's*
- ② Check with former business operators/associates/relatives*
- ③ Engage an underground structure detection contractor.*

** You need to investigate tank status. By June 30, 1995, inform me Mr. Ray Cherry has an above ground ~200gal diesel tank, compressed Oxygen + a propane tank. He says he recently submitted a Business Plan to the City of Oakland*

Contact Ray Cherry *obtain a copy for your files.

Title _____ Inspector Pamela Evans

Signature [Signature] Signature [Signature]

567-6770

in writing of your progress

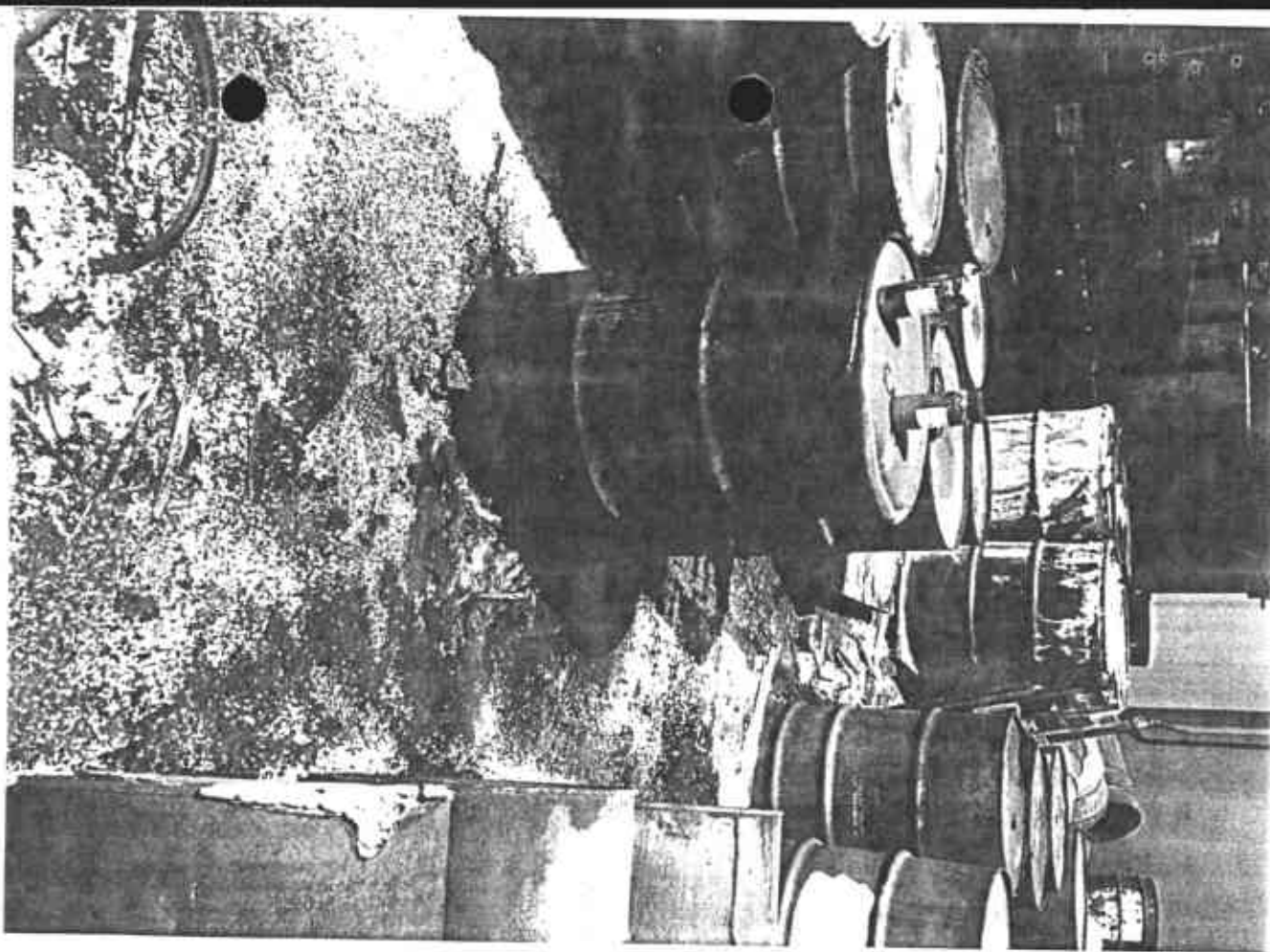


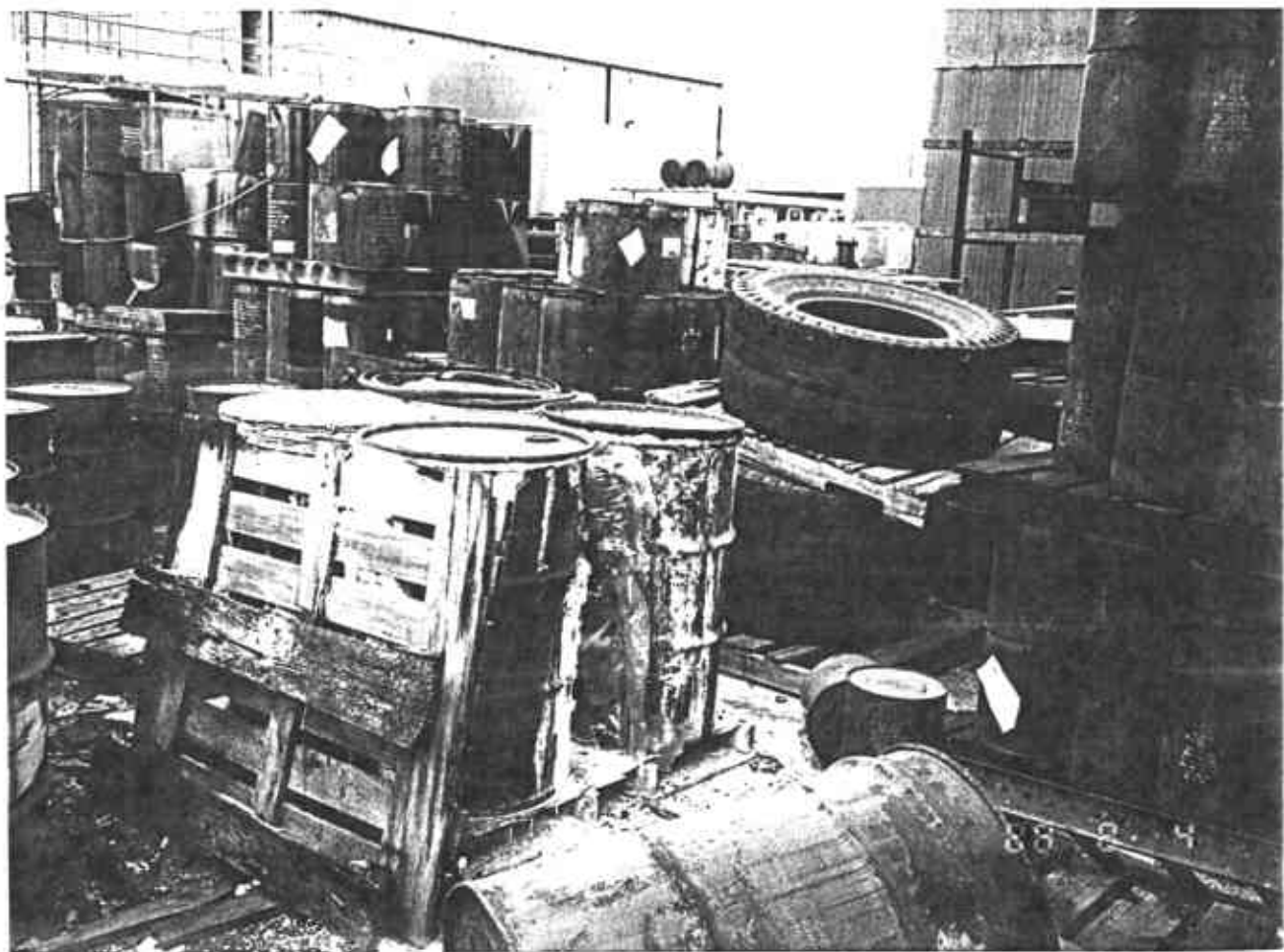
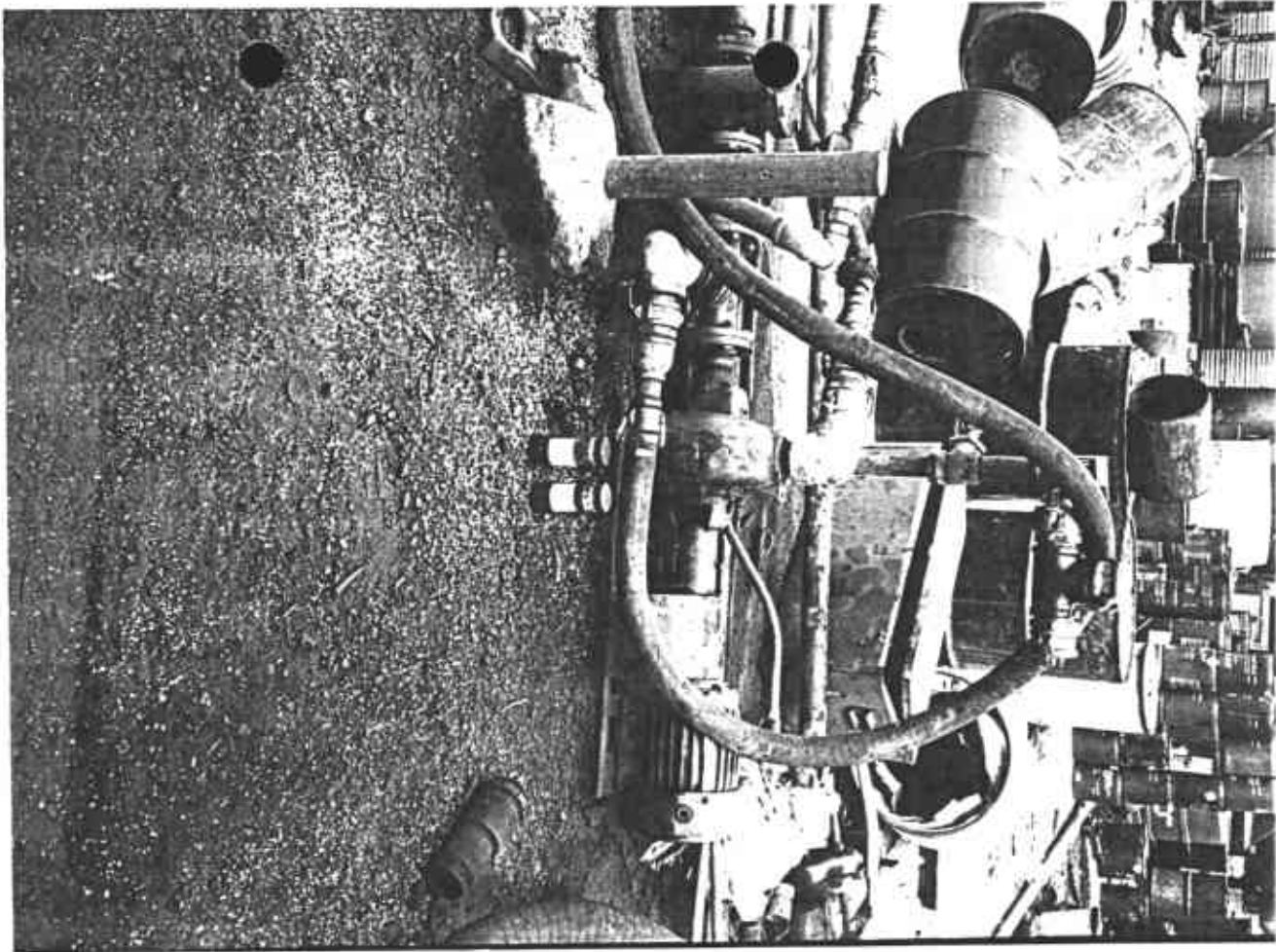
AmCO Chemical
Aug 1988 inspection
Report Photos.

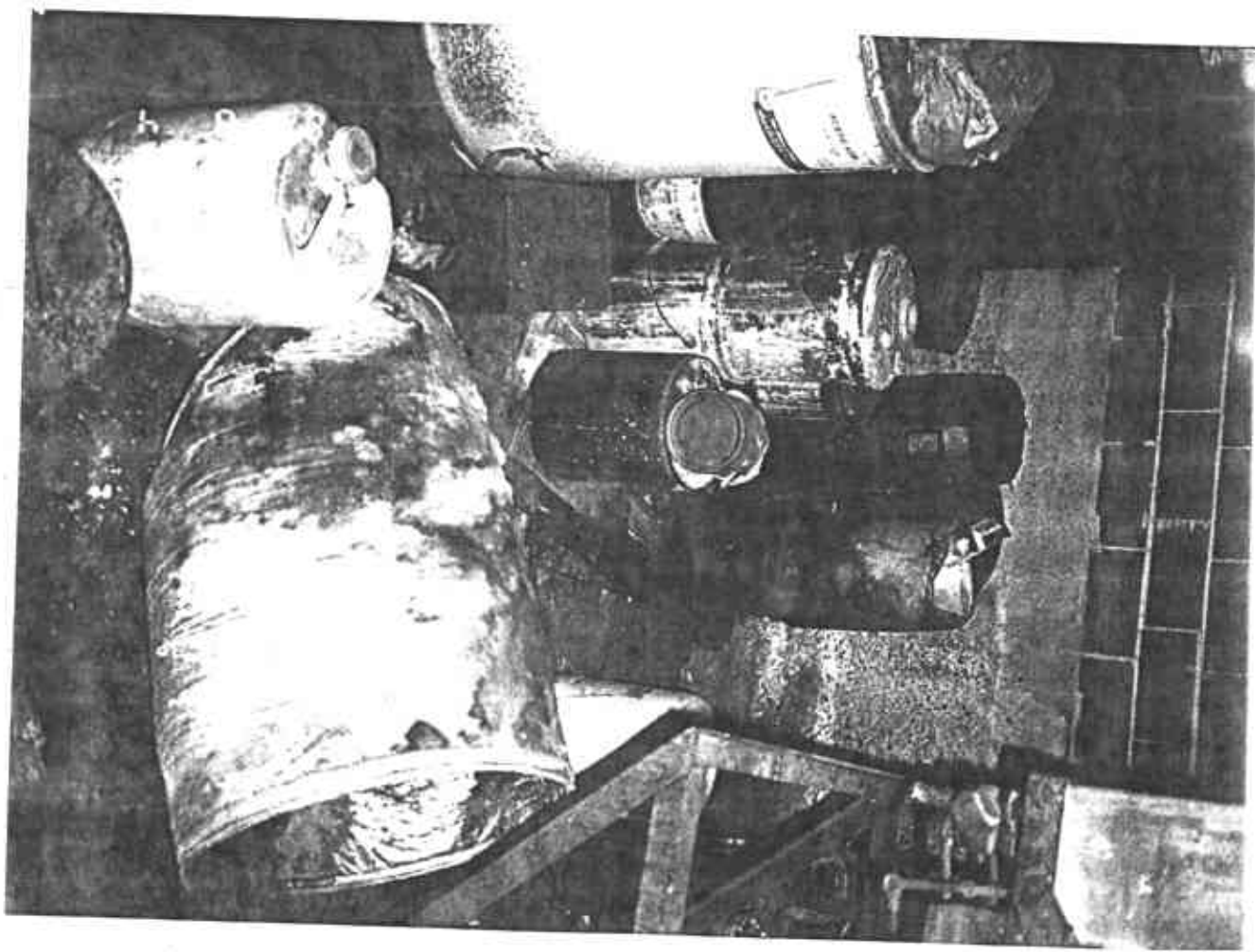
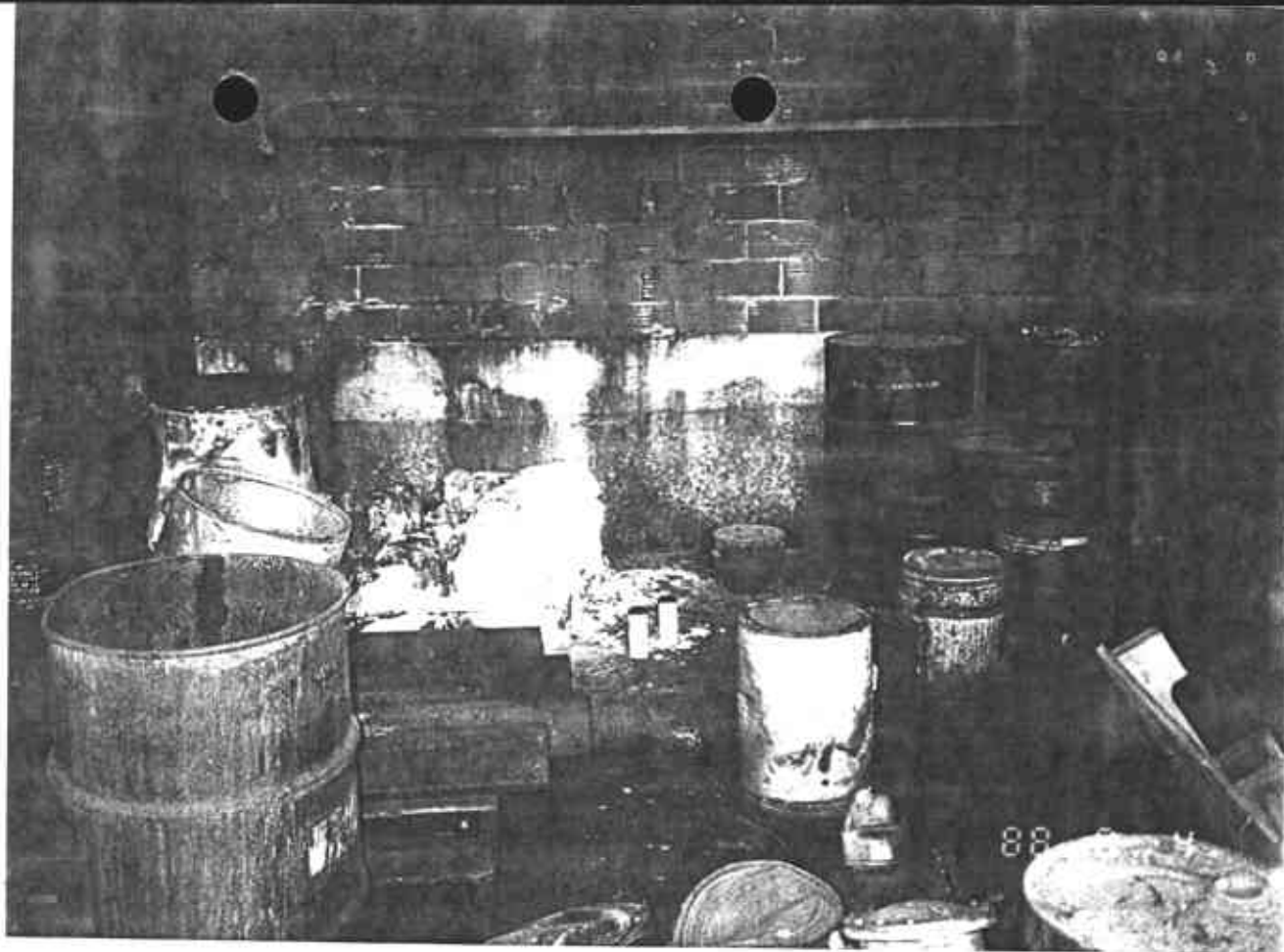


ENVIRONMENTAL
PROTECTION

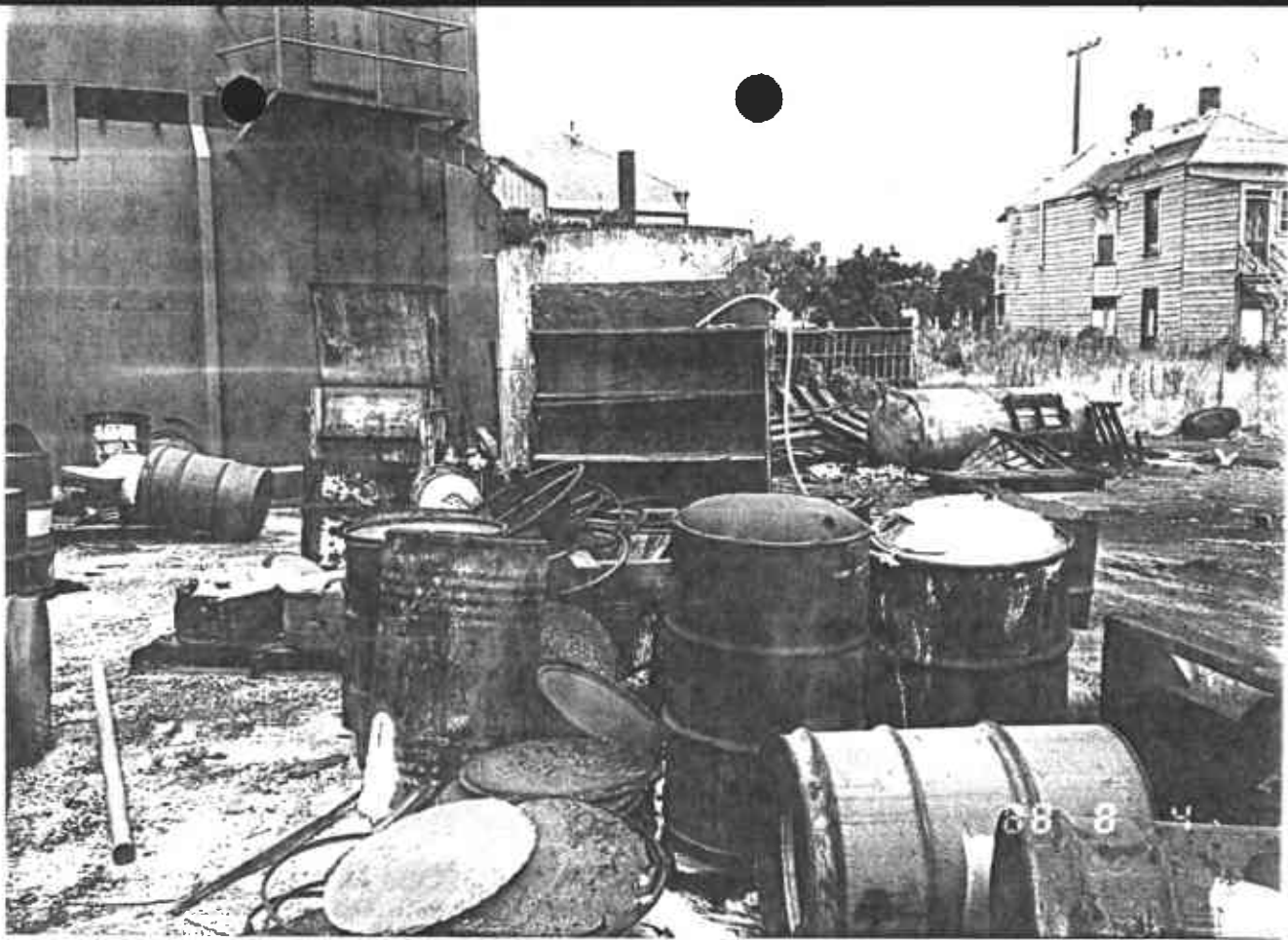
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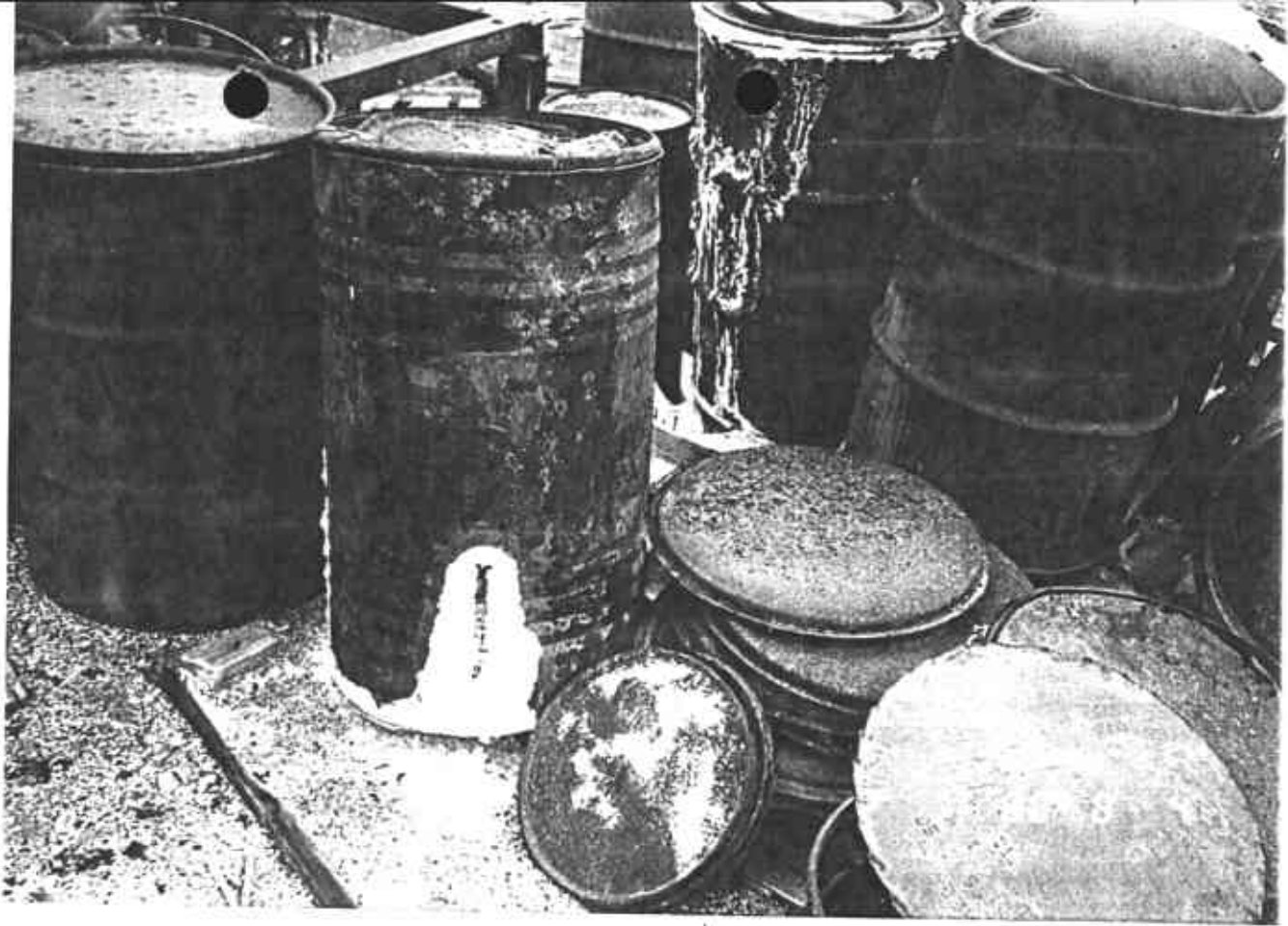


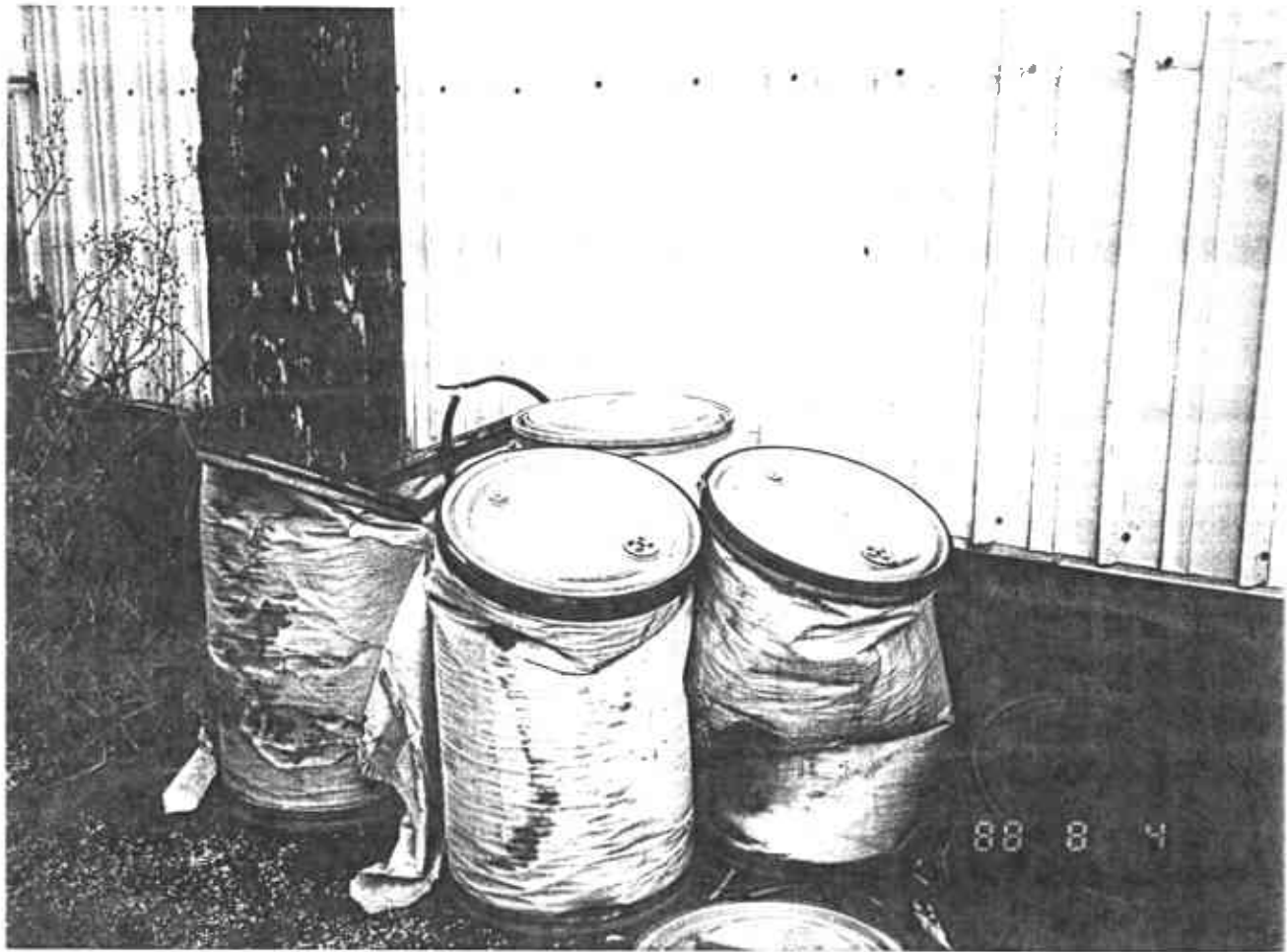
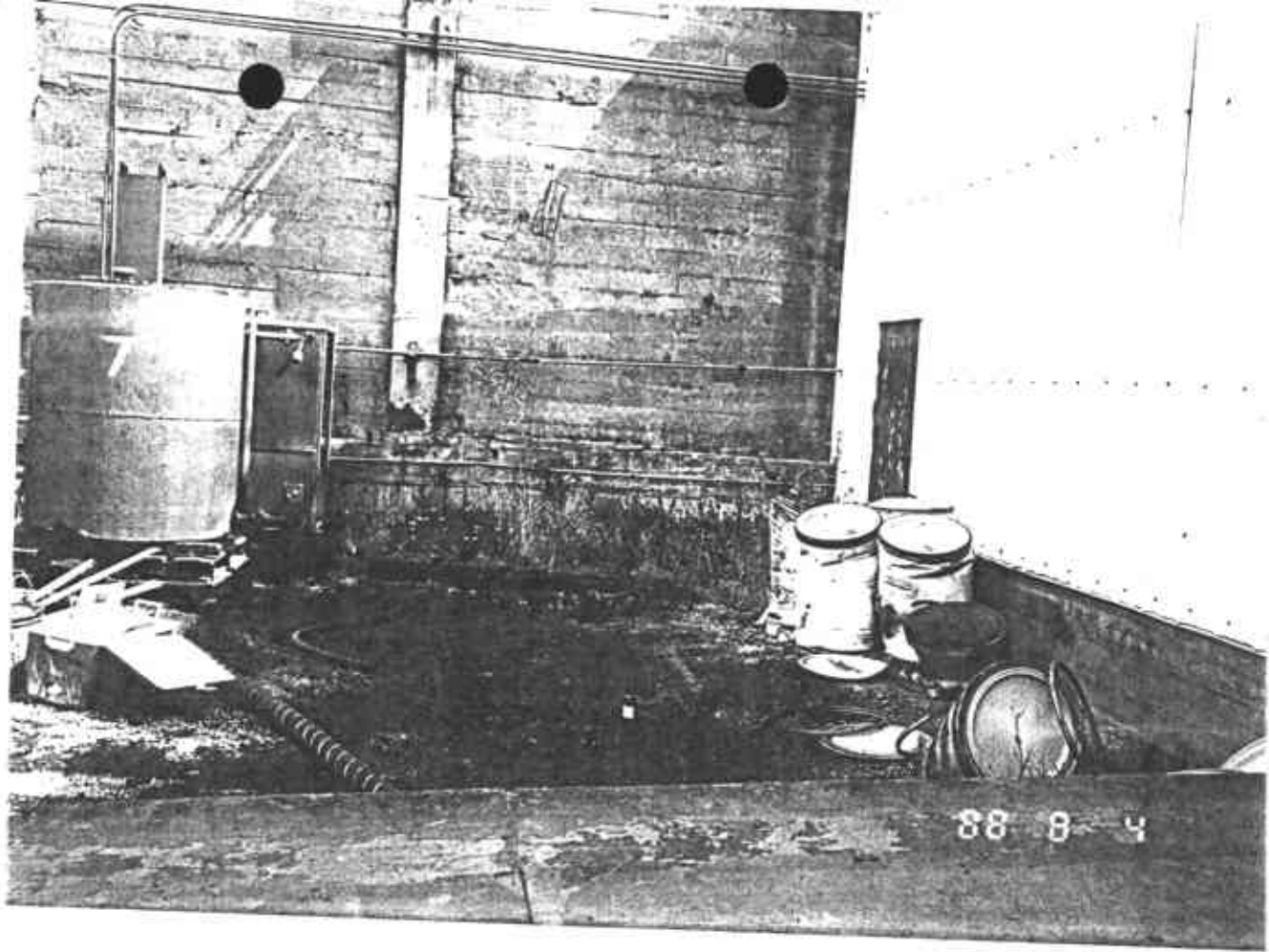




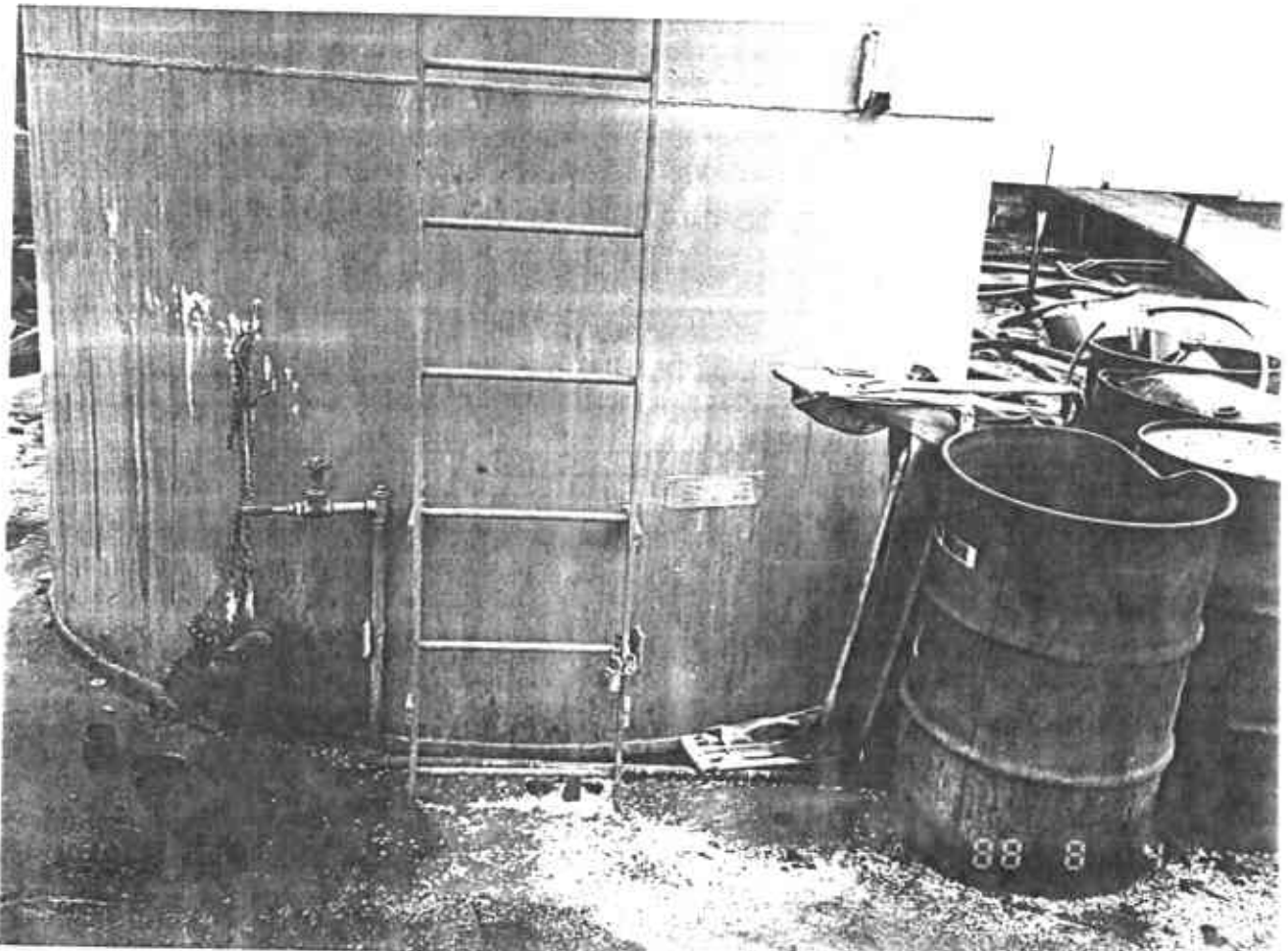
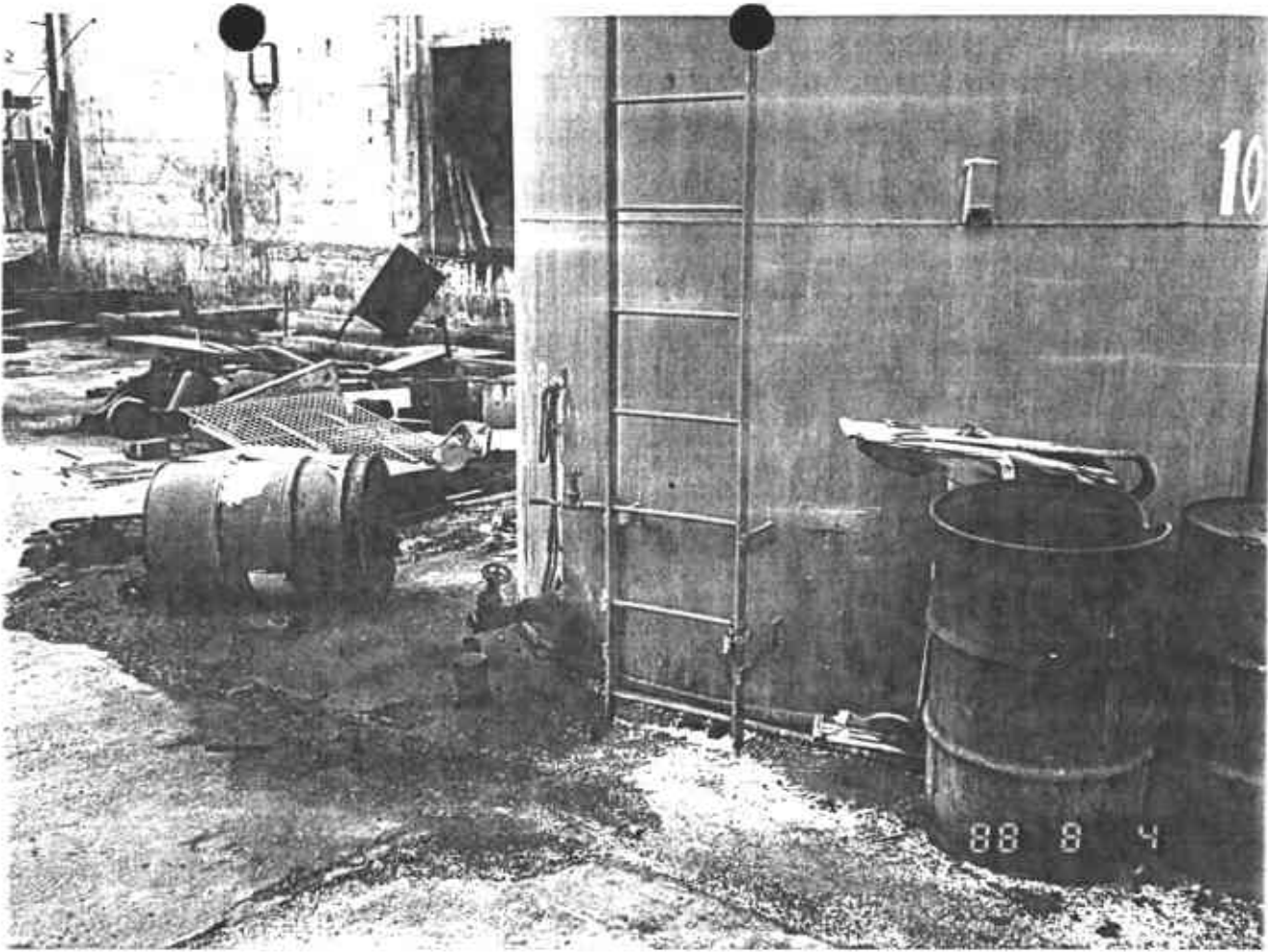


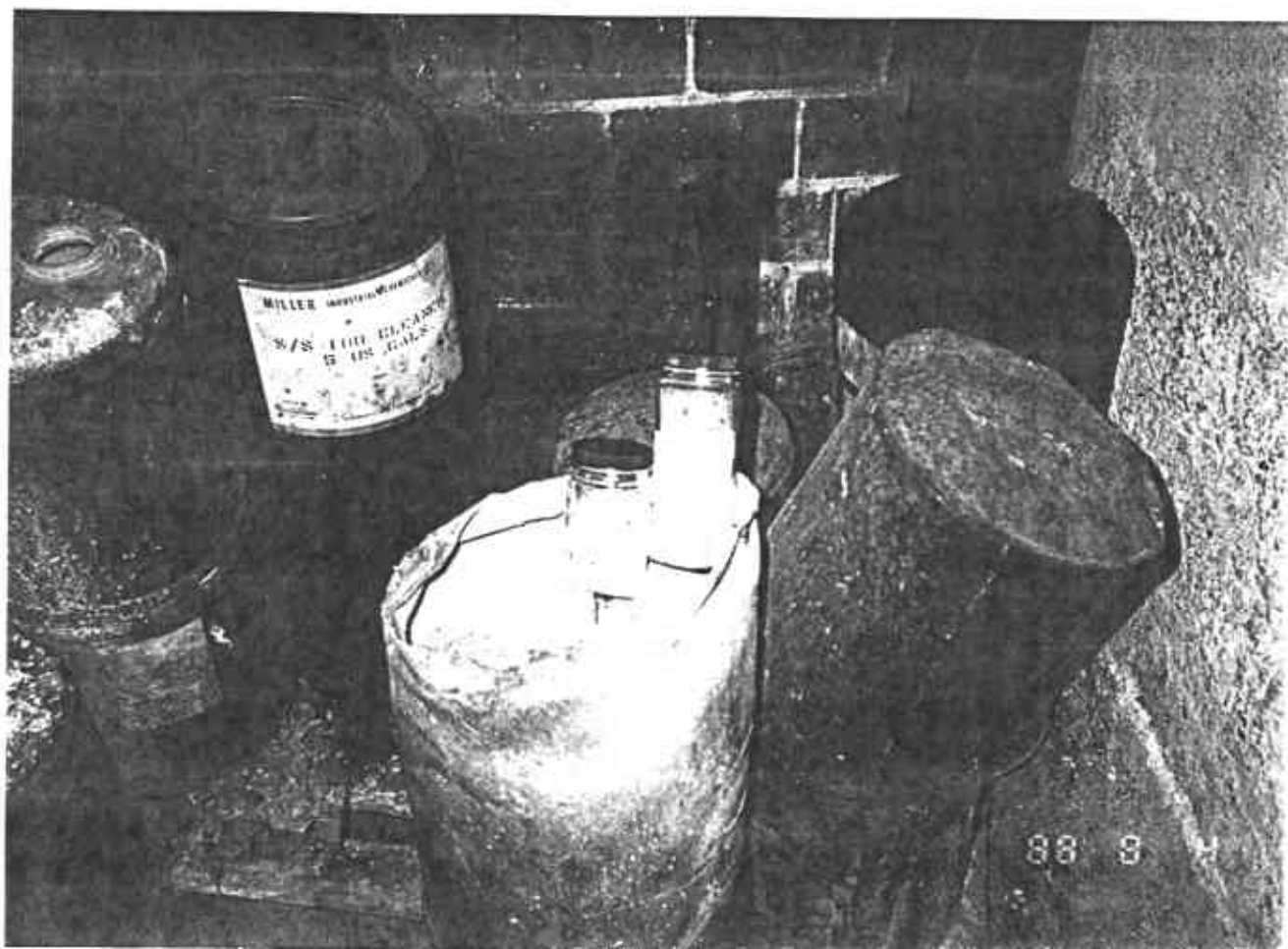


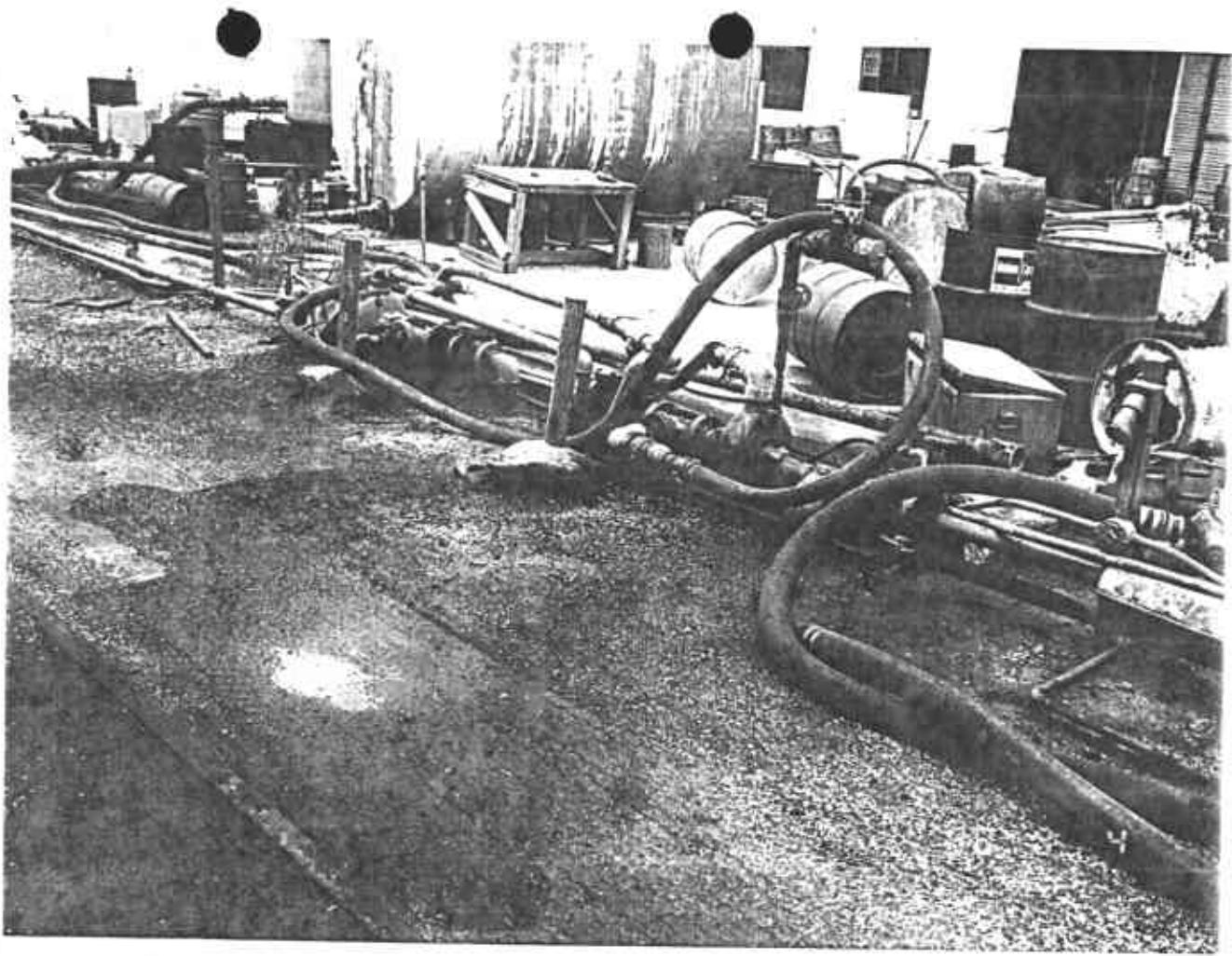


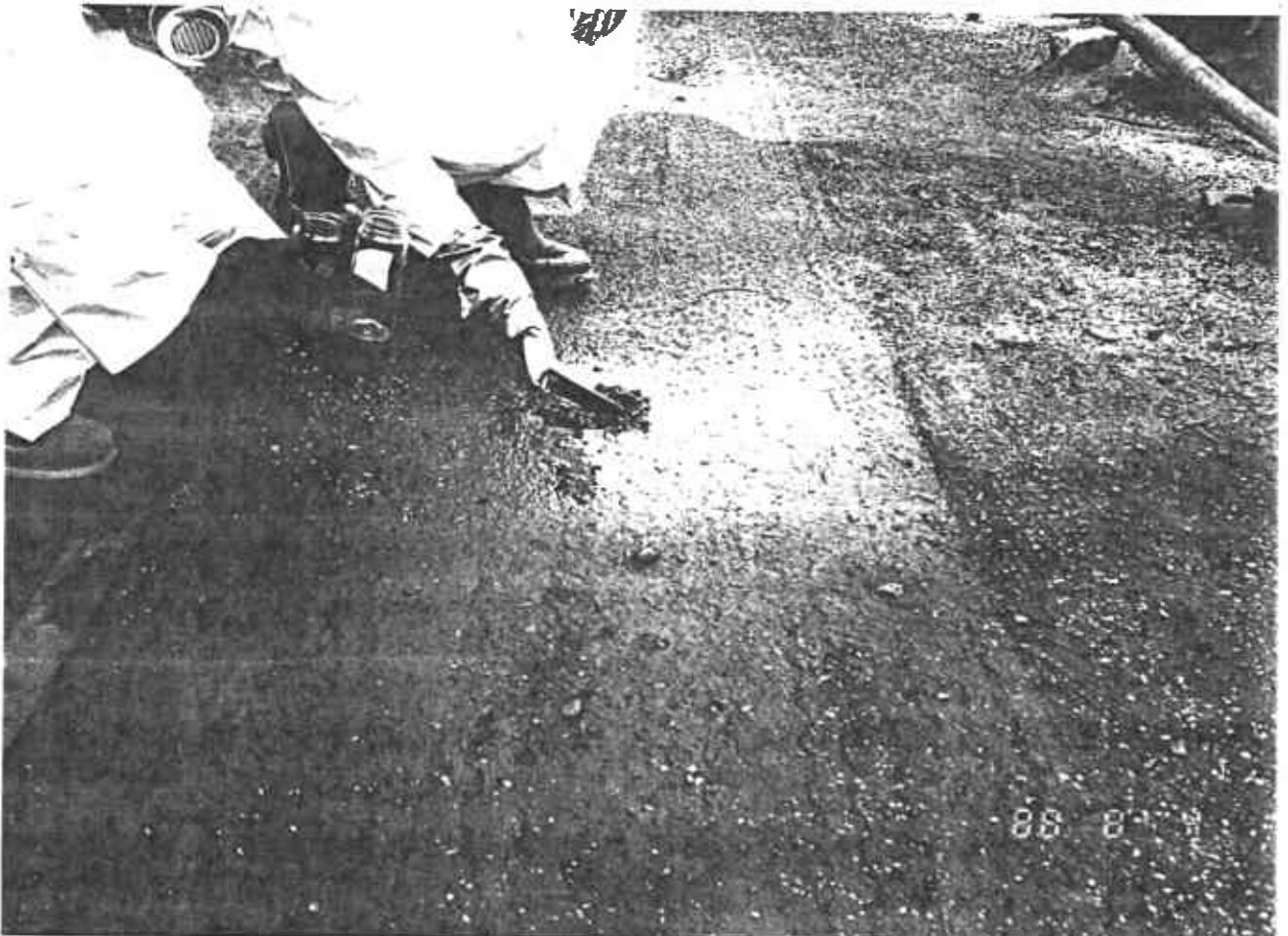
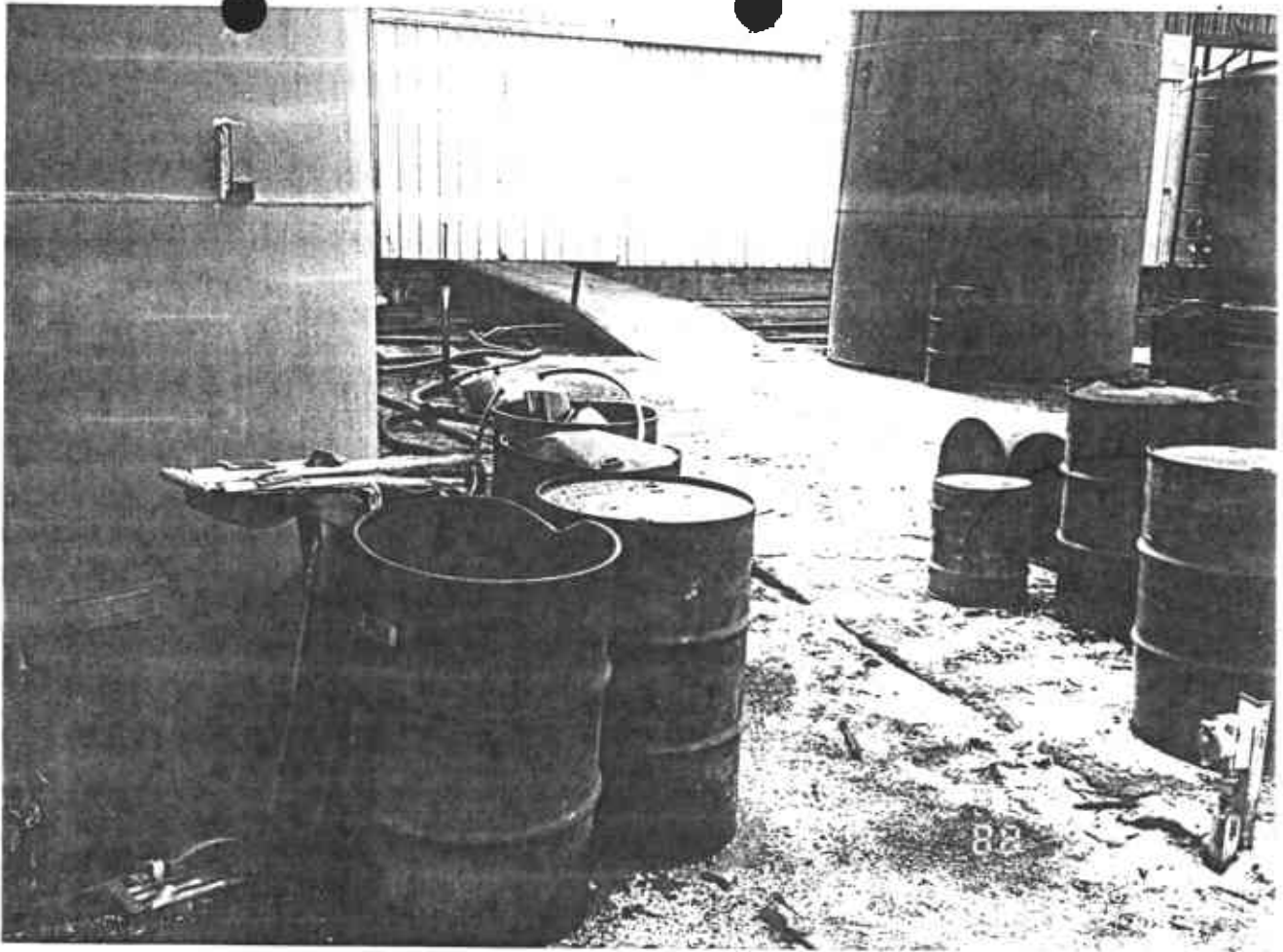












Permit Application



OCT 18 1987

<input checked="" type="checkbox"/> 01 New Permit	<input checked="" type="checkbox"/> 03 Installed before July 1, 1984	<input type="checkbox"/> 05 Renewed Permit	<input type="checkbox"/> 06 Amended Permit
<input type="checkbox"/> 02 Provisional Permit	<input type="checkbox"/> 04 Installed after July 1, 1984		

I Owner

Name (Corporation, Individual or Public Agency) AMCO CHEMICAL CORP.			
Street Address 1414 - 3rd St.	City OAKLAND,	State CA	ZIP 94604

II Facility

Facility Name SAME		Dealer/Foreman/Supervisor	
Street Address SAME		Nearest Cross Street	
City SAME		County	ZIP
Mailing Address P.O. BOX 208		City OAKLAND	State CA
			ZIP 94604
Phone w/area code		Type of Business <input type="checkbox"/> 01 Gasoline Station <input checked="" type="checkbox"/> 02 Other: <u><i>Allycol</i></u>	
NUMBER OF CONTAINERS AT THIS FACILITY <u><i>2</i></u>	Rural Areas Only:	Township	Range
			Section

III 24 Hour Emergency Contact Person

Days: Name (last name first) and Phone w/area code NAGY LOUIS 415-934-7596	Nights: Name (last name first) and Phone w/area code SAME
--	---

COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER

IV Description

A. <input checked="" type="checkbox"/> 01 Tank <input type="checkbox"/> 02 Other: _____		Container Number (if there is no number, assign one) <u><i>#1</i></u>
B. Manufacturer (if appropriate): _____ Year of Mfg. <u><i>1970</i></u>		C. Year Installed: <u><i>1970</i></u> <input type="checkbox"/> Unknown
D. Container Capacity: <u><i>10000</i></u> gallons <input type="checkbox"/> Unknown	E. Does the Container Store (Check One): <input type="checkbox"/> 01 Waste <input checked="" type="checkbox"/> 02 Product	
F. Does the Container Store Motor Vehicle Fuel or Waste Oil? <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No If Yes, Check appropriate box(es): <input type="checkbox"/> 01 Unleaded <input 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 (List): _____ If you answered yes; do not complete Part VIII.		

V Container Construction

A. Thickness of Primary Containment: <u><i>1/4</i></u> <input type="checkbox"/> Gauge <input checked="" type="checkbox"/> Inches <input type="checkbox"/> cm <input type="checkbox"/> Unknown	
B. <input type="checkbox"/> 01 Vaulted (Located in an underground Vault) <input checked="" type="checkbox"/> 02 Non-vaulted <input type="checkbox"/> 03 Unknown	
C. <input type="checkbox"/> 01 Double Walled <input checked="" type="checkbox"/> 02 Single Walled <input type="checkbox"/> 03 Lined	
D. <input checked="" 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 type="checkbox"/> 11 Earthen Walls <input type="checkbox"/> 12 Unknown <input type="checkbox"/> 13 Other: _____	

Container Construction

E. 01 Rubber Lined 02 Alkyd Lining 03 Epoxy Lining 04 Phenolic Lining 05 Glass Lining 06 Clay Lining
 07 Unlined 08 Unknown 09 Other: _____

F. 01 Polyethylene Wrap 02 Vinyl Wrapping 03 Cathodic Protection
 04 Unknown 05 None 06 tar or asphalt 09 Other: _____

VI Piping

A. Aboveground Piping: 01 Double-walled pipe 02 Concrete-lined trench 03 Gravity 04 Pressure 05 Suction
 (Check) appropriate box(es) 06 Unknown 07 None

B. Underground Piping: 01 Double-walled pipe 02 Concrete-lined trench 03 Gravity 04 Pressure 05 Suction
 (Check) appropriate box(es) 06 Unknown 07 None


VII Leak Detection

01 Visual 02 Stock Inventory 03 Tile Drain 04 Vapor Sniff Wells 05 Sensor Instrument
 06 Ground Water Monitoring Wells 07 Pressure Test 08 Internal Inspection 09 None
 10 Other: _____

VIII Chemical Composition of Materials Currently or Previously Stored in Underground Containers
 If you checked yes to IV-F you are not required to complete this section.

currently stored	previously stored	CAS # (if known)	Chemical Do Not Use Commercial Name (Use additional paper for more room)
<input type="checkbox"/> 01	<input checked="" type="checkbox"/> 02		ETHYLENE & PROPYLENE GLYCOLS
<input type="checkbox"/> 01	<input type="checkbox"/> 02		
<input type="checkbox"/> 01	<input type="checkbox"/> 02		

Is Container located on an Agricultural Farm? 01 Yes 02 No

Person Filing (Signature)  LOUIS NAGY PRES Phone w/area code 415-893-1987

For Local Agency Use Only

AGENCY NAME	CITY	COUNTY
CONTACT PERSON		PHONE W/AREA CODE
INSPECTION DATE (1ST INSPECTION)	PERMIT APPROVAL DATE	PERMIT ID. NUMBER

FOR STATE USE ONLY

STATE ID. NUMBER	Accounting Number	County Number
Date Received	<input type="checkbox"/> 01	<input type="checkbox"/> 02 <input type="checkbox"/> 03

Permit Application



<input checked="" type="checkbox"/> 01 New Permit	<input checked="" type="checkbox"/> 03 Installed before July 1, 1984	<input type="checkbox"/> 05 Renewed Permit	<input type="checkbox"/> 06 Amended Permit X
<input type="checkbox"/> 02 Provisional Permit	<input type="checkbox"/> 04 Installed after July 1, 1984		

I Owner

X

Name (Corporation, Individual or Public Agency) AMCO CHEMICAL CORP.			
Street Address 1414 - 3rd St.		City OAKLAND,	State CA
		ZIP 94604	

II Facility

Facility Name SAME X		Dealer/Foreman/Supervisor	
Street Address SAME		Nearest Cross Street	
City SAME		County	ZIP
Mailing Address P.O. BOX 208		City OAKLAND	State X CA
		ZIP 94604	
Phone w/area code 2	Type of Business <input type="checkbox"/> 01 Gasoline Station <input checked="" type="checkbox"/> 02 Other: _____		
NUMBER OF CONTAINERS AT THIS FACILITY	Rural Areas Only:	Township	Range
			Section

III 24 Hour Emergency Contact Person

Days: Name (last name first) and Phone w/area code HAGY LOUIS 415-934-7596	Nights: Name (last name first) and Phone w. area code SAME
--	--

2. COMPLETE THE FOLLOWING ON A SEPARATE FORM FOR EACH CONTAINER **X**

IV Description

A. <input checked="" type="checkbox"/> 01 Tank <input type="checkbox"/> 02 Other: _____		Container Number (if there is no number, assign one) No. 112
B. Manufacturer (if appropriate): _____ Year of Mfg. 1970		C. Year Installed: 1970 <input type="checkbox"/> Unknown
D. Container Capacity: 10000 gallons <input type="checkbox"/> Unknown	E. Does the Container Store (Check One): <input type="checkbox"/> 01 Waste <input checked="" type="checkbox"/> 02 Product	
F. Does the Container Store Motor Vehicle Fuel or Waste Oil? <input type="checkbox"/> 01 Yes <input checked="" type="checkbox"/> 02 No If Yes, Check appropriate box(es): <input type="checkbox"/> 01 Unleaded <input 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 (List): _____ If you answered yes; do not complete Part VIII.		

V Container Construction

A. Thickness of Primary Containment: 1/4 <input type="checkbox"/> Gauge <input checked="" type="checkbox"/> Inches <input type="checkbox"/> cm <input type="checkbox"/> Unknown
B. <input type="checkbox"/> 01 Vaulted (Located in an underground Vault) <input checked="" type="checkbox"/> 02 Non-vaulted <input type="checkbox"/> 03 Unknown
C. <input type="checkbox"/> 01 Double Walled <input checked="" type="checkbox"/> 02 Single Walled <input type="checkbox"/> 03 Lined
D. <input checked="" 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 type="checkbox"/> 11 Earthen Walls
<input type="checkbox"/> 12 Unknown <input type="checkbox"/> 13 Other: _____

Container Construction

E. 01 Rubber Lined 02 Alkyd Lining 03 Epoxy Lining 04 Phenolic Lining 05 Glass Lining 06 Clay Lining

07 Unlined 08 Unknown 09 Other: _____

F. 01 Polyethylene Wrap 02 Vinyl Wrapping 03 Cathodic Protection

04 Unknown 05 None 06 tar or asphalt 09 Other

VI Piping

A. Aboveground Piping: 01 Double-walled pipe 02 Concrete-lined trench 03 Gravity 04 Pressure 05 Suction

(Check) appropriate box(es) 06 Unknown 07 None

B. Underground Piping: 01 Double-walled pipe 02 Concrete-lined trench 03 Gravity 04 Pressure 05 Suction

(Check) appropriate box(es) 06 Unknown 07 None

VII Leak Detection

01 Visual 02 Stock Inventory 03 Tile Drain 04 Vapor Sniff Wells 05 Sensor Instrument

06 Ground Water Monitoring Wells 07 Pressure Test 08 Internal Inspection 09 None

10 Other: _____

VIII Chemical Composition of Materials Currently or Previously Stored in Underground Containers

If you checked yes to IV -F you are not required to complete this section.

currently stored	previously stored	CAS # (if known)	Chemical Do Not Use Commercial Name (Use additional paper for more room)
<input type="checkbox"/> 01	<input checked="" type="checkbox"/> 02		ETHYLENE & PROPYLENE GLYCOLS
<input type="checkbox"/> 01	<input type="checkbox"/> 02		
<input type="checkbox"/> 01	<input type="checkbox"/> 02		

Is Container located on an Agricultural Farm? 01 Yes 02 No

Person Filing (Signature)  Phone w/area code LOUIS NAGY PRES 415-923-1287

For Local Agency Use Only

AGENCY NAME	CITY	COUNTY
CONTACT PERSON	PHONE W/AREA CODE	
INSPECTION DATE (1ST INSPECTION)	PERMIT APPROVAL DATE	PERMIT ID. NUMBER

FOR STATE USE ONLY

STATE ID. NUMBER	Accounting Number	County Number
Date Received	<input type="checkbox"/> 01	<input type="checkbox"/> 02 <input type="checkbox"/> 03

DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL DIVISION
2151 BERKELEY WAY, ANNEX 7
BERKELEY, CA 94704



August 30, 1988

RECEIVED
SEP 1 1988
HAZARDOUS MATERIALS/
WASTE PROGRAM

Mr. Larry Seto
Alameda County Hazardous Waste Program
80 Swan Way, Room 200
Oakland, CA 94621

Dear Mr. Seto:

As we discussed on the telephone on 19 August 1988, the Department of Health Services would like to take the lead in the investigation and clean-up of AMCO Chemical Corp., 1414 3rd Street, Oakland. 94607

I am enclosing copies of the two reports, the fence-and-post order, and a letter, dated 16 August 1988. These are the documents we have in this case up to the present.

Sincerely,

A handwritten signature in black ink, appearing to read "James McCammon".

James McCammon
Associate Hazardous
Materials Specialist
Region II
Toxic Substances Control Division

Enclosure

JMc:rvh

For file

DEPARTMENT OF HEALTH SERVICES

2151 BERKELEY WAY
BERKELEY, CA 94704

COPY



August 16, 1988

CERTIFIED MAIL

Mr. Louis Nagy, President
AMCO Chemical Corp.
1414 3rd Street
Oakland, CA 94607

Dear Mr. Nagy,

EPA NUMBER CAD009142324

On 4 August 1988, personnel from the Department of Health Services conducted an inspection of AMCO Chemical Corp., 1414 3rd Street, Oakland. In the course of the inspection they observed that hazardous materials had been released to the ground through spillage and leakage, and that hazardous materials were being held in deteriorated or inadequately labeled containers.

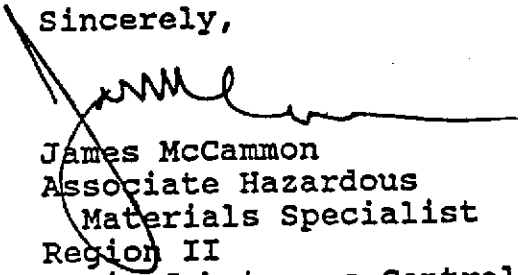
Under Section 25124 of the California Health and Safety Code, a hazardous material for which no use or reuse is intended, which is to be discarded, which is mislabeled, (and not correctly relabeled within ten days) or which is packaged in deteriorating containers (and not repackaged within 96 hours) is a hazardous waste. Under the definition in Section 66078, Title 22, California Code of Regulations, you are a generator of hazardous waste. You are, therefore, required to determine immediately if the materials spilled on the ground or contained in unlabeled or deteriorated containers are hazardous waste (Section 66471, Title 22, California Code of Regulations), and to comply immediately with the regulations contained in Title 22 of the California Code of Regulations (see, especially, articles 6, 19, 20, 24 and 25). I have attached an order form for Title 22 for your convenience.

You are required to submit to the Department of Health Services, within three weeks of receipt of this letter, copies of the analyses of all waste materials (as defined by Section 25124 of the California Health and Safety Code) held by AMCO Chemical Corp. at 1414 3rd Street, Oakland. You are also required to submit immediately a plan to repackage all hazardous wastes into containers in good condition and to manage your facility in a manner to prevent releases of hazardous waste to air, soil or surface water. You are further required to retain at AMCO Chemical Corp., 1414 3rd Street, Oakland, all waste material as evidence for 30 days or until released by the Department of Health Services, whichever comes sooner.

Mr. Louis Nagy
Page 2
August 8, 1988

A report listing the violations of the hazardous waste statutes and regulations found at AMCO Chemical Corp. will be sent separately. Nothing in this letter shall preclude the Department of Health Services from taking criminal, civil or administrative action against AMCO Chemical Corp. If you have any questions regarding this letter, please call Mr. James McCammon at (415) 540-2043.

Sincerely,



James McCammon
Associate Hazardous
Materials Specialist
Region II
Toxic Substances Control Division

Enclosure

Cert. Mail P 663 458 075

JMC:jdm

ORDER FORM FOR CALIFORNIA HAZARDOUS WASTE CONTROL LAWS AND REGULATIONS

Copies of hazardous waste control laws and regulations administered by the California Department of Health Services may be ordered by completing the form below and mailing it with the applicable payment to:

Department of General Services, Publications Section
P.O. Box 1015
North Highlands, CA 95660

The laws and regulations are *not* identical, so both are generally needed to obtain complete information.

The laws (Chapters 6.5 through 6.98, Division 20, California Health and Safety Code) were enacted by the Legislature. Recent history indicates that the laws change to some extent each year, usually effective January first. To keep up to date with the laws, reorder them each year, because no amendment service is available.

The regulations (Chapter 30, Division 4, Title 22, California Administrative Code) were adopted by the Department of Health Services within the scope of the DHS' authority under the laws. The regulations may change at any time during the year according to specified administrative procedures. Therefore, continuous amendment service is available by subscription. The amendment service is useful only in conjunction with the complete regulations (i.e., Division 4, Title 22, CAC).

Please check all applicable boxes and complete all applicable blanks.

- Please send me _____ copy(ies) of *Item No. 7540-958-1016-6, Hazardous Waste Control Law* (Chapters 6.5 – 6.98, Division 20, Health and Safety Code), at \$13.35 per copy, including postage, taxes, and handling costs. \$ _____
- Please send me _____ copy(ies) of the regulations (Division 4, Title 22, California Administrative Code (CAC)) at \$8.48 per copy, including postage, taxes, and handling costs. \$ _____
- Please accept my _____ subscription(s) to the continuous amendment service for the regulations (Division 4, Title 22, CAC) at \$12.00 per subscription per year, including postage and handling costs. The complete regulations must be ordered separately by checking the applicable box. \$ _____

Make check or money order for the total amount payable to: State of California.

TOTAL AMOUNT \$ _____

Please print or type your mailing address and telephone number below; then sign and date the form.

Name/Company Name _____

Attention _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____ (In case we need to contact you about your order)

Signature _____	Date _____
-----------------	------------

DEPARTMENT OF HEALTH SERVICES
TOXIC SUBSTANCES CONTROL DIVISION
2151 BERKELEY WAY, ANNEX 7
BERKELEY, CA 94704



AMCO CHEMICAL CORP.
1414 3RD Street
Oakland, CA 94607
EPA Number CAD009142324

Inspected by: James McCammon
Date of Inspection : 4 August 1988
Date of Report:

I. Purpose:

Sampling to determine if hazardous waste violations exist.

II. Persons Present:

Louis Nagy, President, AMCO Chemical Corp.
June Nagy, AMCO Chemical Corp.
James McCammon, AHMS, DHS
Larry Wong, AIH, DHS
David Anderson, AHMS, DHS
Maria Soria, HMS, DHS

III. Owner/Operator:

Louis Nagy, President
AMCO Chemical Corp.
1414 3rd Street
Oakland, CA 94607, Ph. 893-1987

IV. Background:

AMCO Chemical Corp. is listed in the RCRA database as a transporter. The HWIS system shows only the company name and address. The HWIS system lists no vehicles and no manifests for AMCO Chemical Corp. as either a transporter or generator.

On 26 July 1988, James McCammon received a complaint that chemicals were spilled on the ground at AMCO Chemical Corp. On 27 July 1988, James McCammon observed and photographed the property and recommended that a further investigation be done. This report covers sampling performed to determine if the chemical spilled on the ground are hazardous waste.

V. General Description of Facility:

The facility is located at the northwest corner of Cypress and 3rd Street. At the corner is a one-story green building that contains offices. Adjoining this to the north, extending along Cypress is a metal-fronted warehouse. The warehouse abuts a tall concrete building that is vacant and appears to have been burnt-out. See maps.

Louis Nagy stated that the concrete building belonged to him. The warehouse is divided into two rooms, both containing drums of product. The concrete building contains trash and stacks of pallets.

From the office building at the corner of 3rd and Cypress to the west, along 3rd street, the site is fenced, with two gates. The fences are solid, preventing a view into the yard, and extend to a brick out-building painted the same color as the fence and office building.

The site occupies about one quarter city block.

In the yard behind the warehouse are at least ten tanks of various sizes, a shed containing drums, and stacks of drums and five-gallon containers. (Photos 1-6).

VI. Hazardous Waste Activity Description:

Louis Nagy stated that he generated no hazardous waste streams per se, and that all product he received was resold, even the mixtures resulting from flushing the pipes used to transfer the product. He stated that over the past 34 years, AMCO Chemical Corp. has handled chlorinated and non-chlorinated organic solvents, water soluble and oil soluble cleaners, ethylene glycol and other chemicals. He stated he had not sent any hazardous wastes from the site.

The hazardous wastes at the site appear to be generated by spillage and by allowing product to remain in deteriorating containers until it is unusable or is released to the ground.

VII. Alleged Violations Pending Receipt Of Sample Results:

- 1) Section 25189.5(a), California Health and Safety Code, Section 67120(a), Title 22, California Code of Regulations.

AMCO Chemical Corp. disposed of hazardous wastes on their property at 1414 3rd Street by allowing suspected hazardous materials to remain in deteriorating containers that leaked the suspected hazardous materials onto the ground, and by spilling transformer oil onto the ground.

McCammon, Wong, Anderson, and Soria observed, photographed, and sampled the following materials that were leaking or had leaked onto the ground:

- a) an oily liquid, identified by Louis Nagy as 'transformer oil', that was puddled on the ground near a pipe connection (See map 2, sample JMAC01).. (photos 7, 8, 9).
 - b) A powdery solid, white on the exposed surfaces, yellow-brown within, that appeared to be hygroscopic, in several drums that were leaking through holes in the sides. The drums were severely corroded (samples JMAC04, JMAC06. (photos 14, 15, 16, 17, 19, 20, 21).
 - c) A orange, viscous semi-solid, which appeared to be either a soap or a grease, that was flowing onto the ground from a hole in a drum (sample JMAC05). (photo 18).
- 2) Section 25201, California Health and Safety Code; Section 66371(a), Title 22, California Code of Regulations.

AMCO Chemical Corp. has stored suspected hazardous waste without a Hazardous Waste Facility Permit.

McCammon, Wong, Anderson, and Soria observed photographed, and sampled suspected hazardous materials at 1414 3rd Street, Oakland, that were spilled or released to the ground, or that were stored in open and severely rusted containers (see list, violation 1). The appearance of the containers indicated that the materials had been stored for longer than 90 days. Louis Nagy stated that some of the materials had been in the yard for years.

- 3) Sections 67241, 67242, 67243(b), Title 22, California Code of Regulations.

AMCO Chemical Corp. had held suspected hazardous waste in drums that were corroded by the waste, causing the deterioration of the drums and allowing the contents to leak onto the soil. AMCO Chemical had failed to transfer the suspected hazardous wastes from the deteriorated leaking containers to containers in good condition.

McCammon, Wong, Anderson and Soria, observed, photographed and sampled the following suspected hazardous materials that were held in deteriorating containers that were leaking or threatening to leak:

- a) A drum of clear, colorless liquid (Sample JMAC03). The drum was fiber, and was bent and partially collapsed. The drum's lid was broken, allowing McCammon to sample the liquid through the lid. (photos 7, 8, 9).
- b) Several fiber and steel drums containing a white powdery solid. (Samples JMAC04, JMAC06, JMAC07) The steel drums were severely corroded and several were leaking through holes in their sides. One severely corroded drum (Sample JMAC06) was laying on its side and liquid was dripping on the ground from holes corroded in the top. (photos 14, 15, 16, 17, 19, 20, 21).

4. Section 66508(a)(2) and (3), and (c), Title 22, California Code of Regulations.

AMCO Chemical Corp. had failed to label drums as suspected hazardous waste.

McCammon, Wong, Anderson, and Soria observed, photographed, and sampled boxes and drums of suspected hazardous waste that did not have labels:

- a) A fiber drum of clear, colorless liquid (JMAC03) (photo 7, 8, 9).
- b) Several steel drums of white to yellow crystalline powdery solid (JMAC04, 06, and other drums). (photos 14, 15, 16, 17, 19, 20, 21).
- c) A box of loose briquettes of orange crystalline solid (JMAC08). (photo 24, 25).

All of these materials were unlabeled and packed in deteriorating containers.

VIII. Other observations:

McCammon, Wong, Anderson and Soria arrived at the site about 9 a.m. and introduced themselves to Louis Nagy, who was loading drums of transformer oil into a truck trailer. After briefly showing the DHS personnel the yard, he returned to loading the trailer and allowed the DHS personnel free access to the site. The DHS personnel toured the site and selected the substances and locations they wished to sample.

When the DHS personnel returned from their vehicles with the sampling gear, Louis Nagy had left the site and his wife, June Nagy had arrived. The DHS personnel took their samples and left the site about 12:30 p.m.

IX. Sampling:

Eight samples were taken; the sampling locations are marked on map 2.

JMAC01a: oil and soil from a dripping pipe fitting

JMAC02a: oily soil

JMAC03a: colorless liquid from fiber drum

JMAC04a: white powder from corroded drum

JMAC05a: viscous semi-solid, leaking from drum

JMAC06a: brown liquid and powder from corroded drum

JMAC07a: white powder from pile in shed

JMAC08a: orange crystal from unlabeled box.

Duplicate samples were taken, but one jar broke and contaminated the remainder of the duplicates. They were discarded at HML. June Nagy stated she "did not care" to have duplicate samples.

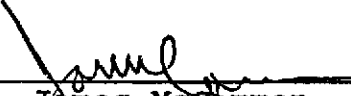
X. Discussion with Management:

Louis Nagy stated that the firm had been at that site for 37 years and that the firm owned the property on which the concrete building stood. He stated he did not know the firm had an EPA identification number, and that the firm had never sent hazardous wastes from the site and never used a hazardous waste manifest.

Louis Nagy stated that AMCO Chemical Corp. had never produced a hazardous waste stream: all materials had been sold. He said that Bay Area Rapid Transit, the owner of the vacant lot north of his property, had torn down the fence that bounded that side of AMCO Chemical Corp. (Mr. Robert J. Weule, Manager of Safety, Bay Area Rapid Transit, said in a telephone conversation on 5 August 1988 with James McCammon, that a contract to replace the fence was already written, and that the fence would be replaced within three weeks.)

XI. Attachments


1. Photographs.
2. Map I sketch map of facility.
3. Map II sample locations.
4. Sample receipt, chain of custody forms.



James McCammon
Hazardous Materials Specialist

17 Aug 1988

Date Submitted

for 

Patricia Payne
Senior Hazardous
Materials Specialist

Aug 23, 1988

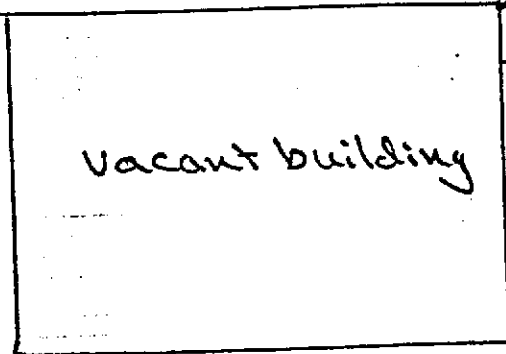
Approval Date

approx. fence line

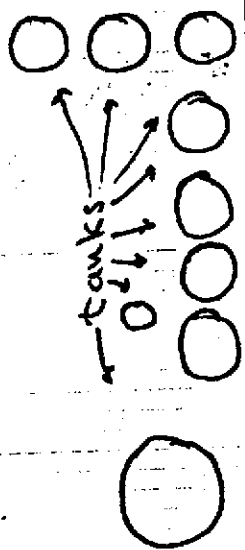
acant lot

Vacant Lot
308 Cypress

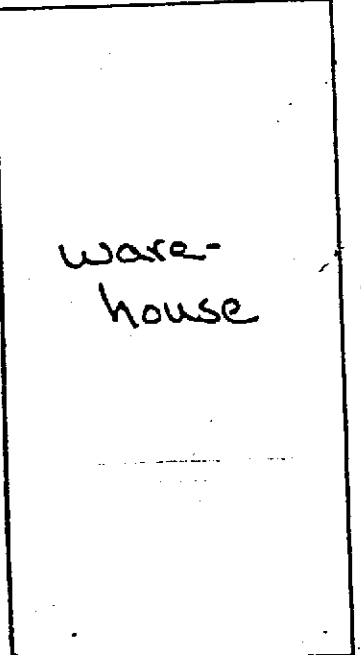
metal fence



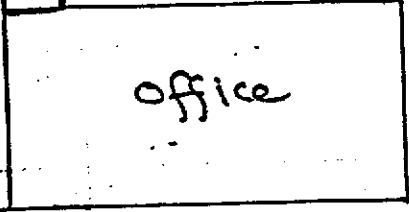
Vacant building



tanks



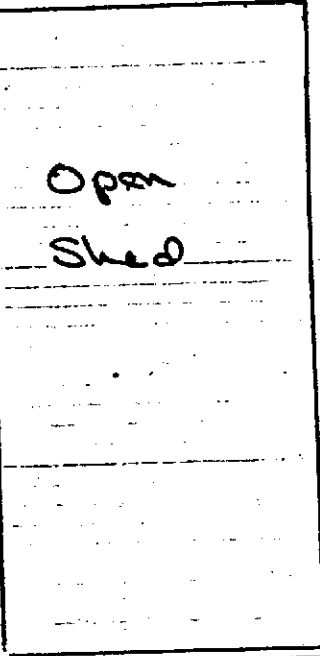
warehouse



office



double (sticks) Tank



Open Shed

buildings
not observed
in this area

approx. fence line

rail road
Cypress Street
rail road

gate

gate

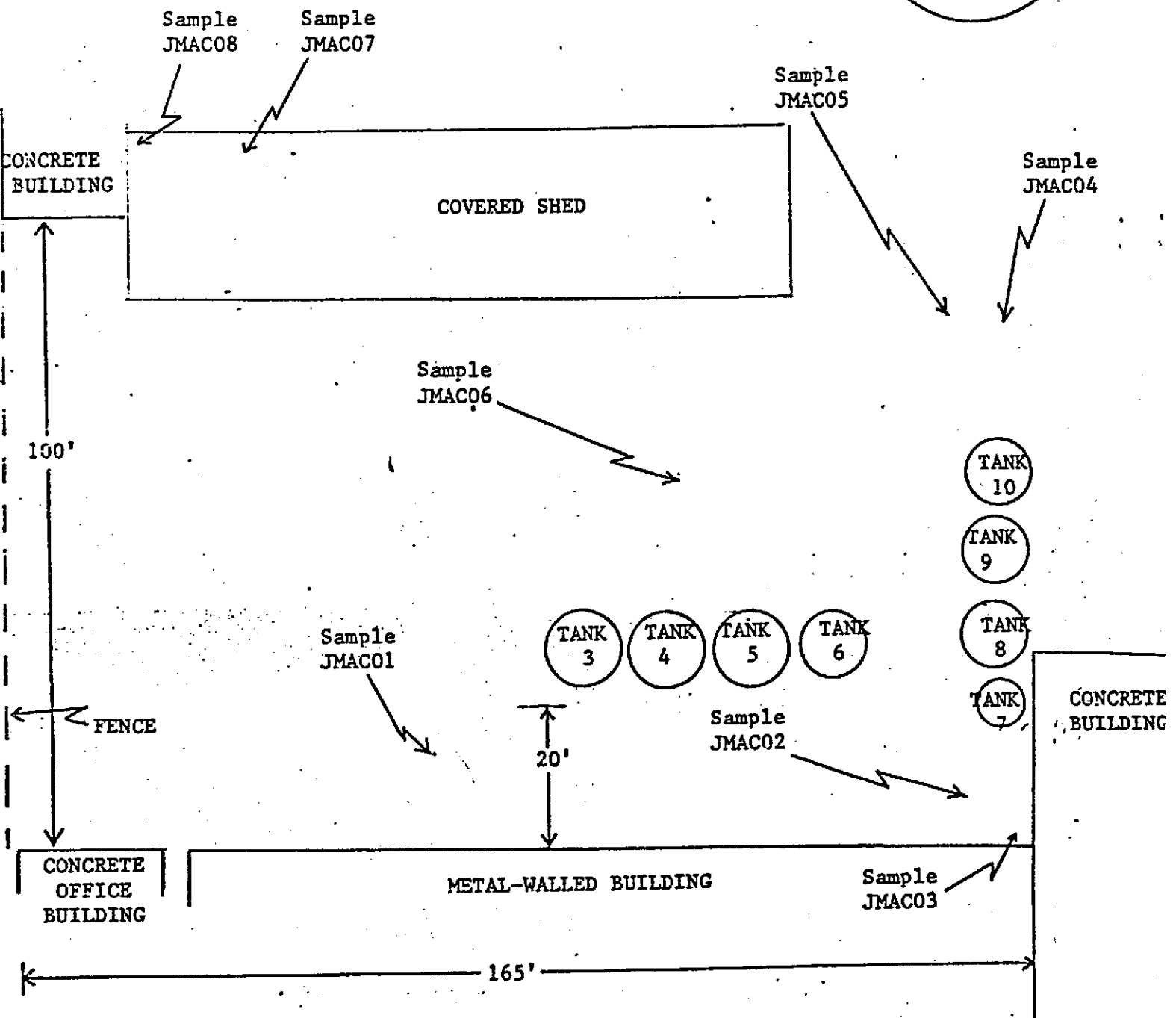
3rd Street

1414 3rd St
Oakland, CA

Map I
AMCO Chemical Corp
Sketch Map, not to scale
James McCammon 27 Jul
attachment 2

TANKS
11 & 12

— NORTH —>



Map II, Sample locations

Plan View. Yard Area. AMCO Chemical Corporation.
3rd and Cypress Streets, Oakland, California 94607.
Not to Scale. All Distances Estimated.

DEPARTMENT OF HEALTH SERVICES

2151 BERKELEY WAY
BERKELEY, CA 94704AMCO CHEMICAL CORP.
1414 3rd Street
Oakland, CA 94607
EPA Number CAD009142324

Inspected by: James McCammon

Date of Inspection: 27 July 1988

Date of Report: 27 July 1988

I. Purpose:

Drive-by in response to complaint received 26 July 1988.

II. Persons Present:Ralph S. Weule, Safety Manager, Bay Area Rapid
Transit District

James McCammon, AHMS, DHS

III. Owner/Operator:Lou Nagy, President, AMCO Chemical Corp.
1414 3rd Street, Oakland CA 94607, ph. 893-1987IV. Background:

Based on a complaint received on 26 July 1988, James McCammon observed and photographed the site on 27 July, 1988. The RCRA data base lists AMCO Chemical Corp. as a transporter. The HWIS system shows only the company name and address. A HWIS search shows no manifest for the past three years. He did not attempt to contact anyone on the site.

V. General Description of Facility:

See map and photographs. The facility is located at the northwest corner of Cypress and 3rd Street. At the corner is a one-story green building that appears to contain offices. Adjoining this to the north, extending along Cypress is a metal-fronted warehouse. The warehouse abuts a tall concrete building that is vacant and appears to have been burnt-out. (N.B. The yard behind the concrete building does not contain drums or tanks and this property does not appear to be part of AMCO.)

From the office building at the corner of 3rd and Cypress to the west, along 3rd street, the site is fenced, with two gates. The fences are solid, preventing a view into the yard, and extend to a brick out building painted the same color as the fence and office building.

The site occupies about one quarter city block.

In the yard behind the warehouse are at least ten tanks of various sizes, an open shed containing drums, and stacks of drums and five-gallon containers.

VI. Hazardous Waste Activity Description:

Unknown.

VII. Violations:

Unknown

VIII. Other observations:

James McCammon walked through the vacant lot at 308 Cypress and the yard of the vacant building to the north. From this vantage he observed and photographed numerous tanks and possibly hundreds of containers in the yard behind AMCO Chemical Corp.

Photographs 4, 5, 6, 7, 9 and 10 show drums and containers stacked and laying on their sides. There was thick, viscous liquid spilled on the ground (photos 6 and 10) and covered with absorbent. There were open drums, bulging drums, and rusty drums (photos 7 and 10).

James McCammon observed five-gallon cans that were labeled "methanol", "trichloroethane", "dry cleaning solvent", and "cutting oil", and 55-gallon drums that were labeled "oil spill emulsifier".

There was no fence on the northern side of the property; there was no hindrance to any approach through vacant lots from either Cypress Street or Center Street. The facility backs on residences on 3rd Street and on Center Street.

During his inspection, James McCammon spoke to Ralph Weule, Manager of Safety for BART, who was inspecting the vacant lot next to the burnt-out concrete building. Mr. Wenle stated that BART owned the vacant lot, 308 Cypress,

AMCO CHEMICAL CORP.
July 27, 1988
Inspection Report

but he didn't know anything about the ownership of the rest of the block. He said he was going to recommend fencing off the vacant lot to prevent dumping. This would prevent access to the AMCO Chemical site from Cypress Street.

IX. Sampling:

None

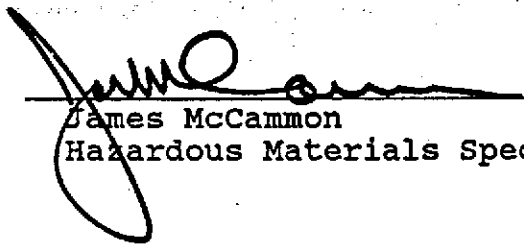
X. Discussion with Management:

None

XI. Attachments:

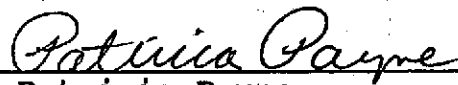
Thirteen photographs (numbered, 1 to 14, number 9 discarded).

Sketch map of site



James McCammon
Hazardous Materials Specialist

7 August 1988
Date of Submittal



Patricia Payne
Senior Hazardous
Materials Specialist

8/4/88
Date of Approval

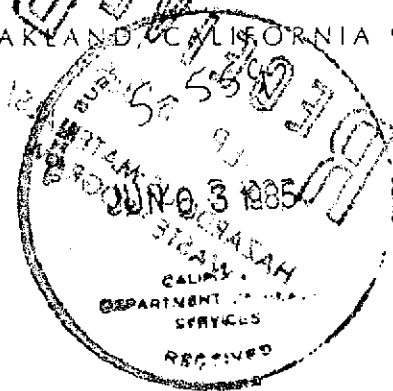
CITY OF OAKLAND



CITY HALL • 14TH AND WASHINGTON STREETS • OAKLAND, CALIFORNIA 94612

Fire Prevention Bureau

May 30, 1985



Mr. Edgar H. Refsell
State of California
Department of Health Services
Hazardous Waste Management Branch
2151 Berkeley Way
Berkeley, CA 94704-9980

Dear Ed,

Sometime ago we spoke to you concerning the situation that exists with AMCO Chemical Corporation located at Third and Cypress Streets in Oakland.

As you may recall when you visited our office, we showed you photographs which revealed the condition of AMCO. On the basis of that conversation, you stated that you would discuss this matter with your supervisor and initiate action. We need your expertise to assist us in abating this situation as the local engine company reports that the condition is as serious as ever.

Any help you can give us will be greatly appreciated.

Sincerely,

PAUL F. BAILEY
FIRE MARSHAL

By: *Christine Richie-Myers*
Christine Richie-Myers
Fire Inspector

cc. Capt. Klinger, Eng. 3
Erwing Koehler

Amco Chemical 1414 3rd St., Oakland 94607 7/28/88

Notes from inspection performed by Larry Seto + Katherine Chesick

Met with Lou and June Nagay - site + company owners.

Mr. Nagay indicated the following chemicals were present/used on site:

- Trisodium Phosphate (dry mixing operations)
- trichloroamine
- Stoddard solvent
- petroleum
- sodium sulfate - bulging drums (when chem. gets wet, it swells up)
- kraton - synthetic rubber made by Shell; is pigmented
- petrolatum (grease)
- ethylene glycol (hydraulic fluid)
- de-icing fluids

Mr. Nagay also said there are 2 10,000 gallon underground storage tanks. These will be pulled out. They are currently empty and have been tested. The tanks were used to mix antifreeze, ~~the~~ de-icing and cleaning fluids

Mr. Nagay said the above ground tanks stored chemicals. (One may contain 1,000 gal. of dust mop (mineral) oil).

7/28/88

Mr. Nagy said he purchased the property in 1955. The back area was unpaved and had welding rod remains (property formerly used by a pressure tank manufacturer?). In 1956 Mr. Nagy had parts of the back yard area paved.

Currently Mr. Nagy repackages dry cleaning solvent and ~~insulating~~ insulating oil on site.

Mr. Nagy said we should check into Morgan Chemical (address: 1150 10th?, 1050 11th? ...)

8/12

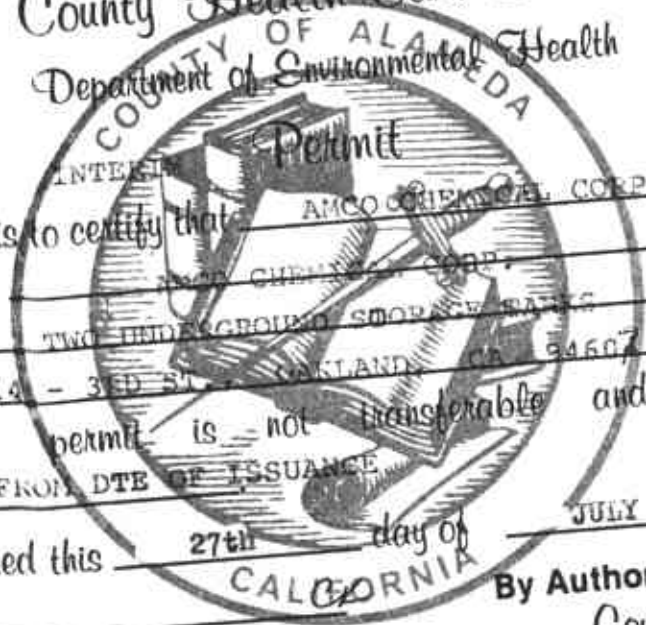
Cowell:

For your information
and files.



Alameda County Health Care Services Agency

Department of Environmental Health



This is to certify that AMCO CHEMICAL CORP. is permitted
doing business as AMCO CHEMICAL CORP.
to operate at TWO UNDERGROUND STORAGE TANKS
1414 - 3RD ST. OAKLAND, CA 94607

This permit is not transferable and is good until
6 MONTHS FROM DATE OF ISSUANCE

Issued this 27th day of JULY, 1988

Sanitarian HAZMAT SPECIALIST

By Authority of
County Health Officer

400-WA-2-3/87

This is the actual permit ↑

To: Emergency Response Files

From: Katherine Chesick

Re: Emergency Response at Amco Chemical, 1414 3rd Street, Oakland, 94607, on July 26, 1988

5:50 pm I was paged by OES concerning an unknown number of drums reported by the Oakland Fire Department (OFD) at Amco Chemical Company. The drums reportedly contained a tar-like solid-liquid substance and were leaking/rotting on the tops and bottoms. Engine 12 (Hazardous Materials Unit) was waiting at the site for the county. I gave an estimated time of arrival of 45 minutes.

6:00 I paged Larry Seto for a back-up.

6:40 I arrived on scene. Larry was already on site. The incident commander, Lt. Dave Fletcher of the OFD, was showing Larry the areas of concern. Lt (?) Perry of the U.S. Coast Guard was also at the scene. We found numerous (>100) full and empty 5 and 55 gallon drums in an open area behind Amco Chemical's main building. Many drums were bulging, corroded and leaking. Ivy growing on some drums and the weathered nature of the drums and yard area indicated this problem had been developing for some time. Larry took pictures (one roll of film) to document the site condition. I documented the stencilled labels on the drums as follows:

cutting oil	anti-icing fluid
lubricating oil	methanol
oil slick emulsifier	dry cleaning solvent
mineral spirits	triethanolamine
acetone	ethylene glycol
1-1-1 TCA	naptha aromatic
transformer oil	MEK
kraton rubber	plastic compound spray
ethylene glycol	
monobutyl ether	

We told Lt. Fletcher that, in our opinion, this situation did not pose a danger to the public health such that a site guard or any emergency action was required. Lt. Fletcher provided us with the property and company owner's name: Lou Nagey, 934-7596 (home, Walnut Creek). We contacted Mr. Nagey and arranged to meet with him at 10:00am on July 27 to discuss clean-up requirements. We told Lt. Fletcher that we would be handling the case as a remediation site.

8:40 Larry Seto and I left site.

Page 2 of 2
Amco Chemical Company Emergency Response

Follow up:

(meeting with site owner moved from 7/27/88 to 7/28/88 due to conflict with an emergency response on 7/27/88)

7/28/88 10:00am Larry Seto and I met with Lou Nagey at Amco Chemical. We conducted an inspection and notified Mr. Nagey of his responsibilities for site clean-up. ~~Larry Seto~~ will be handling this case. *Cornell Miller*

cc: Larry Seto
Files

ALAMEDA COUNTY
HEALTH CARE SERVICES
AGENCY



CARL N. LESTER, Agency Director

470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

HAZARDOUS WASTE GENERATOR
INSPECTION AND COMPLIANCE REPORT

PA I.D. # _____

DATE 2-11-86

GENERATOR NAME/ADDRESS

CONTACT PERSON Lou Nagy

Amico Chemical Corp

PHONE NUMBER 893-1987

1414 3rd St.

PERSONS PRESENT Lou Nagy

Oakland 94607 94019

AVERAGE GENERATION RATE (MONTHLY) _____

OBSERVATIONS: Most items (solvents) brought in by rail car. (Frank Truck)
repackaged into 55 gal & 5 gal cans. Tanks in back
are not used.
Any waste chemicals disposed must be manifested
as hazardous waste.

Samples Taken¹: Yes No Plan of correction necessary: Yes Due Date _____ No

Authorized Representative of Firm:

Name Lou Nagy

Title owner

Signature [Signature]

Date 2-11-86

Authorized Representative of Alameda County:

Name Thomas Peacock

Phone Number 874-7237

Signature [Signature]

Date 2-11-86

¹All samples will be taken in accordance with Section 25185, California Administrative Code, Division 20, Chapter 6.5

FACILITY NAME Amco Chemical Corp NO 1051 S

SECTION #	GENERATOR INSPECTION CHECKLIST		In Compliance?		
	CAC ²	40 CFR ³	Yes	No	N/A
<u>HAZARDOUS WASTE DETERMINATION</u>					
66505 (a,b)	262 .11	Hazardous waste determination made for all waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>HAZARDOUS WASTE FACILITY</u>					
66370	262.34 (a)(1)	Generator <u>does not</u> store waste on-site for more than 90 days	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66370		Generator <u>does not</u> treat waste on-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66370		Generator <u>does not</u> dispose of waste on-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>MANIFEST</u>					
66475 (a-f)	262 .20, .21 & .23	Applicable sections accurately completed for all waste transported off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		The following is on all manifests:			
		Manifest document number	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Name, mailing address, phone #, EPA ID # of Generator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Name, EPA ID # of Transporter(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Name, address, EPA ID # of designated/alternative facility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DOT description of waste(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Total quantity of waste(s) and type/# containers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Certification statement/Required signatures	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
66475 (a-f)		Properly completed copies submitted monthly to DOHS	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>DEPOSITION OF WASTE</u>					
66505 (c)		Hazardous waste taken only to a State approved facility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>EXTREMELY HAZARDOUS WASTE</u>					
66570 (a,b)		Extremely hazardous waste not handled/disposed of without permit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
66570 (d)		No deviation from DOHS approved handling/disposal methods	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>USE AND MANAGEMENT OF CONTAINERS</u>					
66500 (c)	265 .172	Containers are compatible with waste in them	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SECTION #	GENERATOR INSPECTION CHECKLIST		In Compliance?		
	CAC ²	40 CFR ³	Yes	No	N/A
<u>CONTACT/MIXING OF INCOMPATIBLES</u>					
66500 (a)	265 .176	Contact/mixing of incompatibles does not occur	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
66500 (b)	265 .176	Incompatibles are stored/protected in separate containers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>TANKS</u>					
66500 (b)	265 .199	Incompatibles are stored/protected in separate tanks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>ACCUMULATION TIME</u>					
25123 .3	262.34 (a)(1)	All waste moved off-site within 90 days of accumulation commencement to approved facility	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>RECORDKEEPING AND REPORTING</u>					
25342		Submittal of Annual Report to Board of Equalization	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>UNDERGROUND TANKS INFORMATIONAL SURVEY</u>					
Does generator have underground tanks containing:					
Hazardous materials? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Hazardous waste? <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Does generator have leak detection system for underground tanks? <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>					

KEY TO GENERATOR INSPECTION CHECKLIST

- ¹H&S - Health and Safety Code, Division 20, Chapter 6.5
- ²CAC - California Administrative Code, Title 22, Division 4, Chapter 30
- ³40 CFR - Code of Federal Regulations, Part 40

Inspection date: 2-11-86
 Inspector Time Spent: _____

ALAMEDA COUNTY
HEALTH CARE SERVICES



AGENCY

CARL N. LESTER, Agency Director

New

DIVISION OF ENVIRONMENTAL HEALTH
HAZARDOUS MATERIALS MANAGEMENT UNIT

SECTION A
MASTER FILE RECORD **STD 933**

470-27th Street, Third Floor
Oakland, California 94612
(415) 874-7237

A1. ESTABLISHMENT NAME
AMICIA CHEMICAL CORP 7 36

A2. MAILING ADDRESS STREET NUMBER STREET DIRECTION (N,S,E,W,ETC.) STREET NAME OR P.O. BOX NUMBER
1110 18101X1 37 44 **11** 45 46 **2018** 47 66

CITY STATE ZIP CODE BLDG/PLANT NO
OAKLAND 67 81 **CA** 82 83 **9461014** 84 88 **111** 93 96

A3. ESTABLISHMENT PHONE A4. CONTACT PERSON
9131191871 97 103 **LIONY WAGYI** 104 123

A5. ESTABLISHMENT ADDRESS (IF DIFFERENT FROM MAILING ADDRESS) STREET NUMBER STREET DIRECTION (N,S,E,W,ETC.) STREET NAME
114114 7 14 **11** 15 16 **3rd St** 17 36 *(3rd St Express)*

CITY STATE ZIP CODE BLDG/PLANT NO
OAKLAND 37 51 **CA** 52 53 **9461017** 54 58 **111** 63 66

A6. OWNER NAME A7. OWNER PHONE
LIONY WAGYI 67 86 **111** 87 96

A8. NAME OF PREVIOUS OWNER A9. DATE YOU STARTED OR ASSUMED BUSINESS
97 116 MO DAY YR **12 25** 117 122

A10. SIC I A11. TOTAL NUMBER OF EMPLOYEES
511610 52 53 **113** 8 11

A12. DO YOU HAVE PERMITS FOR ANY OF THE FOLLOWING:

- AIR POLLUTION CONTROL DISTRICT Y N
- HAZARDOUS WASTE HAULER REGISTRATION Y N
- SEWER DISTRICT (FOR INDUSTRIAL WASTES) Y N
- REGIONAL WATER QUALITY CONTROL BOARD Y N
- HAZARDOUS WASTE FACILITY Y N

SECTION B
UNDERGROUND TANKS CONTAINING HAZARDOUS SUBSTANCES

Identify the type, number and total volume of underground tanks in your firm.

B1. Type	B2. No. of Tanks	B3. Total Volume/Gals.
1. Tank <i>ethylene glycol</i>	2	20000
2. Sump		
3. Lagoon, pit or pond		
4. Other		

SECTION C
HAZARDOUS SUBSTANCES

C1. Please check if any of the following categories of hazardous substances is used or handled by your firm:

TOXIC CORROSIVE
 FLAMMABLE OR IGNITABLE REACTIVE

C2. Please check the attached list for any of the chemical substances you receive, store, mix, treat, formulate, generate, manufacture, transport or dispose of, and enter each by the number identified on the list in the spaces below:

Sample: *oxydane glycol* *ortho dichlorobenzene*

<u>11311</u>	<u>18314</u>	<u>18113</u>	<u>1843</u>	<u>51716</u>	<u>31916</u>	<u>4199</u>	<u>4181</u>
<u>1523</u>	<u>1083</u>	<u>776</u>	<u>738</u>	<u>860</u>	<u>743</u>	<u>342</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

CERTIFICATION

I hereby certify that the information on this form is to the best of my knowledge, true and complete

[Signature]
Signature

Lora Nagy
Typed or Printed Name

owner
Title

2-11-86
Date

Please return completed form to:

Alameda County Division of Environmental Health
 470-27th Street, Room 322
 Oakland, CA 94612
 (415) 874-7237